



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

MONDAY, AUGUST 31, 2020

2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

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

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

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://us02web.zoom.us/j/82373336588>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** and Enter Meeting ID: **823 7333 6588**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: July 13, 2020**
- 2. Review and Approve Draft Agendas:**
 - a. 9/15/20 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

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

Referred Items for Review

- 8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

Referred Items for Review

9a. **Compiling Commission Recommendations in a Reference Manual**

From: Homeless Commission

Referred: June 29, 2020

Due: December 14, 2020

Recommendation: The Homeless Commission recommends that Council refer to staff to develop a procedure for staff secretaries to all City of Berkeley commissions to compile all commission recommendations, whether in report or letter form, in a binder. Such binder shall also track the outcomes of all commission recommendations including action taken by Council and subsequent implementation of Council action. One copy of the binder shall remain with the staff secretary; another copy of the binder shall be available as a resource in the City Clerk's office. The City Clerk shall index all subject matters of commission proposals so that there is cross-referencing of all subjects that commissions have addressed. This reference manual shall be available for use by commissions to share information, the Mayor and Council, staff and members of the public. The City Clerk shall also provide this information online.

Financial Implications: See report

Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

9b. **Companion Report: Compiling Commission Recommendations in a Reference Manual**

From: City Manager

Referred: June 29, 2020

Due: December 14, 2020

Recommendation: Refer the commission recommendation to the City Manager to 1) consider the impacts on staffing levels, approved Strategic Plan projects, and existing baseline services in the context of the projected budget shortfall for FY 2021 and the hiring freeze currently in effect; and 2) work within existing resources to facilitate information sharing among commissions on items referred from the City Council.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, (510) 981-6900; Brittany Carnegie, Commission Secretary, (510) 981-5400

Referred Items for Review

- 10. Amending Council Rules of Procedures such that items submitted by the Mayor or Councilmembers be placed directly on the City Council Agenda to allow the whole City Council to review and take action on the submitted item to ensure equity in the process**
From: Councilmember Davila (Author)
Referred: June 29, 2020
Due: December 14, 2020
Recommendation: Adopt a Resolution to amend Council Rules of Procedures Section C-1 and G-1 such that items submitted by the Mayor or Councilmembers be placed directly on the City Council agenda rather than beginning with submission to commissions or Council Policy Committees to ensure equity in the process.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

- 11. Resolution to Incorporate the Practice of 1 Minute and 46 seconds of Mindfulness into City Council Meetings**
Referred: June 15, 2020
Due: November 30, 2020
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution to amend the City Council Meeting Agendas and Council Rules of Procedures to include one minute and forty-six seconds of silence to adopt mindfulness into Council meetings to remember the loss of lives due to police violence.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- 12. Commission Reorganization for Post-COVID19 Budget Recovery**
From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Referred: June 15, 2020
Due: November 30, 2020
Recommendation: 1. Reorganize existing commissions with the goal of achieving 20 total commissions; 2. Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions; 3. Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions; 4. Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180
- 13. Referral Response: Expanding community engagement within work to address Climate Impacts**
From: City Manager
Referred: July 21, 2020
Due: January 22, 2021
Recommendation:
1. Refer to the City Manager to continually advance engagement around community-driven, equitable climate solutions, and to seek external resources to enable increased community engagement of impacted communities around equitable climate solutions; and
2. Refer to the Agenda Committee a revision to the Council Rules of Procedures to update the Environmental Sustainability section of City Council items and staff reports as "Environmental Sustainability and Climate Impacts."
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

- 14. Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12 (Item contains supplemental material)**
From: Fair Campaign Practices Commission
Referred: July 28, 2020
Due: January 29, 2021
Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Items for Future Agendas

- Discussion of items to be added to future agendas

Adjournment – Next Meeting Tuesday, September 8, 2020

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

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

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

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

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

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.



COMMUNICATION ACCESS INFORMATION:

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

* * *

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 August 27, 2020.

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**

MONDAY, JULY 13, 2020

2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Ben Bartlett

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Roll Call: 2:32 p.m. Vice-Mayor Hahn and Councilmember Wengraf present. Mayor Arreguin present at 2:41 p.m.

Public Comment – 25 speakers

Review of Agendas

1. **Approval of Minutes: June 29, 2020**

Motion: M/S/C (Wengraf/Hahn) to approve the minutes of the 6/29/20 meeting.

Vote: All Ayes.

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

a. 7/28/20 – 6:00 p.m. Regular City Council Meeting

Motion: M/S/C (Wengraf/Hahn) to approve the agenda of the 7/28/20 meeting with the revisions noted below.

- *Item Added: Outdoor Commerce (City Manager) – scheduled for Public Hearing Calendar*
- *Item Added: Providing Homeless with Menstrual Products (Davila) – scheduled for Consent Calendar*
- *Item Added: AB 310 IBank (Harrison) – scheduled for Consent Calendar; Councilmember Hahn added as a co-sponsor*
- *Item 27 Berkeley Humane Society (Davila) – Councilmember Bartlett added as a co-sponsor*
- *Item 28 Oppose AB 2167 & SB 292 (Wengraf) – Councilmember Hahn added as a co-sponsor*
- *Item 29 Support SB 288 (Robinson) – Councilmember Bartlett added as a co-sponsor*
- *Item 31 Support AB 2542 (Robinson) - Councilmembers Bartlett and Hahn added as co-sponsors*
- *Item 35 Hate Crimes (Arreguin) - Councilmembers Bartlett, Wengraf, and Hahn added as co-sponsors; referred to the Public Safety Committee*
- *Item 36 Nuclear Warfare (Arreguin) - Councilmembers Bartlett, Wengraf, and Hahn added as co-sponsors; scheduled for 7/28/20 Consent Calendar*
- *Item 37 Urgency Ordinance (Davila) – Councilmember Bartlett added as a co-sponsor; revised item submitted; scheduled for 7/28/20 Action Calendar*
- *Item 38 Regenerative Economy (Davila) – referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*
- *Item 39 Support 1921 Walnut (Harrison) – Councilmember Hahn added as a co-sponsor; scheduled for 7/28/20 Consent Calendar*
- *Item 40 Short Term Rentals (Harrison) – revised item submitted; scheduled for 7/28/20 Action Calendar*
- *Item 41 Police Accountability Board (Harrison) – revised item submitted; Councilmember Bartlett added as a co-sponsor; scheduled for 7/28/20 Consent Calendar*
- *Item 42 Controlled Equipment (Harrison) – revised item submitted; Councilmember Bartlett added as a co-sponsor; referred to the Police Review Commission and the Public Safety Committee with the consideration and recommendation of the policy from the PRC to the Committee to occur within 90 days*

Vote: All Ayes.

Order of Items on the Action Calendar

Time Critical Item from the City Manager

Item 33 General Plan

Item 34 Ballot Measure

Item 40 Short Term Rentals

Item 37 Urgency Ordinance

3. Selection of Item for the Berkeley Considers Online Engagement Portal

- None selected

4. Adjournments In Memory – None

Scheduling

5. Council Worksessions Schedule

- Digital Strategic Plan moved to the Unscheduled List

6. Council Referrals to Agenda Committee for Scheduling – received and filed

7. Land Use Calendar – received and filed

Referred Items for Review

8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies

**9a. Compiling Commission Recommendations in a Reference Manual
From: Homeless Commission**

Referred: June 29, 2020

Due: December 14, 2020

Recommendation: The Homeless Commission recommends that Council refer to staff to develop a procedure for staff secretaries to all City of Berkeley commissions to compile all commission recommendations, whether in report or letter form, in a binder. Such binder shall also track the outcomes of all commission recommendations including action taken by Council and subsequent implementation of Council action. One copy of the binder shall remain with the staff secretary; another copy of the binder shall be available as a resource in the City Clerk's office. The City Clerk shall index all subject matters of commission proposals so that there is cross-referencing of all subjects that commissions have addressed. This reference manual shall be available for use by commissions to share information, the Mayor and Council, staff and members of the public. The City Clerk shall also provide this information online.

Financial Implications: See report

Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

Referred Items for Review

9b. Companion Report: Compiling Commission Recommendations in a Reference Manual

From: City Manager

Referred: June 29, 2020

Due: December 14, 2020

Recommendation: Refer the commission recommendation to the City Manager to 1) consider the impacts on staffing levels, approved Strategic Plan projects, and existing baseline services in the context of the projected budget shortfall for FY 2021 and the hiring freeze currently in effect; and 2) work within existing resources to facilitate information sharing among commissions on items referred from the City Council.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, (510) 981-6900; Brittany Carnegie, Commission Secretary, (510) 981-5400

Action: Items 9a and 9b continued to the August 31, 2020 meeting.

10. Amending Council Rules of Procedures such that items submitted by the Mayor or Councilmembers be placed directly on the City Council Agenda to allow the whole City Council to review and take action on the submitted item to ensure equity in the process

From: Councilmember Davila (Author)

Referred: June 29, 2020

Due: December 14, 2020

Recommendation: Adopt a Resolution to amend Council Rules of Procedures Section C-1 and G-1 such that items submitted by the Mayor or Councilmembers be placed directly on the City Council agenda rather than beginning with submission to commissions or Council Policy Committees to ensure equity in the process.

Financial Implications: None

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

Action: Item 10 continued to the August 31, 2020 meeting.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- 11. Resolution to Incorporate the Practice of 1 Minute and 46 seconds of Mindfulness into City Council Meetings**
Referred: June 15, 2020
Due: November 30, 2020
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution to amend the City Council Meeting Agendas and Council Rules of Procedures to include one minute and forty-six seconds of silence to adopt mindfulness into Council meetings to remember the loss of lives due to police violence.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: Scheduled for the Action Calendar at the August 31, 2020 meeting.

- 12. Commission Reorganization for Post-COVID19 Budget Recovery**
From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Referred: June 15, 2020
Due: November 30, 2020
Recommendation: 1. Reorganize existing commissions with the goal of achieving 20 total commissions; 2. Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions; 3. Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions; 4. Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: No action taken

Items for Future Agendas

- None

Adjournment – Next Meeting Monday, August 31, 2020

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

Vote: Ayes – Hahn, Arreguin; Noes – None; Abstain – None; Absent - Wengraf.

Councilmember Wengraf absent 4:21 p.m. – 4:34 p.m.

Adjourned at 4:34 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on July 13, 2020.

Mark Numainville
City Clerk

Communications

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DRAFT AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, September 15, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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*To join by phone: Dial 1-669-900-9128 and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call:

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

1. Pledge of Allegiance to the Flag

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

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

Consent Calendar

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

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

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

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

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

Recess Items

1. **Contract: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with Orsolya Kuti, DVM for on-site veterinary services for Berkeley Animal Care Services (BACS) for FY2021-2023, which establishes a contract in an amount not to exceed \$180,000.
Financial Implications: General Fund - \$180,000
Contact: Erin Steffen, City Manager's Office, (510) 981-7000

2. **Contract No. 31900031 Amendment: Downtown Streets Team**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess amending Contract No. 31900031 with Downtown Streets Team to add additional scope of work to provide a low-barrier Volunteer Work Experience model in which unhoused participants beautify their community in exchange for case management, employment services and a non-cash basic needs support, increase the contract by \$225,000 for a new not to exceed amount of \$870,304 and extend the Contract term to June 30, 2022.
Financial Implications: Measure P Fund - \$225,000
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

3. **Lease Agreement: 1001 University Avenue with The Berkeley Food Network**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,729-N.S. authorizing the City Manager to execute a retroactive lease agreement with The Berkeley Food Network (BFN) to use the City property at 1001 University Avenue for a three-year lease term with an option to extend for two additional one-year terms.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

4. **Amendment of Urgency Ordinance for Outdoor Commerce on Private Property**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,730-N.S. amending the Urgency Ordinance (No. 7,725-N.S.) amending Berkeley's Zoning Ordinance, Chapter 23E.18 and Section 23B.20.045, to allow additional categories of commerce and establish additional operating criteria for outdoor activities on private property.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

- 5. General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,731-N.S. amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 6. Measure T1 Loan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to loan \$600,000 from the Parks Tax Fund and \$600,000 from the Measure BB – Local Streets & Roads Fund to the Measure T1 Fund for a total of \$1.2 million in FY 2021 to complete Phase 1 projects.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
- 7. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of July 2, 2020 (closed), July 7, 2020 (special and special), July 14, 2020 (regular), July 21, 2020 (special and special), July 23, 2020 (closed, special and special), July 28, 2020 (closed and regular) and July 30, 2020 (special and special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 8. Renaming Shattuck Avenue 'East' to Kala Bagai Way** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: City Manager
Recommendation: Adopt a Resolution renaming the two block portion of Shattuck Avenue 'East' from Center Street to University Avenue, including the eastern facing block faces of Shattuck Square and Berkeley Square to Kala Bagai Way as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy (FITES) Committee and affirming the western segment of Shattuck Avenue, including the western facing block faces of Shattuck Square and Berkeley Square will be known as Shattuck Avenue.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000

Consent Calendar

- 9. Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**
From: City Manager
Recommendation: Adopt an urgency ordinance amending Berkeley Municipal Code Section 2.55.040 to authorize the City of Berkeley Public Health Officer or her designee to issue administrative citations for violation of a Health Officer order.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 15, 2020**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Sanitary Sewer Operations Fund - \$4,100,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 11. Memorandum of Understanding with Alameda County Behavioral Health Care Services for Wellness Center operations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to adopt a Memorandum of Understanding (MOU) between the City of Berkeley and Alameda County Behavioral Health Care Services (ACBHCS) for the term July 1, 2019 through June 30, 2021 for an expenditure of up to \$775,000 to fund the operational costs of a Mental Health Wellness Center (Wellness Center) located in the City of Berkeley.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

12. Revenue Contract: Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act & Subsequent Community Agency Agreements for Calendar Years 2020-2022

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Execute a revenue agreement, and any amendments that may increase the projected amount, with the State of California's Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act funds (CSBG Contract No. 20F-3640) in the amount of \$373,097 to provide services in response to COVID-19; and 2. Execute an amendment to the existing revenue agreement totaling \$304,355 with CSD for COB annual CSBG allocation, adding \$2,751, bringing the total existing 2020 CSBG award to \$307,106; and 3. Execute an amendment to an existing contract in the amount of \$30,000 with WeHOPE (Contract No. 32000206) to provide shower services from August 1, 2020 through May 31, 2022, adding \$185,408 for a total not to exceed \$215,408; and 4. Execute additional new or amended agreements, for up to \$142,917 plus any amended amounts resulting in an increased contract amount, with various service providers using CSBG CARES Act funding to address the short-term and long-term impacts of COVID-19, such as mobile showers, meals for the unhoused, hygiene services such as porta-potties and handwashing stations, or other services for low-income persons as allowed under CSBG funds; and 5. Allocate the allowable 12% (\$44,772) of CSBG CARES Act funds to support City staff administering the funds.

Financial Implications: See report

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

13. Contract No. 32000201 Amendment: The Eikenberg Institute for Relationships for Cultural Humility Training Consultant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000201 with The Eikenberg Institute for Relationships through June 30, 2022, with a total contract NTE of \$90,000 to fund the Cultural Humility Training Consultant position with Dr. Kenneth Hardy. The contract term will not change.

Financial Implications: Short Doyle Fund - \$15,000

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

Consent Calendar

- 14. Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) 911 Compliance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$6,000 for a total not-to-exceed amount of \$82,771 from July 1, 2017 to June 30, 2021.
Financial Implications: IT Cost Allocation Fund - \$6,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 15. Contract No. 114382-1 Amendment: MC Dean Inc. for UPS Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9747 (ERMA Contract No. 114382-1) with MC Dean, Inc. for Uninterrupted Power Supplies (UPS) Maintenance, increasing the amount by \$51,698 for a total not to exceed \$146,906 from July 1, 2014 to June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$51,698
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 16. Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$200,000 for a total amount not to exceed of \$5,905,668.
Financial Implications: Parks Tax Fund - \$200,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 17. Memorandum of Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to execute a Memorandum of Agreement (MOA) with the Alameda County Transportation Commission (Alameda CTC) to provide an initial \$290,000 in Measure T1 Infrastructure Bond funding for the construction of a new sanitary sewer line extension on Gilman Street to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex (TBRSC). 2. Authorizing the City Manager to execute any amendments, extensions or other change orders under the MOA until construction of the sewer line extension is complete in accordance with the terms and conditions of the MOA; and authorizing an additional amount of \$100,000 for contingency.
Financial Implications: Measure T1 Fund - \$390,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

18. **Purchase Order: TYMCO, Inc. For One (1) Model 435 Regenerative Air Sweeper**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for one (1) TYMCO model 435 Regenerative Air Sweeper in an amount not to exceed \$165,000.
Financial Implications: Zero Waste Fund - \$165,000
Contact: Liam Garland, Public Works, (510) 981-6300

Council Consent Items

19. **Letter to East Bay Regional Park District supporting renaming Vollmer Peak**
From: Councilmember Davila (Author)
Recommendation: Send the attached letter to the East Bay Regional Park District Board of Directors supporting renaming Vollmer Peak.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
20. **Resolution: No Police Revolving Door** *(Reviewed by the Public Safety Committee)*
From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a resolution designating a history of serious misconduct and the act of previously resigning in the middle of a serious misconduct investigation as immediate disqualifiers in the Berkeley Police Department recruitment and selection process.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
21. **Resolution: Opposition to Proposition 20**
From: Councilmember Robinson (Author)
Recommendation: Adopt a Resolution opposing Proposition 20 on the November 2020 ballot, which would authorize felony charges for repeat or organized petty theft, require tougher penalties for noncriminal parole violations, expand DNA collection for people convicted of certain nonviolent crimes, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration. Copies of the resolution are to be sent to Assemblymember Buffy Wicks and State Senator Nancy Skinner.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 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 – Public Hearings

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

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

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

Action Calendar – Public Hearings

22. Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds

From: City Manager

Recommendation: Conduct a Public Hearing on the proposed Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in response to the addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds, and upon conclusion adopt a Resolution authorizing the City Manager, or her designee, to:

1. Accept the CARES Act funding totaling the amount of \$8,259,408, including \$1,610,805 in Community Development Block Grant (CDBG-CV) and \$6,648,603 in Emergency Solutions Grant (ESG-CV) and reallocate \$535,998 of PY20 CDBG funds to provide support for the City of Berkeley's response to COVID-19; and
2. Allocate up to 10% of the PY20 HOME funds (not to exceed \$77,838) for Community Housing Development Organization (CHDO) operating funds, up to 25% for program administration, and the remaining to the to the Housing Trust Fund; and
3. Execute resultant agreements and amendments for the above-mentioned funds to implement proposed programs below; and
4. Submit the approved Substantial Amendment to the 2020-2025 Consolidated Plan and PY20 Annual Action Plan, to the U.S. Department of Housing and Urban Development (HUD) including public comments, and accept any resulting agreements with HUD; and
5. Adopt the revised Berkeley Citizen Participation Plan.

Financial Implications: See report

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

Action Calendar – Old Business

23. Annual Housing Pipeline Report (Continued from July 28, 2020)

From: City Manager

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

24. Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services (Continued from July 28, 2020)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.

Financial Implications: Various Funds - \$25,000

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

Action Calendar – Old Business

25. **Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty** (*Continued from July 28, 2020*)
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation:
1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, “The COVID-19 Emergency Response Ordinance,” to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders.
2. Adopt a Resolution Requesting University of California at Berkeley voluntarily comply with local eviction moratoriums and rent suspension ordinances.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action Calendar – New Business

26. **Voting Delegates – League of California Cities Annual Conference**
From: City Manager
Recommendation: Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held virtually on Friday, October 7, 2020.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
27. **100% Sustainable Trips by 2040** (*Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*)
From: Community Environmental Advisory Commission
Recommendation: Adopt the attached Resolution, setting a goal of achieving 50% of trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460
28. **Relinquishments and grants from Councilmembers’ office budgets**
From: Open Government Commission
Recommendation: Adopt a Resolution creating a temporary advisory committee consisting of three (3) members each of the City Council and the Open Government Commission (“OGC”) to enable discussion between the Council and the OGC to make recommendations governing relinquishments and grants from Councilmembers’ office budgets.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Council Action Items

29. Healthy Checkout Ordinance *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: Councilmember Harrison (Author), Councilmember Hahn (Author)

Recommendation:

1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. Refer to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar – Policy Committee Track Items

30. Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance

From: Mayor Arreguin (Author)

Recommendation: Adopt an ordinance amending Ordinance No. 7,692-N.S. (Fair Chance Housing Ordinance) to extend the grace period for landlords to be held liable to January 1, 2021 so that staff has adequate time to complete the intended outreach prior to the ordinance going into full effect.

Financial Implications: See report

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

31. Vote of No Confidence in the Police Chief

From: Councilmember Davila (Author)

Recommendation: Adopt a resolution taking a Vote of No Confidence in the Police Chief.

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

32. Support Vision 2025 for Sustainable for Sustainable Food Policies

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a Resolution Supporting Vision 2025 for Sustainable Food Policies
2. Join San Francisco, Chicago and Austin in signing the Milan Urban Food Policy Pact (MUFPP) which includes forming an advisory body on sustainable food policies.
3. Support adoption of a Climate-Friendly Food Purchasing Policy as described by Friends of the Earth to replace 50% of the City's annual animal-based food procurement with plant-based food.
4. Short Term Referral to the City Manager to: a. Track the amount of animal-based food replaced with plant-based food; b. Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

33. Amend Berkeley's Property Tax Measures and Restore Tax Equity by Changing the Square Footage Tax Imposition through a Comprehensive Verification Process

From: Councilmember Bartlett (Author)

Recommendation: In order to correct inequitable and inconsistently applied rates of property tax assessments, and to ensure that outstanding revenues due to the City are paid, the Finance Department should conduct a comprehensive verification analysis. This process will update and bring the city's taxable square footage database into alignment with Planning's building area database. Through this verification, the City shall also reconcile with the Alameda County Assessor's Public Roll to ensure that the City's tax database is up-to-date and accurate. This reconciliation will restore tax equity, which has been desired by Berkeley voters, while also unifying standards, protocols and terminology between departments. The City should adopt the following habitability criteria for taxation purposes:

1. Taxable space must have manufactured flooring. If the understory has dirt base, it shall not be taxed (Uniform Building Code R502 – floor material requirement).
(Acceptable proof: photo)

2. Taxable basement space must be of required height clearance. If understory has proper flooring and is of limited height, 6' 8" or less, with 6'4" allowance for ducting, then it shall not be taxed (Uniform Building Code R305 – basement height requirement) (Acceptable proof: photo with measuring tape)

3. Taxable attic space must have required height clearance. If finished attic, only areas of 6'4" height or more is taxed for city assessments (Acceptable proof: photo with measuring tape)

4. City of Berkeley shall post the property's taxable square footage in at least 12 point font on the City's Parcel Viewer page. City of Berkeley shall disclose the potential increase to taxable square footage liability for the taxpayer when application for building addition is made.

5. City of Berkeley shall make public the taxable square footage liability of the proposed finished building to the community when a Zoning Adjustments Board application is made.

6. City of Berkeley shall disclose a property's taxable square footage in writing to a property owner or interested buyer, upon request.

7. If the taxpayer requests a correction on the square footage assessments, and the space in question does not align with the above taxability requirements, the taxpayer shall be entitled to a refund on all 9 city and schools assessments for the previous four full years of taxes (Civil Code 5097). Requests for correction shall be allowed at any time.

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

- 34. Centennial Proclamation Honoring the Passage of the United States 19th Amendment and the National Women's Suffrage Movement**
From: Councilmember Harrison (Author)
Recommendation: Adopt a resolution honoring 2020 as the centennial of the winning of women's suffrage at the federal level in the United States.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 35. Resolution Congratulating Kamala D. Harris on her Nomination for Vice President of the United States**
From: Councilmember Hahn (Author), Councilmember Davila (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution congratulating Kamala Harris on her nomination for Vice President of the United States and encouraging all eligible voters to vote in the Nov. 3, 2020 election.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 36. Chancellor's Community Partnership Fund Grant for Paid Internships**
From: Councilmember Robinson (Author)
Recommendation: Adopt a Resolution accepting a \$15,000 grant from the UC Berkeley Chancellor's Community Partnership Fund (CCPF) to fund paid City internships for high school and college students, in partnership with the ASUC, the Public Service Center, and the Institute for Governmental Studies.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Information Reports

- 37. City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 38. FY 2021 Civic Arts Grant Awards**
From: City Manager
Contact: Dave White, City Manager's Office, (510) 981-7000
- 39. Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

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.*

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

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



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

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Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Letter to East Bay Regional Park District supporting renaming Vollmer Peak

#### RECOMMENDATION

Send the attached letter to the East Bay Regional Park District Board of Directors supporting renaming Vollmer Peak.

#### BACKGROUND

The residents of Berkeley have demonstrated unprecedented engagement in discussions of policing and community safety in the past several months. The overwhelming majority of those residents commenting in Berkeley City Council meetings called for substantially defunding the Berkeley Police Department and many called for a vote of no confidence in Chief Greenwood, following his June 9th comments<sup>1</sup> about resorting to shooting people for crowd control, where tear gas is banned.

As the city takes the time to deeply consider the role of police in public safety and figure out the best way to invest in community safety resources, we must also consider the history of policing in Berkeley. Berkeley's first police chief, August Vollmer, has been called the "father of American policing," and has been widely celebrated for his innovations in policing. He was widely influential in the early twentieth century, traveling around the country, helping establish other police departments and criminology schools<sup>2</sup>.

While Vollmer was beloved by many and instituted many reforms that were seen as progressive at the time, his innovations were foundational for institutionalizing the systemic racial bias in policing that is evident in Berkeley Police Department in recent years. Just as it has become clear that artificial intelligence programs have racist outputs due to their biased inputs,<sup>3</sup> Vollmer's own biases have been programmed into the operations of the Berkeley Police Department since its inception. Although Vollmer was considered progressive for hiring Black officers, it is clear that he personally upheld White Supremacy and further codified it in his

<sup>1</sup> <https://www.berkeleyside.com/wp-content/uploads/2020/06/Greenwood-City-Council-Transcript.pdf>

<sup>2</sup> [https://www.cityofberkeley.info/Police/Home/History\\_The\\_Earliest\\_Years\\_1905-1925.aspx](https://www.cityofberkeley.info/Police/Home/History_The_Earliest_Years_1905-1925.aspx)  
<https://www.dailycal.org/2020/06/09/ucb-role-in-shaping-modern-police/>  
<https://www.eastbaytimes.com/2017/04/20/berkeley-a-look-back-free-talk-looks-at-citys-groundbreaking-first-police-chief/>

<sup>3</sup> <https://thenextweb.com/neural/2020/06/24/stop-calling-it-bias-ai-is-racist/>

esteemed criminology school. Vollmer was a member of multiple eugenics societies and his proposed curriculum<sup>4</sup> for his criminology school included units on Racial types, Race degeneration, Eugenics, and Hereditary crime and criminal tendencies.

After Vollmer passed away in the 1950s, the highest point in the Berkeley and Oakland hills (elevation 1905 ft) was renamed from Bald Peak to Vollmer peak in his honor. Due to his commitment to eugenics and role in shaping the Berkeley Police Department, which does not serve all members of our community, it is advisable to rename the peak. Vollmer peak is a popular hiking and cycling destination; upholding this name is a covert signal that not all are welcome to enjoy the East Bay Regional Parks.

In a preliminary survey of East Bay Regional Park stakeholders, 88% of respondents supported renaming Vollmer Peak. When presented with a choice between renaming the peak and keeping the name and educating the public about Vollmer, 87% of respondents said that we should rename the peak. Of the 125 survey respondents, 73 were from Berkeley, 20 from Oakland, and the majority of the others from surrounding areas.

In the wake of George Floyd's murder, the East Bay Regional Park District released a statement committing to "being part of the necessary change to realize a just society" and welcoming ideas to realize their goal of making their parks accessible, safe, and welcoming for all.<sup>5</sup> Pursuant to this commitment, we ask the East Bay Regional Park District to rename Vollmer Peak and engage the community through a formal survey to determine whether there are other landmarks that should be renamed and to gather suggestions for how they can make the parks more inclusive for all residents of the East Bay.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

#### CONTACT PERSONS

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

#### ATTACHMENTS:

1. Letter to East Bay Regional Park Board of Directors supporting the renaming of Vollmer Peak and initiation of a process to community engagement to make the parks more inclusive

#### REFERENCES:

1. Survey Results:

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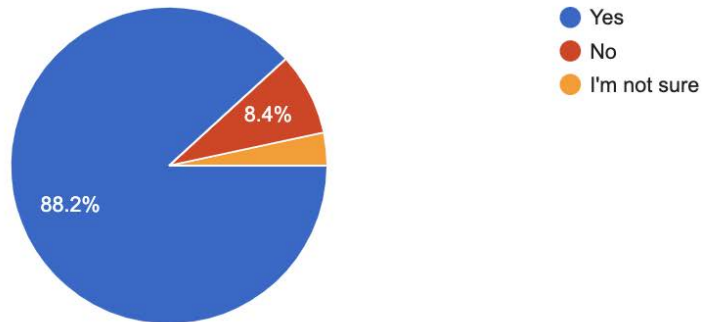
<sup>4</sup> <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1505&context=jclc>

<sup>5</sup> <https://www.ebparks.org/civica/press/display.asp?layout=11&Entry=581>



I think Vollmer Peak should be renamed

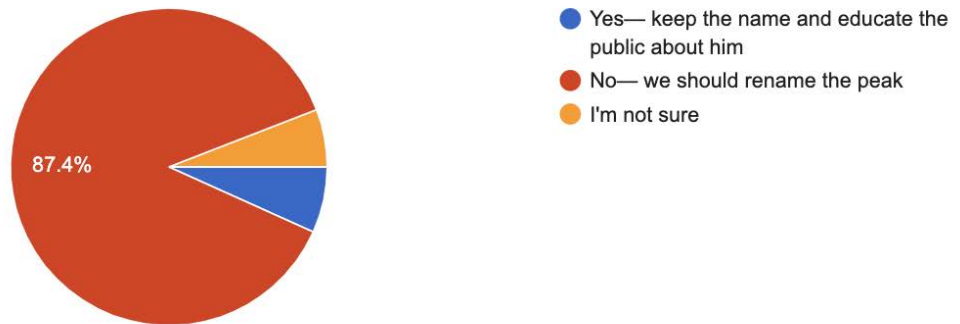
119 responses



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I think we should keep Vollmer's name and educate the public about him

119 responses



Dear East Bay Regional Park Board of Directors,

Thank you for your leadership in keeping the parks open during the COVID-19 pandemic so that our community can safely enjoy the outdoors.

With regard to our community's safety, we commend your June 16th [Resolution](#) Denouncing Racism and Standing in Solidarity with Black Americans. In keeping with your stated *commitment to learning and changing to ensure our parks and trails are safe and welcoming to East Bay communities and all who choose to visit*, we recommend that you take action to rename landmarks whose namesakes have racist connotations or are named after individuals who perpetuated racism in their lifetime. Although historic persons may have been chosen as namesakes for our parks' landmarks due to their popularity and service to the community, keeping their names attached to our landmarks signals to our Black, indigenous, and community members of color that they are not welcome.

It has come to our attention that August Vollmer, who was Berkeley's widely celebrated first police chief, perpetuated racism through his participation in eugenics societies and the inclusion of eugenics and other racist philosophies in his criminology school's curriculum. A preliminary survey of members of our community suggested that a large percentage of stakeholders surveyed support renaming Vollmer Peak. In addition, most respondents felt that it was important to rename the peak, rather than simply educate the community about Vollmer.

The Berkeley City Council urges you to take the following actions in order to follow through with your commitment to making the parks more inclusive:

- 1) Rename Vollmer Peak.
- 2) Initiate a formalized process of community engagement that prioritizes the historically excluded voices Black, indigenous, and community members of color to determine what other landmarks should be renamed and what other actions beyond renaming landmarks would make the parks more welcoming for all community members.

Sincerely,

Berkeley City Council



CONSENT CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Rigel Robinson and Ben Bartlett  
Subject: Resolution: No Police Revolving Door

### RECOMMENDATION

Adopt a resolution designating a history of serious misconduct and the act of previously resigning in the middle of a serious misconduct investigation as immediate disqualifiers in the Berkeley Police Department recruitment and selection process.

### POLICY COMMITTEE RECOMMENDATION

This item received a positive recommendation from the Public Safety Committee, with an amendment that addresses concerns from the Police Review Commission by striking “or two unsustained complaints by different complainants” from the BPD Policy 1000 language.

On July 20, 2020, the Public Safety Committee adopted the following action: M/S/C (Robinson/Wengraf) to send the item, amending Section 1000.6.1 by removing two unsustained complaints by different complainants, with a positive recommendation to the City Council. Vote: All Ayes.

### BACKGROUND

Senate Bill 1421, which went into effect in 2019, allows the public and the press to access police misconduct records that were previously undisclosed.<sup>1</sup> In the process of reviewing this data, new light has been shed on the “revolving door” of police brutality, in which police officers fired for misconduct are simply re-hired by another jurisdiction.

A San Jose State police officer, fired in 2017 for excessive use of force, was then hired by the Los Gatos-Monte Sereno Police Department. An Alameda County deputy sheriff, fired in 2015 for soliciting prostitution and filing a false police report, was later hired by the Pinole Police Department.<sup>2</sup> An SFPD officer resigned one day before the Internal Affairs division ruled to discipline him for his fatal shooting of Luis Gongora Pat, a homeless man.<sup>3</sup> He was immediately hired by the Antioch Police Department, escaping the 45-day suspension and any consequences for his actions.

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB1421](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1421)

<sup>2</sup> <https://www.mercurynews.com/2019/07/23/editorial-records-expose-revolving-door-for-bad-california-cops/>

<sup>3</sup> <https://www.nbcbayarea.com/investigations/sf-officer-jumps-to-another-department-before-being-disciplined-for-a-shooting/2304029/>

This revolving door phenomenon raises serious concerns about the ability of police departments to maintain accountability, create trust in the community, and eliminate police brutality and misconduct. Given the longstanding history of racial bias in policing and use of force nationwide, public trust is already badly damaged between law enforcement and many communities of color, particularly Black communities.

Furthermore, officers with histories of misconduct often cannot carry out a key part of their job: testifying in court. In *Brady v. Maryland* (1963), the Supreme Court ruled that prosecutorial suppression of evidence that could benefit the defendant violates the Due Process Clause of the Fourteenth Amendment.<sup>4</sup> Police officers' credibility can be called into question if they have a documented history of misconduct or dishonesty, which can jeopardize their testimonies and entire cases.

San Francisco Supervisor Shamann Walton introduced a resolution on June 2, 2020, attached below, "urging the city's Civil Service Commission to prohibit the Police and Sheriff's Departments from hiring law enforcement personnel with histories of serious misconduct."<sup>5</sup>

The City of Berkeley should follow suit by adopting the attached resolution and amending BPD Policy 1000, "Recruitment and Selection," to prohibit the hiring of any police officer who has a history of serious misconduct or who has previously resigned in the midst of a serious misconduct investigation.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: Resolution

2: BPD Policy 1000 "Recruitment and Selection"

[https://www.cityofberkeley.info/uploadedFiles/Police/Level\\_3\\_-\\_General/1000%20Recruitment\\_and\\_Selection.pdf](https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/1000%20Recruitment_and_Selection.pdf)

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<sup>4</sup> <https://www.law.cornell.edu/supremecourt/text/373/83>

<sup>5</sup> <https://www.sfchronicle.com/bayarea/article/SF-supervisor-wants-a-ban-on-hiring-of-police-15311973.php>

3: Proposed San Francisco Resolution

<https://sfgov.legistar.com/View.ashx?M=F&ID=8582276&GUID=8C81E0F1-7BDA-4F2D-888E-F90F6E1807A5>

4: Berkeley Police Review Commission Referral Response

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

BANNING THE HIRING OF POLICE OFFICERS WITH A HISTORY OF SERIOUS MISCONDUCT

WHEREAS, the Berkeley Police Department (BPD) is entrusted with keeping all community members in the City of Berkeley safe and enforcing laws; and

WHEREAS, all residents of Berkeley equally deserve to feel safe when interacting with police and should be able to trust that the officers tasked with protecting them have no prior history of excessive force, racial bias, or other significant misconduct; and

WHEREAS, there is a national crisis over repeated instances of police brutality and killings of Black people and persons of color; and

WHEREAS, there is a longstanding history of racial bias in policing nationwide, especially towards Black people; and

WHEREAS, George Floyd, a Black man, was killed by a Minneapolis Police Officer who kneeled on his neck for over eight minutes while he struggled to breathe and who had 17 prior complaints against him, had been responsible for multiple officer-involved shootings, but was permitted to remain on the police force; and

WHEREAS, the Council of the City of Berkeley acknowledges that communities of color have borne the burdens of inequitable social, environmental, economic, and criminal justice policies, practices, and investments, and that the legacy of these injustices has caused deep racial disparities throughout the juvenile justice and criminal justice system; and

WHEREAS, members of the public cannot fully trust law enforcement officers or feel safe if they are uncertain whether an officer with whom they interact had a prior history of significant misconduct or abuse; and

WHEREAS, it is difficult, and in some cases prohibited, especially under California law for members of the public to know about prior complaints or findings related to law enforcement officer misconduct; and

WHEREAS, public trust, including in the City of Berkeley, is badly damaged between law enforcement and many of the communities they serve, particularly communities of color; and

WHEREAS, the Council of the City of Berkeley aspires to hold the Berkeley Police Department to the highest standard of professionalism and integrity.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Berkeley Police Department Policy 1000 be amended as follows:

## **Recruitment and Selection**

### **1000.1 PURPOSE AND SCOPE**

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Berkeley Police Department and that are promulgated and maintained by the Personnel and Training Bureau.

### **1000.2 POLICY**

In accordance with applicable federal, state and local law, the Berkeley Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### **1000.3 RECRUITMENT**

The Professional Standards Division Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Professional Standards Division Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process.

### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Computer Voice Stress Analysis (CVSA) exam (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Hiring authority review
- (k) Records of police misconduct

#### 1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

#### 1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Berkeley Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

#### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

#### 1000.5.2 STATE NOTICES



If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

#### 1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Professional Standards Division Captain shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Professional Standards Division Captain should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Professional Standards Division Captain should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

#### 1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from private social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

#### 1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

#### 1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Berkeley Police Department or is transferred to a different department within the City as provided in 11 CCR 1953(f).

### 1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public

- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### 1000.6.1 DISQUALIFICATION FOR PAST MISCONDUCT

Notwithstanding section 1000.6 of this Policy, a candidate shall be immediately disqualified if:

- (1) The applicant has been the subject of a sustained finding against the applicant by any law enforcement agency or oversight agency, following an investigation and opportunity for administrative appeal by the applicant, that the applicant, while employed as a peace officer, engaged in serious misconduct, which includes but is not limited to the following: use of excessive force, racial bias, sexual assault, discrimination against any person or group based on race, gender, religion, nationality, or sexual orientation, or dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence; or
- (2) The applicant resigned or retired from their employment as a peace officer in any jurisdiction during the pendency of a disciplinary proceeding related to alleged serious misconduct by the applicant while they were employed as a peace officer, and the proceeding was suspended or terminated as a result of the applicant's resignation or retirement, until such a time that the applicant has been exonerated for the pending allegation.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code §1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel and Training Bureau should maintain validated standards for all positions.

##### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 21 years of age at time of appointment

- (d) Fingerprinted for local, state and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR1953)
- (f) High school graduate, passed the GED or other high school equivalency test and completed at least 60 college semester units or 90 college quarter units
- (g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR1950 et seq.):
  - 1. Reading and writing ability assessment (11 CCR 1951)
  - 2. Oral interview to determine suitability for law enforcement service (11 CCR1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

#### 1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical and psychological evaluation (11 CCR 1960)



Police Review Commission (PRC)

July 2, 2020

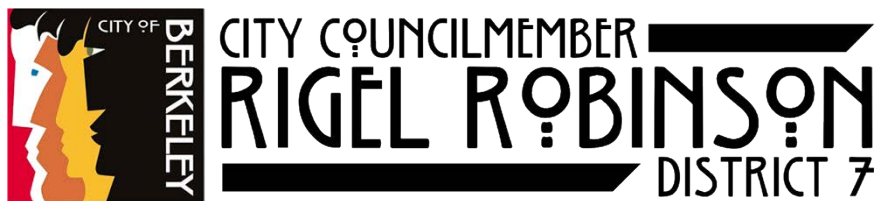
To: Honorable Mayor and Members of the City Council  
Through the Public Safety Policy Subcommittee  
From: Kitty Calavita, Chairperson, Police Review Commission  
Re: Referral Response: Resolution on No Police Revolving Door

Thank you for seeking the feedback of the Police Review Commission regarding Councilmember Robinson's proposed resolution amending Berkeley Police Department Policy 1000, which would ensure that a candidate's history of serious misconduct and the act of previously resigning in the middle of a serious misconduct investigation will immediately disqualify the candidate from recruitment and selection by the Berkeley Police Department.

The PRC discussed proposed section 1000.6.1, Disqualification for Past Misconduct, at its June 24, 2020 meeting, and voted to support Councilmember Robinson's suggested provision with the caveat that the Police Review Commission has concerns about the language regarding two unsustained complaints. The PRC believes that greater discretion may be necessary in such cases.

The above sentiments passed on the following vote: Moved/Seconded (Mizell/Calavita) – Ayes: Calavita, Chang, Leftwich, Mizell, Perezvelez; Noes: Mikiten, Ramsey; Abstain: None; Absent: Allamby

cc: Dee Williams-Ridley, City Manager  
David White, Deputy City Manager  
PRC Commissioners



CONSENT CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson  
Subject: Resolution: Opposition to Proposition 20

### RECOMMENDATION

Adopt a Resolution opposing Proposition 20 on the November 2020 ballot, which would authorize felony charges for repeat or organized petty theft, require tougher penalties for noncriminal parole violations, expand DNA collection for people convicted of certain nonviolent crimes, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration. Copies of the resolution are to be sent to Assemblymember Buffy Wicks and State Senator Nancy Skinner.

### BACKGROUND

In recent years, California voters and state elected officials have repeatedly chosen restorative justice and rehabilitation over “tough on crime” policies. In 2011, Governor Brown signed AB 109, the Public Safety Realignment Act, which shifted responsibility for certain offenders from the state prison system to the county level. This allowed judges to sentence offenders to county jail time, mandatory supervision, community service, substance abuse treatment, and other alternatives instead of prison time.<sup>1</sup>

In 2014, California voters approved Proposition 47, which retroactively reduced the charge for nonserious, nonviolent crimes from a felony to a misdemeanor for defendants without a history of certain convictions.<sup>2</sup> In 2016, voters passed Proposition 57, which created an incentive system for rehabilitation and allowed for early parole consideration of certain nonviolent offenders.<sup>3</sup>

These criminal justice reforms reduced recidivism rates and shifted hundreds of millions of dollars from failed prisons back to local communities, funding programs for trauma recovery, mental health, substance abuse, and at-risk students.<sup>4</sup> Proposition 47 also paved the way for California to reduce its prison population and end contracts with private, out-of-state prisons.<sup>5</sup>

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120AB109](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB109)

<sup>2</sup> <https://aizmanlaw.com/proposition-47/#:~:text=Proposition%2047%20was%20passed%20into,offenses%20or%20certain%20gun%20crimes>

<sup>3</sup> <https://www.cdcr.ca.gov/proposition57/>

<sup>4</sup> [https://www.ppic.org/wp-content/uploads/r\\_0618mbr.pdf](https://www.ppic.org/wp-content/uploads/r_0618mbr.pdf)

<sup>5</sup> <https://www.kqed.org/news/11796149/voter-approved-criminal-justice-reform-expected-to-save-state-over-122-million>

Proposition 20 would repeal key aspects of each of these three reforms.<sup>6</sup>

- It would make certain offenders ineligible for early parole, undermining the rehabilitation progress made by Proposition 57 and preventing incarcerated people from adequately preparing for their release back into the community.
- It would recategorize low-level crimes such as petty theft as felonies, reversing Proposition 47. This would result in an explosion in our prison population and a severe loss of funding for public safety community services.
- It would return people to prison for noncriminal violations of parole. The passage of AB 109 led probation and parole departments to utilize graduated sanctions for violations, which allowed for accountability without sending people back to prison. By implementing a tougher penalty system, Proposition 20 would needlessly increase surveillance and imprisonment.
- It would require people who were charged with misdemeanors instead of felonies as a result of Proposition 47 to give their DNA to state and federal databases.

This initiative aims to return California to the era of its “tough on crime” policies, which have no proven effect on crime rates. Proposition 20 would disproportionately incarcerate Black and brown Californians, increase prison spending at the expense of community programs, and increase recidivism by obstructing access to rehabilitation.

#### FINANCIAL IMPLICATIONS

According to the California Legislative Analyst’s Office and Director of Finance, Proposition 20 would create significant costs at a time when state and local governments face severe budget deficits due to the COVID-19 pandemic and economic recession. The fiscal impact statement reads as follows:

- “Increased state and local correctional costs likely in the tens of millions of dollars annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process.
- Increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings.
- Increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.”

#### ENVIRONMENTAL SUSTAINABILITY

None.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

<sup>6</sup> <https://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures/>

Attachments:  
1: Resolution

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

OPPOSITION TO PROPOSITION 20 ON THE NOVEMBER 2020 BALLOT

WHEREAS, Proposition 20 would authorize felony charges for repeat or organized petty theft, require tougher penalties for noncriminal parole violations, expand DNA collection for people convicted of certain nonviolent crimes, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration; and

WHEREAS, this initiative would repeal key aspects of critical criminal justice reforms approved by California voters and the Legislature, namely the Public Safety Realignment Act (2011), Proposition 47 (2014), and Proposition 57 (2016), which have decreased incarceration and recidivism rates, prison spending, and reliance on private prison contracts; and

WHEREAS, this initiative would create costs in the tens of millions of dollars for law enforcement, corrections, and court systems at a time when local and state governments are reckoning with the failure of these systems to protect Black and brown people, in addition to facing severe budget deficits due to the COVID-19 pandemic; and

WHEREAS, “tough on crime” policies have been proven over and over again to be ineffective in reducing crime rates, and focusing on rehabilitation and education while diverting funding from mass incarceration towards mental health, trauma recovery, and addiction services better meets community needs; and

WHEREAS, in California, Black men are incarcerated at ten times the rate of white men and Black women at five times the rate of white women, and any additional investments in mass incarceration and the prison-industrial complex would disproportionately impact Black communities and other communities of color.

THEREFORE BE IT RESOLVED that the Council of the City of Berkeley opposes Proposition 20 on the November 2020 ballot.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Assemblymember Buffy Wicks and State Senator Nancy Skinner.





Cheryl Davila  
Councilmember  
District 2

ACTION CALENDAR

September 15, 2020

*(Continued from July 28, 2020)*

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila and Councilmember Ben Bartlett

Subject: Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance;  
Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances  
Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to  
Terminate their Leases Without Penalty

RECOMMENDATION

1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, "The COVID-19 Emergency Response Ordinance," to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders.
2. Adopt a resolution requesting the University of California at Berkeley voluntarily comply with local eviction moratoriums, and rent suspension ordinances, and ordinances empowering tenants to terminate their leases without penalty.

BACKGROUND

**A. Berkeley's COVID-19 Emergency Response Ordinance**

On March 17, 2020, the Berkeley City Council adopted an emergency ordinance prohibiting evictions of residential and commercial tenants unable to pay their rent due to COVID-19. Subsequently, on April 21, 2020, the Council further amended the City's ordinance to enhance eviction protections for commercial tenants, namely a prohibition on unreasonable rent increases for impacted businesses and nonprofits. Again on May 26, 2020, the Council further amended the city's ordinance to enhance eviction protections for residential tenants and homeowners, including banning most residential evictions through the end of the local state of emergency. Subsequently, on June 30, 2020 the Council further amended the city's ordinance to clarify and enhance the ability of residential tenants to terminate a lease. Since the enactment of these protections, other jurisdictions in California, including neighboring jurisdictions and the Alameda County Board of Supervisors have enacted a number of additional protections that are either complimentary to, or more stringent than, Berkeley's ordinance. The item updates BMC 13.110 to include best practices and to align with newly adopted countywide protections.

**B. Alameda County's Urgency Ordinances**

On March 24, 2020, the Alameda Board of Supervisors passed an urgency ordinance creating a temporary moratorium on evictions for renters and homeowners in the Unincorporated County (Ordinance No. 2020-14).

On March 31, 2020, the Board extended protections to the entire County. Similar to our BMC 13.110, the ordinances applied a moratorium on evictions to tenants, homeowners or mobile home owners who can provide documentation that they cannot pay their rent or mortgage due to a substantial loss of income, substantial out-of-pocket medical expenses, or extraordinary childcare needs caused by COVID-19.

On April 21, 2020, the Board considered and adopted additional amendments,<sup>1</sup> after finding that the pandemic and shelter in place orders created severe new and exacerbated existing socioeconomic impacts. Accordingly, the County deemed any eviction, regardless of cause, a public health threat. Giving cities this option provides baseline protections for residents of cities without moratoria, but allows cities to make determinations in the best interest of their residents.

On June 30, 2020, the Board considered and adopted additional amendments following unrelenting lobbying from the county's landlords. Unfortunately, these amendments weakened the county's ordinance, such as by reducing administrative penalties for violating the ordinance to such an extent that they are now just "the cost of doing business." Additionally, the language regarding city ordinances changed: Instead of stronger protections in a city ordinance automatically applying, now "the city must duly affirm or declare in writing its intent to opt out of the County ordinance. The writing must enumerate the specific provisions of the County's ordinance from which the city intends to opt out and must include a finding that the city ordinance is stronger."

The California Attorney General has opined that when a county has declared a local emergency within its jurisdictional boundaries in an area that includes both unincorporated and incorporated territory, the county may adopt emergency rules and regulations pursuant to Government Code section 8634 that will be effective in both unincorporated and incorporated areas (62 Ops. Cal. Atty. Gen. 701 (1979)). However, questions have been raised as to whether this power of counties always covers charter cities, such as Berkeley; for example, in early June, many members of the Council questioned whether the county-wide curfew issued by the county sheriff was legally valid within Berkeley city limits.

### **C. Updates to The Covid-19 Emergency Response Ordinance**

Unreasonable evictions are directly at odds with local, state and federal measures to recover from the pandemic.

Housing stability is a prerequisite for flattening the COVID-19 infection curve. Loss of housing presents significant health risks for those directly affected and the population at large, through disruption of shelter in place orders, social distancing measures and increased homelessness. Testing, quarantine, and physical distancing measures are bolstered by housing security.

In recognition of developments at the Alameda County level, action in other jurisdictions, and consultation with community stakeholders, the item proposes the following additional key amendments to BMC 13.110:

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<sup>1</sup> Amend Countywide Temporary Moratorium on Residential Evictions, Alameda County Community Development Agency, April 21, 2020, [https://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaReg\\_04\\_21\\_20/GENERAL%20ADMINISTRATION/Regular%20Calendar/CDA\\_294956.pdf](https://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_04_21_20/GENERAL%20ADMINISTRATION/Regular%20Calendar/CDA_294956.pdf), Amendments were crafted and presented by the Alameda County's Community Development Agency and the Housing and Community Development Department (HCD), in coordination with County Counsel, Public Health, all cities countywide, Resources for Community Development, and legal agencies including Bay Area Legal Aid, Centro Legal de la Raza, East Bay Community Law Center, and Housing and Economic Rights Advocates

1. *Expansion of Moratorium Scope:*

Consistent with numerous jurisdictions (including the Cities of Los Angeles, Santa Monica, and Inglewood) these amendments would prohibit Ellis Act evictions.<sup>2</sup> Additionally, minor amendments are made to the exception for health and safety threats to bring it in line with the language of the County ordinance; this is important to ensure there are no evictions prohibited by the County ordinance but ostensibly allowed under the City ordinance, thereby minimizing the risk of legal confusion.

2. *Extended Duration of Protections*

Currently, many protections under the Berkeley ordinance lapse either upon the expiration of the local state emergency or thirty days thereafter. This period is not as long as in other jurisdictions. For example, the City of Los Angeles's ordinance protects tenants from Ellis Act evictions for sixty (60) days after the expiration of the local state of emergency. These amendments would extend various protections to ninety (90) days after the expiration of the local state emergency. This would provide relief for many residents who will likely face difficulty finding sufficient employment for an extended period of time even following the expiration of the local state of emergency due to significantly depressed aggregate demand (i.e. a continuing economic recession or depression). By continuing to keep residents housed for a "buffer period," it would also reduce the risk of unintentionally causing an additional outbreak following the expiration of the state of emergency. These amendments would also allow the Council to extend this period by resolution (instead of an ordinance), allowing the Council to swiftly act by majority vote to protect public health and safety and keep residents housed if the local situation necessitates immediate action.

3. *Authorize Tenants To Self-Attest Financial Hardship*

Some tenants may have difficulty providing sufficient documentation that proves their COVID-related financial hardship. In order to ensure that no tenant is left behind, these amendments would authorize tenants to self-attest their COVID-related financial hardship. Given that landlords are ultimately allowed to recover back rent, there would ultimately be no barrier to their ability to ultimately be made financially "whole."

4. *Clarifies Covered Reasons for Delayed Payment*

Due to Berkeley's status as a "college town" and the transition of UC Berkeley (and other local institutions of higher education) to many online and/or hybrid-format classes in response to the ongoing COVID pandemic many segments of Berkeley's rental market have seen a significant drop in demand. While this reduced demand may benefit many tenants entering new rental agreements, continuing tenants are largely not receiving this benefit, and ironically some may be in a worse position even if their own financial situation remains unchanged. Many tenants, especially those who live with students, may have had one or more roommates move-out, and planned to replace them with a new roommate(s) who would pay the same share of the rent. However, many landlords required their tenants to sign lease renewals before the severity of the COVID crisis became clear. As a result, those tenants were not in a position to bargain for a rent reduction, and with reduced demand for housing may be unable to find a replacement roommate willing and able to pay the same share of the rent as an outgoing roommate. The remaining tenants can be left with an unwinnable choice: Delaying taking on a new roommate(s) in the hope of finding someone who can pay the same share of the rent (while having to pay the full share of the rent until they find a replacement), or take on a higher share of the rent in order to immediately have a new roommate. While previous versions of the ordinance were clearly intended to cover this

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<sup>2</sup> [aagla.org/wp-content/uploads/2020/07/7120-Updated-Temporary-Eviction-Moratorium-Chart-002.pdf](https://aagla.org/wp-content/uploads/2020/07/7120-Updated-Temporary-Eviction-Moratorium-Chart-002.pdf)

situation, the failure to explicitly mention them creates a perpetual risk that the courts will interpret them otherwise. These amendments make clear that such scenarios are covered reasons for nonpayment, eliminating the risk of judicial misinterpretation.

Additionally, the amendments also remove self-contradicting language referencing group living arrangements; this ensures that all tenants are properly covered by that potential reason for delaying payment.

5. *Extends Additional Protections to Homeowners and Penalties to Lenders*

The County Ordinance extends evictions protections afforded to tenants and related requirements to homeowners; similarly, the county ordinance makes explicit that lenders (e.g. a bank that holds the property's mortgage) and their agents have the same obligations (e.g. providing residents notice of their rights under the ordinance) and penalties for noncompliance as landlords. These amendments extend that tenant-homeowner parity to the City ordinance.

6. *Extends the Repayment Period for Back Rent*

Under the existing ordinance, tenants have twelve (12) months to repay back rent before landlords may sue. However, community stakeholders have raised significant concerns that this is much too short a period. For instance, if a tenant normally spends 50% or more of their income on rent (an obscene yet common scenario) and is unemployed due to COVID for 12 months, they would be mathematically unable to repay their back rent over 12 months even if they income immediately fully recovered (unlikely) and the the landlord waited until 12 months *after the tenant re-gained employment* (which is not required of the landlord).

Outside of the unlawful detainer process (which imposes a 12-month window), landlords have 48 months to collect back rent owed under a written agreement (Civ. Proc. §337.2) and 24 months to collect back rent owed under an oral agreement (Civ. Proc. §339.5). In recognition of these limits, these amendments extend the repayment period to forty-seven (47) months for written leases and twenty-three (23) months for oral rental agreements. This significantly increases the ability of a tenant to repay all their back rent, without conflicting with the legal right of landlords under state law to collect back rent.

7. *Provides Additional Examples of Prohibited Retaliation*

The ordinance prohibits retaliation against tenants for exercising their rights under it, and explicitly names shutting off utilities and reducing services as examples of prohibited retaliation. These amendments add additional examples of prohibited retaliation.

8. *Improves Civil Remedies for Violations*

These amendments make various changes that bring civil remedies (including authorizing administrative fines and offering protections for tenants who act in good faith but do not prevail in court) in line with the County ordinance. Additionally, it makes clear that the City Attorney, Rent Stabilization Board, or another person or entity may sue to enforce the ordinance.

9. *Extends Criminal Penalties to non-Commercial Violations*

Currently, the city ordinance only imposes criminal penalties for violations relating to commercial properties. These amendments extend criminal penalties to any violations by a landlord or lender, using verbatim language from the County ordinance. In addition to providing legal certainty that violations also covered by the County ordinance can be criminally prosecuted, these amendments are necessary to allow criminal prosecution for

violating residential property provisions not covered by the County ordinance (e.g. conducting an ostensible Ellis Act eviction).

10. *Liberal Construction*

States that the ordinance should be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

Consistent with the actions of Alameda County, neighboring jurisdictions, and other jurisdictions throughout California, and the ongoing shelter-in-place order and associated emergency activities in response to the global pandemic, it is in the public interest to clarify and amend the COVID-19 Emergency Response Ordinance.

**D. Resolution Calling on UC Berkeley to Voluntarily Comply with Local Ordinances**

As a state agency, UC Berkeley (and the entire University of California system) is most likely exempt from ordinances protecting tenants during the ongoing COVID-19 pandemic. However, UC Berkeley's failure to comply with this has created significant problems for many students, and community stakeholders have raised alarms about the situation. The attached resolution calls on UC Berkeley to voluntarily comply with all local ordinances restricting evictions, delaying rent payments, and/or allowing tenants to terminate a lease without a penalty, regardless of legal obligation for UC Berkeley to do so.

FINANCIAL IMPLICATIONS

Preventing evictions can result in significant savings to the City in the short, medium, and long-term, by reducing homeless, infections, and social services spending. Additionally, bringing protections for tenants and other residents under Berkeley law to at least those of the County ordinance could result in savings from potential litigation by landlords or lenders seeking to nullify the County ordinance within Berkeley city limits (especially if such litigation names the City as a real party in interest). Preventing evictions will prevent the spread of COVID 19.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

ATTACHMENTS:

1. Urgency Ordinance
2. Resolution

ORDINANCE NO. -N.S.

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

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

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

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

**Sections:**

- 13.110.010 Findings and Purpose**
- 13.110.020 Prohibited Conduct**
- 13.110.030 Definitions**
- 13.110.040 Collection of Back Rent and Late Fees**
- 13.110.050 Application**
- 13. 110.060 Implementing Regulations**
- 13.110.070 Waiver**
- 13.110.080 Remedies**
- 13.110.090 Severability**
- 13.110.100 Liberal Construction**

**13.110.010 Findings and Purposes**

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." And the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the State of Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, the council ratified an extension of the local state of emergency through June 21, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

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

On March 31, this Shelter in Place Order was extended to May 3, 2020, and restricted activities further. This Shelter in Place Order was subsequently extended again.

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

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

On April 6, 2020, the Judicial Council of California issued emergency rules suspending court proceedings for unlawful detainer and judicial foreclosures until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted. However, the Judicial Council could revoke this decision at essentially any time, thereby immediately placing tenants not covered by an eviction moratorium ordinance at immediate risk.

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

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

At the same time, the Governor, as well as, the Berkeley Health Officer, and those of other jurisdictions ordered the closure of businesses, except those deemed essential. Many businesses, such as restaurants, are open only for take-out or pick up services and face a critical loss of business.

~~-----~~The City Council is aware that some landlords of commercial properties are seeking significant rent increases during the period when many commercial tenants are closed or are experiencing substantial and catastrophic reductions in their business and income. Such rent increases force tenants who are closed or have substantially reduced revenues face the choice of accepting a significant rent increase, moving at a time when it is virtually impossible, or closing altogether. Accepting a rent increase while closed or in a reduced state of operations means that the commercial tenants face even more debt to the landlord when the emergency is

over, and may face a substantially increased rent when the tenant returns to normal operations, if ever.

Landlords of commercial property that unreasonably increases rents on tenants of commercial property during the COVID-19 emergency significantly impacts vulnerable small businesses, nonprofits, and artists who form a large part of the backbone of Berkeley's economy, revenue sources, and employment opportunities. These rent increases are coming at a time when the commercial rents are likely falling due to business closures and potential loss of businesses at the end of the emergency. Thus, these rent increases appear as a way of evading the Governor's and Berkeley's commercial tenant eviction moratorium by forcing tenants to agree to rent increases or leave. Such conduct constitutes constructive evictions in contravention of the eviction moratorium. Furthermore, such rent increases may affect businesses providing goods and essential services, resulting in increases in those costs of essential goods and services contravening the intent of anti-price gouging laws.

On expiration of leases when the emergency order is in place, unreasonable rent increases have already forced the closure of businesses and will result in closing of additional business causing loss of income for the business owners, loss of employment for the employees and of revenue to the city, and an increase in homelessness. To reduce the spread of COVID-19, it is essential to avoid unnecessary displacement and homelessness. Because of the emergency restrictions, businesses forced out due to increased rents will be unable to move to new locations and new businesses will be unable to open during this emergency period. During a state of emergency cities have extraordinary powers and jurisdiction to create legislation in order to counteract the effects of the emergency situation on its people and businesses. Protecting tenants from excessive rent increases will prevent additional loss of employment and essential services for Berkeley residents. In order to effectively implement an eviction moratorium, the City Council finds it imperative to prevent constructive eviction through unreasonable rent increases.

Multiple jurisdictions have banned Ellis Act evictions. In Los Angeles County alone, the cities of Los Angeles, Inglewood, and Santa Monica (and possibly others have banned) Ellis Act evictions. For example, Los Angeles's ordinance bans Ellis Act evictions through 60 days after the expiration of the local state of emergency.

Accordingly, the City of Berkeley adopts the following amendments to Berkeley Municipal Code Chapter 13.110.

### **13.110.020 Prohibited Conduct**

A. During the Covered Period-local State of Emergency, no landlord or lander-other entity shall evict or attempt to evict an occupant of real property unless necessary to stop an imminent threat to-for the health and safety of residents. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.



B. Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served, during the Covered Period local State of Emergency.

C. No landlord of an Impacted Business or Nonprofit may upon expiration of a lease increase rent for an Impacted Business or Nonprofit in an amount greater than ten (10) percent over the rent in effect at the commencement of the local state of emergency declared by the Director of Emergency Services. For purposes of this section, rent means all consideration for the use and enjoyment of the rented premises, including base rent and any additional rent or other charges for costs such as utilities, maintenance, cleaning, trash removal, repairs and any other charges to the tenant required under the rental agreement. This section 13.110.020 C. shall expire on May 31, 2020, concurrent with Executive Order N-28-20; provided, however, that this section shall be automatically extended if Executive Order N-28-20 is extended or the tenant protections therein are extended pursuant to another Governor's Executive Order.

### 13.110.030 Definitions

A. "Covered Reason for Delayed Payment" means:

- (1) the basis for the eviction is nonpayment of rent, arising out of a material decrease in household, business, or other rental unit occupant(s)'s income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, ~~or, in a group living arrangement wherein all tenants are collectively responsible for payment of the rent to the landlord,~~ a reduction in the number of tenants living in the unit (including due to difficulty finding new tenants and/or subtenants willing and able to cover a sufficient share of the rent) which reduces the ability of the remaining tenants to pay the rent, a change in the tenants which reduces the ability of the collective tenants to pay the rent, or a rent increase that exceeds the Annual General Adjustment for the current year; and
- (2) the decrease in household, business, or other rental unit occupant's income or the expenses or reduction in number of tenants described in subparagraph (1) was caused by the impacts of COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

B. "Covered Period" means the period of time beginning with the effective date of this Chapter and concluding 90 days after the expiration of the local state of emergency. However, the City Council may vote by resolution to extend the duration of the Covered Period.

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

~~D. C.~~ "Impacted Business or Nonprofit" means a business or nonprofit organization that had a business license in 2019 or 2020 in the City of Berkeley or is a registered nonprofit in either or both of those years and:

1. whose operation has been shut down due to the COVID-19 emergency, or
2. that is unable to accept customers at its location and is open for limited virtual, take-out or pickup services only, or
3. who suffered a material loss of income.

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

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

G. E. "Tenant" includes a tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement to use or occupancy a renter of either residential or commercial property.

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

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

B. Tenants shall have up to forty-seven (47) ~~twelve (12)~~ months to pay rent that accrued during the Covered Period, except that in the case of an oral rental agreement this period shall be ~~twenty-three (23) months, was delayed by a Covered Reason for Delayed Payment~~ unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement"). Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment.

C. A Tenant is not required to provide documentation to the Landlord in advance to qualify for the delayed repayment of rent over the 12 months. However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord within forty-five (45) days after the request or within thirty (30) days after the local State of Emergency is ended, whichever is later; the tenant may self-attest as a form of documentation. In the case of nonpayment of rent, the failure of a Tenant to notify the landlord in advance of being delinquent in the payment of rent prior to being served with a notice pursuant to Code of Civil Procedure section 1161(2) does not waive the Tenant's right to claim this Chapter as a complete defense to nonpayment of rent in an unlawful detainer action.

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

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

### 13.110.050 Application

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served, filed, or which expire ~~during the Covered Period on or after the effective date of this Chapter through the end of the local State of Emergency.~~ It does not apply ~~to withdrawal of accommodations from the rental market pursuant to Government Code 7060 et seq. (“Ellis Act”) or~~ to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. With respect to delayed payment ~~accrued during the Covered Period covered by this Ordinance,~~ a landlord may seek such rent after the ~~Covered Period expiration of the local State of Emergency,~~ pursuant to Section 13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) *et seq.* or otherwise seek to recover possession of a rental unit based on the failure to pay rent that accrued during the ~~Covered Period local State of Emergency.~~ In any action to evict based on alleged nonpayment of rent, it shall be a complete defense to such action if any part of the rent in dispute accrued at any time ~~during the Covered Period. from the effective date of this Chapter the expiration of the local State of Emergency.~~

C. A Landlord ~~or Lender~~ shall not retaliate against a Tenant ~~or other resident~~ for exercising their rights under this Ordinance, including but not limited to shutting off any utilities, ~~or~~ reducing services or amenities to which the Tenant ~~or other resident~~ would otherwise be entitled, ~~refusing to offer a new rental agreement upon expiration of a prior rental agreement where the new rental agreement contains provisions that are substantially identical to the prior rental agreement, or taking actions or inaction which hurts the tenant’s or other resident credit rating or causes other landlords to not offer them a rental agreement or to offer them a rental agreement on less favourable terms than they would otherwise offer.~~

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

**13.110.060 Implementing Regulations**

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring landlords and lenders to give a notice to Tenants and other residents informing them of this Chapter and the right to seek the benefits of this Chapter.

**13.110.080 Remedies**

A. In the event of a violation of this Ordinance by a landlord or lender, an aggrieved tenant or other resident, any person or entity who will fairly and adequately represent the interests of tenants, or the City ~~In the event of a violation of this Ordinance, an aggrieved tenant~~ may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate. No proof of knowledge, intent, or other mental state is required to establish a violation. Money damages shall only be awarded if the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of this Ordinance. A prevailing landlord or lender shall be entitled to an award of attorneys' fees only if it is determined by the Court the action was wholly without merit or frivolous. ~~The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedy available under this section shall be in addition to any other existing remedies which may be available to the tenant under local, state or federal law.~~ In addition, this Ordinance grants a defense to eviction in the event that an unlawful detainer action is commenced in violation of this Ordinance.

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

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

1. Violations of this Chapter by a landlord or lender ~~Section 13.110.020(C)~~ may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day ~~a commercial property landlord or lender violates this chapter demands rent in excess of the amount permitted pursuant to Section 13.110.020(C)~~ is a separate violation. Each and every day of violation includes each day on which a failure to comply with this ordinance continues. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

2. Any landlord or lender violating any of the provisions of this ordinance is guilty of a misdemeanor. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or allowed in conjunction with the Landlord's or Lender's activities with respect to the Unit and is punishable accordingly. Each and every day of violation includes each day on which a failure to comply with this ordinance continues. No proof of knowledge, intent, or other mental state is required to establish a violation. The City Attorney may refer those landlords and lenders in ~~violation-violators~~ of this Chapter ~~Section 13.110.020(C)~~ to the Alameda County District Attorney

for redress as a violation of this Chapter and/or Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to this Chapter and/or Business and Professions Code section 17200, et seq.

D. The remedies provided by this ordinance are cumulative and in addition to any other remedies available at law or in equity.

### **13.110.100 Liberal Construction**

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

#### Section 2. Vote Required, Immediately Effective

Based on the findings and evidence in Section 13.110.010 of this Urgency Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This Ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BERKELEY CALLING ON UC BERKELEY TO VOLUNTARILY COMPLY WITH ORDINANCES RESTRICTING EVICTIONS, DELAYING RENT PAYMENTS, AND/OR ALLOWING TENANTS TO TERMINATE A LEASE WITHOUT A PENALTY, REGARDLESS OF LEGAL OBLIGATION TO DO SO

WHEREAS, in the wake of the ongoing COVID-19 public health crisis and ensuing economic devastation, multiple jurisdictions; including the City of Berkeley, the City of Albany, and Alameda County; have passed ordinances restricting evictions and delaying rent payments; and

WHEREAS, in the wake of the ongoing COVID-19 public health crisis and ensuing economic devastation, the City of Berkeley has passed an ordinance empowering many tenants (including, de facto, all students) to terminate their leases without penalty with thirty (30) days' notice; and

WHEREAS, as a state agency, UC Berkeley (and the entire University of California system) is most likely exempt from such ordinances; and

WHEREAS, students in University housing still need such protections. For example, residents of the University Village family housing complex have been organizing due to UC Berkeley not giving them protections equivalent to that of tenants in private housing. Furthermore, UC Berkeley has allowed what little protections it did offer to expire prematurely; and

WHEREAS, this failure by UC Berkeley threatens to force students to drop out of school, disruption their children's education (in the case of student parents), become homeless, and more; and

WHEREAS, community stakeholders have raised alarms about this situation; and

WHEREAS, there is precedent for the University of California voluntarily complying (at least on paper) with local ordinances;<sup>3</sup> and

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Berkeley calls upon UC Berkeley to voluntarily and indefinitely comply with all local ordinances restricting evictions, delaying rent payments, and/or allowing tenants to terminate a lease without a penalty, regardless of legal obligation for UC Berkeley to do so; and

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the Chancellor; Assistant Vice Chancellor and Chief Operating Officer for the Division of Student Affairs; and the

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<sup>3</sup> University of California Policy PPSM-30: Compensation. [policy.ucop.edu/doc/4010400/PPSM-30](http://policy.ucop.edu/doc/4010400/PPSM-30). "In consultation with the Office of the President, the Executive Officer will establish local salary ranges for salary grades and jobs without salary grades at their location at a level at least consistent with federal, state, and local minimum wage provisions in the communities where the Executive Officer is located."

Executive Director, Housing, Events, & Facilities Services of UC Berkeley, the Regents of University of California (including and the Regents-Designate), and the President and President-Designate of the University of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the President, External Affairs Vice President, and Housing Commission of the Associated Students of the University of California; the President, External Affairs Vice President, and Basic Needs Project Director of the UC Berkeley Graduate Assembly; the UC Berkeley Village Residents Association; the UC Berkeley Residence Hall Assembly; and the Daily Californian.







Community Environmental  
Advisory Commission

ACTION CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council  
From: Community Environmental Advisory Commission  
Submitted by: Ben Gould, Chairperson, Community Environmental Advisory Commission  
Subject: 100% Sustainable Trips by 20452040

RECOMMENDATION

Adopt the attached Resolution, setting a goal of achieving ~~100~~50% of trips taken by sustainable modes by 2030 and 100% by 20452040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.

POLICY COMMITTEE RECOMMENDATION

On July 1, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Harrison/Robinson) to send the item back to council with a qualified positive recommendation, amending the recommendation to add a definition of a trip, and to achieve a 50% improvement of sustainable trips by 2030 and 100% by 2040. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

Potential for some additional staff time required to serve commission meetings.

CURRENT SITUATION AND ITS EFFECTS

Berkeley envisions a radically different city within the next 30 years: a future in which every car, truck, bus, and motorcycle on Berkeley streets run on clean, renewable resources.

This fossil-fuel free city won't invent itself. However, given current trajectories, it is clear that Berkeley requires aggressive policy approaches to phase out the use of fossil fuels for transportation and re-envision the way we get around our city. Berkeley must explore aggressive and transformative approaches to solve our linked transportation and climate crises.

Setting the goal of 100% sustainable trips by 20452040 aligns with Berkeley's Strategic Plan, advancing the goal to be a global leader in addressing climate change, advancing

100% Sustainable Trips by [20452040](#)

environmental justice, and protecting the environment. [Trips are defined here as consistent with the Federal Highway Administration's National Household Travel Survey Glossary.](#)<sup>1</sup>

At a regular meeting on Thursday, November 14, 2019, the Community Environmental Advisory Commission unanimously approved a motion to send the *100% Sustainable Trips by 20452040* recommendation to City Council (M/S/C Hetzel, Gould. Ayes: Simmons, Varnhagen, Hetzel, De Loen, Goldhaber, Gould. Abstained: None. Absent: Ticconi).

### BACKGROUND

In June 2018, the Berkeley City Council unanimously declared a state of Climate Emergency. Coupled with a resolution to become a Fossil Fuel Free city and subsequent goals of carbon neutrality, Berkeley has officially acknowledged the need for robust social change—one that can only be facilitated by an equally robust policy response. Moreover, with the clear disconnect between state, federal, and even international approaches towards the climate crisis, it is clear that local governance ought to take a greater role in actively finding, drafting, and implementing solutions.

As such, since June 2019, the Community Environmental Advisory Commission has workshopped various sustainable mobility measures in order to address this local concern. These proposals rise to the challenge of inventing new visions for a sustainable future, ranging from eliminating the sale of gasoline within City limits to a wholesale prohibition on the operation of fossil-fuel powered vehicles on City streets.

In neighboring San Francisco, which has had a long legacy of transit-first policy and recently reached over 50% of trips taken by sustainable modes, Mayor London Breed has set the goal of achieving 100% of trips taken by sustainable modes – walking, biking, transit, and EVs – by 2040.

### ENVIRONMENTAL SUSTAINABILITY

Moving 100% of trips to sustainable modes by [20452040](#) will have significant environmental benefits if achieved, reducing Berkeley's greenhouse gas emissions by over 60% from a 2019 baseline and positioning the City to achieve the voter-mandated target of an 80% reduction below 1990 levels by 2050.

### RATIONALE FOR RECOMMENDATION

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<sup>1</sup> See [NHTS Glossary: Abbreviations, Travel Concepts and Glossary of Terms, https://nhts.ornl.gov/2009/pub/UsersGuideGlossary.pdf](https://nhts.ornl.gov/2009/pub/UsersGuideGlossary.pdf)

100% Sustainable Trips by 20452040

As things currently stand, Berkeley is extremely unlikely to meet its carbon reduction and fossil-free goals without aggressive action on transportation decarbonization and investment in sustainable mobility alternatives.

Adopting this goal will empower City commissions and staff to develop and propose more aggressive solutions that are effectively targeted to the scale of the problem.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Ben Gould, Chair, Community Environmental Advisory Commission, 510-725-9176  
Viviana Garcia, Commission Secretary, Planning & Development, (510) 981-7467

Attachments: Resolution

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

100% Sustainable Trips by 20452040

WHEREAS, concentrations of greenhouse gases (GHGs) continue to reach new records and are at some of the highest levels in the millennia; and

WHEREAS, the latest analysis from the Global Atmosphere Watch program of the World Meteorological Organization shows that globally averaged surface mole fractions for carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) reached new highs in 2017, with CO<sub>2</sub> at 405.5 ± 0.1 ppm, CH<sub>4</sub> at 1859 ± 2 ppb, and N<sub>2</sub>O at 329.9 ± 0.1 ppb—these values constituting, respectively, 146%, 257% and 122% of preindustrial levels; and

WHEREAS, carbon dioxide is the single most important anthropogenic GHG in the atmosphere, primarily because of emissions from combustion of fossil fuels; and

WHEREAS, the current climate crisis leads to sudden climate risks: floods, drought, extreme weather (including hurricanes and cyclones, torrential rains, storm surges, sand and dust storms, heatwaves, wild fire and cold spells), landslides and glacial lake outburst floods; and

WHEREAS, there are also slow onset impacts: higher temperatures, sea level rise, rainfall variability, reduced river flows, changing seasonal patterns, changes in species distribution, invasive species, changes in disease distribution, soil and coastal degradation, erosion, desertification, ocean acidification, coral bleaching, salt water intrusion, changes in ocean circulation patterns, and glacier or permafrost melting; and

WHEREAS, such hazards, together with other factors, create a pattern of vulnerability expected to affect all economic sectors, in particular water resources, agriculture, ecosystems, health and forestry; and

WHEREAS, while most sectors made similar percentage contributions to the GHG emission growth in 2010 and 2016, global transport emissions experienced disproportionate growth; and

WHEREAS, according to the U.S. Energy Information Administration, transportation (which includes cars, trucks, trains, etc.) has now eclipsed electric power sector as the largest emitter of CO<sub>2</sub> at 1.9 billion tons annually; and

WHEREAS, while the global market share for electric vehicles (EVs) is still small, with 3 million sales in 2017, a multi-layered policy package comprised of financial incentives and behavioral incentives (e.g. allowing EV drivers to use bus lanes and free public parking) contributed to higher EV sales in Norway; and

WHEREAS, nationally and locally, core climate policies are not in place, existing carbon rates are too low and inconsistent, and broad fiscal systems are not well aligned with decarbonization; and

WHEREAS, in recent years, political attention has been acknowledging the increasingly important role of nonstate and subnational actors such as cities, regions, civil society organizations, and local governance; and

WHEREAS, while Berkeley City Council unanimously declared a state of Climate Emergency in June 2018; and

WHEREAS, Berkeley has a passed a resolution to becomes a Fossil Fuel Free City with a goal of carbon neutrality; and

WHEREAS, the City of Berkeley Climate Action Plan has commendable goals of 33% reduction in greenhouse gases compared to 2000 by 2020 and 80% reduction by 2050; and

WHEREAS, the December 7, 2017 report from City staff showcase that there was only a 12% reduction as of 2015, indicating that the City is well behind in achieving both its 2020 and 2050 goals; and

WHEREAS Berkeley's Strategic Plan sets the goal of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment, it will be unlikely at this current trajectory; and

WHEREAS, the price of inactivity is only rising as harms are only exacerbated, showcasing the need to act with urgency; and

WHEREAS, several studies provide estimates of the global emission reductions that could be achieved, if existing good practice policies were replicated universally; and

WHEREAS, the City and County of San Francisco has adopted the goal of 100% of trips by sustainable modes by 2040;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City is committed to ensuring ~~50~~100% of trips which begin or end within Berkeley use sustainable modes – walking, bicycling, public transit, or electric vehicles – no later than ~~2030~~45.

BE IT FURTHER RESOLVED the City is committed to ensuring 100% of trips which begin or end within Berkeley use sustainable modes no later than 2040.

BE IT FURTHER RESOLVED that the City of Berkeley aims to achieve a zero-emission transportation sector no later than ~~2045~~2040.





Open Government Commission

ACTION CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council  
From: Open Government Commission  
Submitted by: Brad Smith, Chair, Open Government Commission  
Subject: Relinquishments and grants from Councilmembers' office budgets

RECOMMENDATION

Adopt a Resolution creating a temporary advisory committee consisting of three (3) members each of the City Council and the Open Government Commission ("OGC") to enable discussion between the Council and the OGC to make recommendations governing relinquishments and grants from Councilmembers' office budgets.

FISCAL IMPACT OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The issue of D-13 accounts (Council Budget Funds) being used for purposes other than office expenses has been raised at the OGC. While commission members agree that it is admirable to donate to organizations that serve the City, some members feel the practice of using office budget funds for this purpose and attaching individual Councilmembers' names to the donation may provide unfair advantage to an incumbent.

The two main concerns identified by some commissioners with the current practice are:

1. Councilmembers are able to initiate grants to organizations, at their discretion, which may raise their public profile.
2. Attaching the name of a Councilmember to a grant from the City of Berkeley may confer an advantage for the incumbent over would-be challengers.

The current practice was established in the early 2000's because councilmembers were granting public money to individuals and organizations, without approval of the Council.

This led to a concern about the potential for corruption and favoritism. The City Attorney established the existing system, though because the councilmembers' names are attached to the grants, some concern remains.

From recent discussion at OGC, commissioners are in general agreement that ending the practice of attaching the name of a councilmember to a grant will help to alleviate the main concerns: 1 & 2 above. At the OGC's April 23, 2020 meeting, commissioners unanimously approved forwarding a recommendation to Council to not include the name of an individual councilmember attached to a discretionary grant.

A review of the grants and relinquishment of funds from city council members for 2019 amounts to \$30,130. These are funds that could have been used for office, travel (on city business) and other expenses.

Commission members have discussed recommending to Council for consideration options to address the issue:

1. An amendment requiring that all disbursements from the General Fund be designated as coming from the Council as a whole, without individual names attached to the donations.
2. Create another account specifically for discretionary grants, without reducing the D-13 account budget, to allow Councilmembers to continue recommending a grant or donation to a particular organization, without an individual name attached to the donation.
3. Eliminate discretionary grants.

#### BACKGROUND

On May 21, 2020, the OGC directed four of its members to draft a proposed recommendation to Council related to relinquishment of Councilmembers' office budget funds.

On June 18, 2020, the OGC voted to present this recommendation to Council.

#### ENVIRONMENTAL SUSTAINABILITY

Not applicable.

#### RATIONALE FOR RECOMMENDATION

An advisory committee will enable collaborative discussion between the Council and the OGC to make recommendations governing relinquishments and grants from Councilmembers' office budgets.

#### ALTERNATIVE ACTIONS CONSIDERED

The OGC has discussed recommending removal of councilmember names from office budget relinquishments, banning relinquishments for grants to organizations, and



creating and funding a separate account for donations to organizations that Council would control, but which would not have councilmember names attached to it.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Brad Smith, Chair, Open Government Commission

Attachments:

1: Resolution

RESOLUTION NO. –N.S.

RESOLUTION CREATING A TEMPORARY JOINT ADVISORY COMMITTEE TO  
REVIEW COUNCIL OFFICE BUDGET RELINQUISHMENTS AND GRANTS

WHEREAS, pursuant to Berkeley Municipal Code § 2.06.190.A.2, the Open Government Commission (“OGC” or “Commission”) may “advise the City Council as to any . . . action or policy that it deems advisable to enhance open and effective government in Berkeley”; and

WHEREAS, while Commission members agree that it is admirable to donate to organizations that serve the City, some members feel the practice of using office budget funds for this purpose and attaching individual Councilmembers’ names to the donation may raise the public profile of a Councilmember and provide unfair advantage to an incumbent; and

WHEREAS, the Commission has expressed a desire to work collaboratively with the City Council to consider recommendations governing grants made from relinquishments of funds from Councilmembers’ office budgets.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that a temporary joint advisory committee consisting of three (3) members of the City Council and three (3) members of the Open Government Commission is hereby created to enable discussion between the Council and the OGC to make recommendations governing relinquishments and grants from Councilmembers’ office budgets.

BE IT FURTHER RESOLVED that the City Council and the Open Government Commission each shall, as soon as practicable and by majority vote, appoint three members to the committee created by this resolution.

BE IT FUTHER RESOLVED that the committee created by this resolution shall hold its first meeting within 60 days of passage of this resolution and at that first meeting shall determine the need for any subsequent meetings and shall adopt a schedule for any such subsequent meetings.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Kate Harrison and Sophie Hahn  
Subject: Healthy Checkout Ordinance

RECOMMENDATION

1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. Refer to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement.

POLICY COMMITTEE RECOMMENDATION

On March 9, 2020, the Health, Life Enrichment, Equity & Community Committee adopted the following action: (Hahn/Kesarwani) to send the item to Council with a positive recommendation and the following amendments requested of the author: a. For the Council report, add a third recommendation to the item to request a referral to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending allocations to support implementation, education & enforcement and to work with staff to develop protocols for the same. Additionally, under financial implications, include that enforcement of the ordinance should be focused on education and only secondarily, on traditional enforcement mechanisms. b. For the Ordinance: Under 9.82.030, strike the reference to chips and change 230 mg of sodium to 200 mg; under 9.82.060 include an effective date of January 1, 2021, and an enforcement and ongoing education date of July 1, 2021; and amend under definition 9.82.020, the defined term “Endcap” should become “Checkout Endcap” and substitutions made throughout; Checkout Endcap is defined as the product displays at the endpoints of areas designated or utilized primarily for waiting in line to make a purchase. Vote: Ayes – Kesarwani, Hahn; Noes – None; Abstain – None; Absent – Bartlett.

FINANCIAL IMPLICATIONS

1. Implementation of the ordinance would require staff time to educate the approximately 25 stores about what is required of them to comply with the ordinance. The Center for Science in the Public Interest has created a suggested list of products that meet the criteria of the ordinance. Healthy Berkeley funded

programs Bay Area Community Resources and Community Health Education Institute are both funded for FY 21 to work with stores, including with store education and monitoring. Community partners could assist with implementation. Additionally, the City Council approved a budget recommendation from the Sugar Sweetened Beverage Product Panel of Experts in May 2019, which includes additional funding for FY 20 and 21. The total recommended budget for the City of Berkeley Public Health Division (PHD) is \$427,500 per fiscal year. In Fiscal Years 2016-17, 2017-18 and 2018-19, the City Council has voted to allocate \$225,000 per fiscal year to the PHD for the administration and evaluation of the Healthy Berkeley Program. This represents an increase of \$202,500 per year in Fiscal Years 2019-20 and 2020-21.

2. Enforcement should be focused primarily on positive education and secondarily on traditional enforcement. Enforcement of the ordinance may be incorporated into the regular inspections of food retailers conducted by the City. Spot checks of items sold in each aisle is sufficient to monitor compliance.

### BACKGROUND

Today's food landscape plays a large role in determining what people purchase and consume. Unhealthy food and beverages are promoted and placed repeatedly throughout retail stores. Cheap, ready-to-eat foods high in salt, saturated fat, and added sugars dominate checkout aisles, where shoppers are more likely to make impulse purchases and where parents struggle with their children over demands to buy treats at the end of a shopping trip.

This ordinance would require all stores over 2,500 square feet in size that sell at least 25 linear feet of food to follow the requirements for Healthy Checkout, as written in the ordinance, the specifics of which are to be determined in the policy committee process. This would impact approximately 25 stores in Berkeley, including Safeway, Whole Foods, CVS, Walgreens, Berkeley Bowl, and Monterey Market.

### ***Health Impacts of Sugar and Sodium Consumption and Related Disease Disparities***

Impulse buying at checkout contributes to the high levels of sugar consumption in American diets. There has been much research and media attention<sup>1</sup> about the health impacts of excessive added sugar intake, including elevated risk of tooth decay, heart disease, and Type 2 diabetes.<sup>2</sup> The adverse health effects of added sugar consumption further entrench health disparities, burdening people of color more than white populations. Currently, Type 2 diabetes is on the rise across the country; one in three children and one of two children of color will be diagnosed in their lifetime.<sup>3</sup>

Diets that are high in sodium are linked to high blood pressure, heart disease, and stroke,<sup>4</sup> all of which disproportionately affect African Americans and communities of color.<sup>5</sup>

### ***Health Equity and Inequity***

Berkeley also has health disparities in diet-related disease. In 2014, African American residents were four times more likely than White residents to be diagnosed with

diabetes and 14 times more likely to be hospitalized due to its effects.<sup>6</sup> This gap has decreased since 2014, but the disparity continues to exist.<sup>7</sup> Rates of hospitalization for heart disease and high blood pressure are also significantly higher among African-American residents than White and Latino residents.<sup>5</sup>

On a national scale, racial and ethnic minorities experience diet-related disparities – diets high in fat and salt and low in fruits, vegetables, and whole grains.<sup>8</sup> These diet-related disparities lead to additional health disparities including heart disease and diabetes, as discussed above. Providing more nutritious options will benefit people of all backgrounds, but it will disproportionately benefit low-income communities and communities of color who are most affected by nutrition-related health issues.

### ***Checkout Areas of Grocery Stores Contribute to the Problem***

Consumers are trying to make healthier purchases. A 2019 report found that 73 percent of shoppers are concerned about the nutritional content of their food.<sup>9,10</sup>

Despite consumer desire to select healthier foods, unhealthy foods are prevalent in checkout areas in a wide variety of retail stores. A national study of 8,600 stores – including supermarkets, convenience stores, drug stores, and dollar stores – found that 88 percent display candy at checkout and one-third (34 percent) sell sugar-sweetened beverages.<sup>11</sup> Only 24 percent of stores sell water at checkout, and only 13 percent sell fresh fruits or vegetables at checkout.<sup>8</sup> Almost all supermarkets (91 percent) display candy and 85 percent sell soda and other sugary drinks at checkout.<sup>8</sup>

In 2018, a Berkeley-based youth group assessed a sample of 35 Berkeley stores including Walgreens, Safeway, Trader Joes, Target, Berkeley Bowl, Dollar Tree and others. Data was collected from 16,404 facings, which are the display of a single product on the shelf (not including the items stacked behind it). They found that 69 percent of beverages and 81 percent of foods sold in the checkout area of surveyed stores were considered unhealthy using the National Alliance for Nutrition and Activity Model Nutrition Standards for Checkout.<sup>12</sup>

Research shows that food choices are strongly affected by the environments in which they are made. The aim of placing food and beverages at checkout is to induce unplanned purchases; thus, unhealthy checkout options undermine consumers' efforts to purchase healthier foods.<sup>13</sup> The placement of snacks near the register increases the likelihood that people purchase those foods.<sup>14</sup> In addition, most of the candy, soda, and chips in checkout aisles are placed at eye-level and within reach of children, undermining parents' efforts to feed their children well.<sup>15</sup>

Three-quarters of parents report that it is hard to shop at grocery stores because unhealthy food is so prevalent.<sup>16</sup> Healthy checkout aisles provide all families more opportunities to say yes to their kids.

***Grocery Stores are a Prime Place for Policy Change***

Grocery stores are Americans' top source for food and beverages, providing more than 60 percent of calories.<sup>17</sup> Ninety percent of Supplemental Nutritional Assistance Program (SNAP) dollars are redeemed at supermarkets and grocery stores.<sup>18</sup> Though grocery stores sell a wide range of healthy products, they are also the largest contributor of unhealthy food and beverages to the diet. Seventy percent of the sugary beverages children consume come from food retail.<sup>19</sup>

Sugary drinks are promoted repeatedly throughout stores; appearing in as many as 25 different places in a single grocery store.<sup>20</sup> At checkout, these drinks make up 60% of beverage offerings.<sup>21</sup>

Healthy Checkout also provides an opportunity for grocery stores. When United Kingdom grocery stores provided healthier options at checkout, consumers responded positively and provided a “responsible” branding opportunity for those stores.<sup>22</sup> Consumers want healthier options, and stores can use this fact to their advantage.

For all these reasons, grocery store checkout lanes are an ideal place to begin changing norms around healthy snacks and drinks.

***Strategies to Reduce Sugar Consumption in Berkeley***

In 2014, Berkeley became the first city in the country to tax the distribution of sugar sweetened beverages. In the last five years, the City created the Healthy Berkeley program which supports the Berkeley Unified School District garden education program as well as community programs that educate residents about nutrition and are changing norms around beverage choice.

This ordinance is another effort to create a healthy food environment that would support families by providing them the ability to avoid high-calorie, low-nutrient food and beverages when they do their grocery and other shopping. Individuals and families who want to purchase sugary drinks, candy, chips, and other sweet and salty snacks will be able to find them in their respective aisles in the center of stores. By changing checkout norms, shoppers and their children face less temptation to consume sugary foods and there is less reinforcement of these unhealthy choices.

***Berkeley Residents are Demanding Checkout Changes***

In 2018, Berkeley-based youth advocates conducted four focus groups where adults and adolescents unanimously supported removing unhealthy food and beverages from grocery store checkout lanes and requiring stores to have healthy checkout aisles. Participants suggested retailers stock checkout with water, fruit juice, coffee, and tea. They also requested that gum, mints and healthy snacks be available. Using the National Alliance for Nutrition and Activity standards as a guide, this ordinance aims to create checkout aisles where beverages with no added sugars or artificial sweeteners, such as 100% juice and water are considered healthy beverages, and where healthy snacks are predominantly fruits, nuts, and vegetables.

In order to streamline implementation and enforcement, the proposed Healthy Checkout Ordinance restricts added sugars and sodium for food products sold at checkout.

### ***Outreach and Focus Groups***

The Center for Science in the Public Interest performed four focus group studies in 2019 regarding the proposed Healthy Checkout Ordinance. The focus groups were intentionally diverse but focused on youth and health advocates. The four focus groups were 1) Berkeley High School students 2) Latinx women in South Berkeley, conducted in Spanish 3) African-American women, hosted by Healthy Black Families and 4) North and Northwest Berkeley residents, hosted by Urban Adamah. From the focus groups, advocates learned that half reported feeling stress at checkout, there was unanimous support for healthy checkout options in grocery stores, and parents and children are susceptible to impulse purchases.

There were also nine interviews conducted with a dentist, a Community Health Commissioner, two non-profit leaders, four local retail managers, and one store owner. 100% of the retailers were interested in making healthier changes and 50% of the managers were interested in supporting the ordinance directly. All retailers also stated that straightforward guidelines would help with implementation.

The City has also begun some outreach, with positive results. Healthy Checkout was recently polled in the Berkeley Considers engagement portal, where over 95% of respondents were in favor. Over 100 people responded to the question.

### ***Healthy Checkout Reduces Impulse Buying of Sugary Snacks and Drinks***

A recent study by the University of Cambridge analyzed purchasing data for common unhealthy checkout foods from 2013-2017 in nine U.K. supermarket chains. They found that consumers purchased 17 percent fewer sweets, chocolate and potato chips. One year later the decline in unhealthy purchases remained steady at 16 percent.<sup>1</sup>

The Healthy Checkout Ordinance will create a level playing field for customers and retailers and support consistent, healthy snacking norms for shoppers and families.

### ***Providing Alternatives at Checkout in Berkeley: Ordinance Elements***

The attached ordinance (Attachment 1):

- limits food and beverage products sold at the checkout area;
- applies to approximately 25 stores in Berkeley that are over 2,500 square feet (see attached) and have more than 25 linear feet of food for sale; and
- allows only beverages with no added sugars and no artificial sweeteners and food items with limited calories, added sugars, and sodium to be sold in the checkout area.

These limitations allow for healthy alternatives to proliferate in checkout areas. Stores will continue to sell food items in their checkout areas, and limiting the salt and added

sugars will lead to stores selling fruits, vegetables, seeds, nuts, water, milk, and other healthier options.

The attached ordinance still has some unanswered questions that will require input from public health advocates, City staff, food retailers, and the policy committee. Those questions are:

- how to define healthy food, and what parameters are most appropriate;
- date of implementation;
- appropriate definition of “checkout area”. The attached draft ordinance includes the definition of “checkout area” as defined in AB 765, but that definition may not appropriately reflect the needs of all large retail stores in Berkeley.

#### RATIONALE FOR RECOMMENDATION

Requiring the approximately 25 stores to follow the requirements for Healthy Checkout would eliminate the encouragement of unplanned purchases of unhealthy foods and beverages. Such a change would thus contribute to healthy norms and reduce the consumption of sugary drinks and unhealthy foods in the City of Berkeley.

#### ALTERNATIVES CONSIDERED

In February 2019, Assemblymember Buffy Wicks introduced AB 765, a bill which would implement Healthy Checkout statewide. However, as the bill has not advanced from committee since April, progress at the state level is not guaranteed.

In the United Kingdom, many grocery stores have voluntarily undertaken a healthy checkout initiative.<sup>22</sup> However, without clear standards for what constitutes “healthy” or enforcement, the voluntary model is too modest to draw conclusions about long-term health impacts. In addition, the interviews with retailers indicated that voluntary compliance without straightforward guidelines would be more difficult to follow.

#### CONTACT PERSON

Kate Harrison, District 4

#### ATTACHMENTS:

1: Draft Ordinance



- <sup>1</sup> Brody, JE. The Downside of Having a Sweet Tooth. *The New York Times*. July 22, 2019. <https://www.nytimes.com/2019/07/22/well/eat/the-downside-of-having-a-sweet-tooth.html>.
- <sup>2</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. *2015–2020 Dietary Guidelines for Americans 8th Edition*. Washington, DC; HHS and USDA, 2015.
- <sup>3</sup> *Lancet Diabetes Endocrinol*. 2014 Nov;2(11):867-74. doi: 10.1016/S2213-8587(14)70161-5. Epub 2014 Aug 12.
- <sup>4</sup> <https://www.hsph.harvard.edu/nutritionsource/salt-and-sodium/>
- <sup>5</sup> <https://www.cdc.gov/mmwr/volumes/67/ss/ss6705a1.htm>
- <sup>6</sup> City of Berkeley. *Health Status Report 2014*. Berkeley, CA; 2014.
- <sup>7</sup> City of Berkeley. *Health Status Report 2018*. Berkeley, CA; 2018.
- <sup>8</sup> Satia, Jessie A. *Diet-Related Disparities: Understanding the Problem and Accelerating Solutions*. J. Am Diet Assoc. 2009 April.
- <sup>9</sup> Food Marketing Institute. *The Power of Health and Well-Being in Food Retail*. Arlington, VA: FMI; 2019.
- <sup>10</sup> International Food Information Council Foundation. *2019 Food & Health Survey*. Washington, D.C.: IFIC; 2019.
- <sup>11</sup> Barker D, Quinn C, Rimkus L, Zenk S, Chaloupka F. *Availability of Healthy Food Products at Check-out Nationwide, 2010-2012*. Chicago, IL: Bridging the Gap Program, Health Policy Center, Institute for Health Research and Policy, University of Illinois at Chicago; 2015.
- <sup>12</sup> The Center for Science in the Public Interest. *Model Nutrition Standards for Checkout*. <https://cspinet.org/protecting-our-health/nutrition/model-nutrition-standards-checkout>.
- <sup>13</sup> Center for Science in the Public Interest. *Temptation at Checkout: The Power of Point-of-Sale Retail Food Marketing*. Washington, D.C.: CSPI; 2015.
- <sup>14</sup> Kerr J, Sallis JF, Bromby E, Glanz K. Assessing Reliability and Validity of the GroPromo Audit Tool for Evaluation of Grocery Store Marketing and Promotional Environments. *J Nutr Educ Behav*. 2012;44(6):597-603. doi:10.1016/j.jneb.2012.04.017.
- <sup>15</sup> Horsley JA, Absalom KA, Akiens EM, Dunk RJ, Ferguson AM. The Proportion of Unhealthy Foodstuffs Children Are Exposed to at the Checkout of Convenience Supermarkets. *Public Health Nutr*. 2014;17(11):2453-2458.
- <sup>16</sup> Caravan ORC International. *Checkout Polling: Online Survey of 1,024 adults*. Princeton, NJ; 2016.
- <sup>17</sup> Mancino L, Guthrie J. *Supermarkets, Schools, and Social Gatherings: Where Supplemental Nutrition Assistance Program and Other U.S. Households Acquire their Foods Correlates with Nutritional Quality*. Washington, DC: U.S. Department of Agriculture Economic Research Center; 2018.
- <sup>18</sup> U.S. Department of Agriculture Food and Nutrition Service. *2015 SNAP Retailer Management Year-End Summary*. Washington, D.C.: USDA; 2015.
- <sup>19</sup> Poti JM, Slining MM, Popkin BM, Kenan WR. Where are kids getting their empty calories? Stores, schools, and fast food restaurants each play an important role in empty calorie intake among US children in 2009-2010. *J Acad Nutr Diet*. 2014;114(6):908-917. doi: 10.1016/j.jand.2013.08.012.
- <sup>20</sup> Cohen DA, Bogart L, Castro G, Rossi AD, Williamson S, Han B. Beverage marketing in retail outlets and The Balance Calories Initiative. *Prev Med*. 2018;115:1-7.
- <sup>21</sup> Fielding-Singh P, Almy J, Wootan MG. *Sugar Overload: Retail Checkout Promotes Obesity*. Washington, DC: Center for Science in the Public Interest, 2014.
- <sup>22</sup> Winkler, Lise L, et al. *Substituting Sugar Confectionary with Fruit and Healthy Snacks at Checkout – A Win-Win Strategy for Consumers and Food Stores?* BMC Public Health. 2016

ORDINANCE NO. -N.S.

ADDING CHAPTER 9.82 TO THE BERKELEY MUNICIPAL CODE "HEALTHY CHECKOUT"

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

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

**9.82.010. Findings and Purpose.**

The City of Berkeley hereby finds and declares as follows:

- A. Diets with an excess of added sugars and sodium are correlated to chronic health issues including diabetes, high blood pressure, and stroke.
- B. Food choices are strongly affected by the environments in which they are made. The placement of unhealthy snacks near a register increases the likelihood that consumers will purchase those foods and drinks, thus undermining consumer health choices and public health initiatives.
- C. It is in the interest of the health, safety, and welfare of all who live, work, and do business in the City that large stores offer healthy options and do not actively encourage the purchase of unhealthy foods.
- D. This Chapter is consistent with the General Provisions of Environmental Health of the City (Berkeley Municipal Code 11.04).

**9.82.020. Definitions.**

- A. "Added Sugars" means sugars added during the processing of food and beverages, or are packaged as such, and include sugars (free, mono and disaccharides), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices that are in excess of what would be expected from the same volume of 100 percent fruit or vegetable juice of the same type, as defined in Section [101.9](#) of Title 21 of the Code of Federal Regulations.
- B. "Artificial Sweetener" means sweeteners with few to no calories that have a higher intensity of sweetness per gram than sucrose.
- C. "Category List" means the list of foods and beverages which meet the standards of BMC 9.82.030.
- D. "Checkout Area" means any area that is accessible to a customer of the Large Retail Store that is either:
  - i. within a 3-foot distance of any Register; or
  - ii. designated primarily for or utilized primarily by customers to wait in line to make a purchase at a Register, up to and including the Checkout Endcap.

- E. "Checkout Endcap" means product displays placed at endpoints of areas designated primarily for or utilized primarily by customers to wait in line to make a purchase.
- F. "Register" means a device used for monetary transactions that calculates the sales of goods and displays the amount of sales for the customer.
- G. "Large Retail Store" means a commercial establishment selling goods to the public with a total floor area over 2,500 square feet and selling 25 linear feet or more of food.

**9.82.030. Healthy Checkout Areas.**

Each Large Retail Store shall, at all hours during which the Large Retail Store is open to the public, ensure that all foods and beverages sold in all Checkout Areas meet the standards in Sec 9.82.030 A-C and comply with the list of qualifying food and beverage categories:

- A. Beverages with no added sugars and no artificial sweeteners.
- B. Food items with no more than 5 grams of added sugars, and 200 milligrams of sodium per labeled serving.
- C. Food items must be in the following categories: chewing gum and mints with no added sugars, fruit, vegetables, nuts, seeds, legumes, yogurt or cheese and whole grains.

City staff will provide technical assistance for implementation. Bi-annual review of qualifying food and beverage categories will be done by the Public Health Division. There will be a 120 day phase-in period if any changes are made.

**9.82.040. Enforcement.**

- A. The City is hereby authorized to issue all rules and regulations consistent with this ordinance, including, but not limited to, fees for re-inspection.
- B. Compliance with this Chapter shall be administered by the City during regular inspections of qualifying Large Retail Stores. The City may require a Large Retail Store to provide such information as may be necessary to determine the Large Retail Store's compliance with this Chapter.

**9.82.050. Violation--Penalty.**

- A. A Large Retail Store that violates any provision of this chapter may be subject to administrative citations pursuant to Chapter [1.28](#) of this Code.
- B. This section shall not limit the City from recovering all costs associated with implementing this chapter or investigating complaints pursuant to fee resolution.

C. Remedies and penalties under this chapter are cumulative and not exclusive.

**9.82.060. Effective Date.**

This ordinance and the legal requirements set forth herein shall take effect and be in force January 1, 2021. Enforcement pursuant to 9.82.040 shall commence no sooner than July 1, 2021.

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



Office of the Mayor

CONSENT CALENDAR

September 15, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance

RECOMMENDATION

Adopt an ordinance amending Ordinance No. 7,692-N.S. (Fair Chance Housing Ordinance) to extend the grace period for landlords to be held liable to January 1, 2021 so that staff has adequate time to complete the intended outreach prior to the ordinance going into full effect.

BACKGROUND

On March 10, 2020 the City Council unanimously passed the Fair Chance Housing Ordinance. Subsequently, on March 16, 2020 the Berkeley Health Officer issued a Shelter in Place Order in conjunction with six Bay Area counties. Final adoption of the ordinance came with the second reading on April 14, 2020.

The ordinance directed the City Manager to develop a notice and mail it to all residential property owners within 90 days of final adoption. Additionally, under the current ordinance a Housing Provider is not liable for a violation until 180 days after adoption, which would be October 11, 2020. The initial outreach, as well as more robust and collaborative efforts to ensure residential property owners and managers are properly informed and educated on this new law has been delayed. Staff has been rightfully focused on responding to the COVID-19 pandemic and closing the City's budget shortfall.

The proposed amendment extends the grace period for landlords to January 1, 2021 which would maintain the timelines and spirit of the ordinance as originally passed. Staff has indicated that they can get the notice out to property owners by Mid-September, which is more than 90 days before the proposed grace period extension expires. This should allow for sufficient time for outreach to and education to be executed as it was initially intended.

ENVIRONMENTAL SUSTAINABILITY

Not applicable

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Proposed Ordinance

ORDINANCE NO. -N.S.

AMENDING SECTION 2 OF ORDINANCE NO. 7,692-N.S., PROHIBITING THE USE OF  
CRIMINAL HISTORY IN HOUSING DECISIONS

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

Section 1. That Section 2 of Ordinance No. 7,692-N.S. is hereby amended to read as follows:

Effective Date

The provisions of this Chapter shall take effect upon thirty days after final adoption of this ordinance. A Housing Provider shall not be liable for a violation ~~within 180 days after final adoption of this Chapter~~ prior to January 1, 2021, unless the Housing Provider has first received a warning letter from the City regarding a violation of the Ordinance.

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



Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Vote of No Confidence in the Police Chief

#### RECOMMENDATION

Adopt a resolution taking a Vote of No Confidence in the Police Chief.

#### BACKGROUND

On June 9, 2020, Berkeley Police Chief Andrew Greenwood made comments to the Berkeley City Council advocating for shooting protestors of police violence, saying, "We can shoot people", when asked about an alternative to tear gas.

During this time of national recognition of the reckoning of police violence and racial justice, the Chief's comments were not merely a gaffe but an inexcusable declaration of police violence and the violation of the most basic rights guaranteed in the United States Constitution, which he is sworn to protect.

Berkeley is considered one of the most progressive cities in the country and should be leading the nation in police transformation. We must be working to find ways to respond to harms in our communities that do not put marginalized groups in constant danger. Chief Greenwood's comments directly contradict this objective.

A Center for Policing Equity report in 2018 demonstrated the disparate treatment to African American and people of color. Unfortunately, during the pandemic, disparities have only increased. Analysis of the Berkeley Police Department's Open Data Portal shows that disparities between the number of Black and White civilians the department stops *doubled during the COVID-19 pandemic*.

According to the police department's data conducted by independent analysis report "Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020" released on June 19, 2020, the following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12:

1. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
2. *The disparity between stops of African American and White civilians has skyrocketed*, as is evident from the raw numbers: African American stops are exactly 50% of total 608 stops at **304**, with White stops at **143** for 23.52% of all stops. This compares to percentages of 3,083 and 2,706, or 28% and 32% respectively in the year 2018.
3. Taking into account the *low number of African Americans* residing in Berkeley, the *disparities come into sharp relief*. African American stops are about 42.7 per 1,000 of their population, where White stops are about 2.9 per 1,000, a disparity of **14.5 to 1**. This compares to a disparity of 7.6 to 1 in 2018, meaning that **the racial disparity in stops has almost doubled** between 2018 and the pandemic period.

The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of writing citations likely means that civilians of all races are being stopped without the required reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one**. That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped.

The BPD did not report the stop data for a period of August 2019 through early June 2020 with the excuse that "For a period we had someone who was part of the processing of the data, and that position was eliminated due to staffing shortages." Competent leadership should ensure a prioritized process should always have repeatability, and an automation built into it. That means the system will not fall due to the departure of an individual.

BPD continues to demonstrate disparate treatment of people of color, Chief Greenwood's comments and actions are cause for a Vote of No Confidence. In order to transform our police, new leadership is required. The community is demanding change. For example, at the July 14, 2020 City Council meeting with over three hundred attendees, the majority stating they had no confidence in the Chief of Police as well as demanding defunding the police. Now is the time to step up and listen to the demands of our beloved community.

#### FINANCIAL IMPLICATIONS

To be determined, there could be cost savings and efficiencies in policies, procedures, processes, by eliminating the disparate treatment of African Americans and People of Color in our community.

#### ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.



CONTACT PERSONS

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

ATTACHMENTS:

1. Resolution
2. Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020

REFERENCES:

Article: Marchers in Berkeley demand resignation of police chief  
<https://www.berkeleyside.com/2020/06/13/marchers-in-berkeley-demand-resignation-of-police-chief>

Center for Policing Equity Report on the Berkeley Police Department (05/09/18)  
[https://www.cityofberkeley.info/uploadedFiles/Police\\_Review\\_Commission/Commissions/2018/Berkeley%20Report%20-%20May%202018.pdf](https://www.cityofberkeley.info/uploadedFiles/Police_Review_Commission/Commissions/2018/Berkeley%20Report%20-%20May%202018.pdf)

City Auditor's Office Dispatcher Audit (04/25/19): <http://bit.ly/2DvbCpv>  
[https://www.cityofberkeley.info/uploadedFiles/Auditor/Level\\_3\\_-\\_General/Dispatch%20Workload\\_Fiscal%20Year%202018.pdf](https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Dispatch%20Workload_Fiscal%20Year%202018.pdf)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,  
TAKING A VOTE OF NO CONFIDENCE IN THE POLICE CHIEF

WHEREAS, On June 9, 2020, Berkeley Police Chief Andrew Greenwood made comments to the Berkeley City Council advocating for shooting protestors of police violence, saying, "We can shoot people", when asked about an alternative to tear gas; and

WHEREAS, During this time of national recognition of the reckoning of police violence and racial justice, the Chief's comments were not merely a gaffe but an inexcusable declaration of police violence and the violation of the most basic rights guaranteed in the United States Constitution, which he is sworn to protect; and

WHEREAS, Berkeley is considered one of the most progressive cities in the country and should be leading the nation in police transformation. We must be working to find ways to respond to harms in our communities that do not put marginalized groups in constant danger. Chief Greenwood's comments directly contradict this objective; and

WHEREAS, A Center for Policing Equity report in 2018 demonstrated the disparate treatment to African American and people of color. Unfortunately, during the pandemic, disparities have only increased. Analysis of the Berkeley Police Department's Open Data Portal shows that disparities between the number of Black and White civilians the department stops *doubled during the COVID-19 pandemic; and*

WHEREAS, According to the police department's data conducted by independent analysis titled "Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020" released on June 19, 2020, the following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12:

1. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
2. *The disparity between stops of African American and White civilians has skyrocketed*, as is evident from the raw numbers: African American stops are exactly 50% of total 608 stops at **304**, with White stops at **143** for 23.52% of all stops. This compares to percentages of 3,083 and 2,706, or 28% and 32% respectively in the year 2018.
3. Taking into account the *low number of African Americans* residing in Berkeley, the *disparities come into sharp relief*. African American stops are about 42.7 per 1,000 of their population, where White stops are about 2.9 per 1,000, a disparity of **14.5 to 1**. This compares to a disparity of 7.6 to 1 in 2018, meaning that **the racial disparity in stops has almost doubled** between 2018 and the pandemic period.

WHEREAS, The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of writing citations likely means that civilians of all races are being stopped without the required

reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one.** That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped; and

WHEREAS, The BPD did not report the stop data for a period of August 2019 through early June 2020 with the excuse that "For a period we had someone who was part of the processing of the data, and that position was eliminated due to staffing shortages." Competent leadership should ensure a prioritized process should always have repeatability, and an automation built into it. That means the system will not fall due to the departure of an individual; and

WHEREAS, BPD continues to demonstrate disparate treatment of people of color, Chief Greenwood's comments and actions are cause for a Vote of No Confidence. In order to transform our police, new leadership is required. The community is demanding change. For example, at the July 14, 2020 City Council meeting with over three hundred attendees, the majority stating they had no confidence in the Chief of Police as well as demanding defunding the police. Now is the time to step up and listen to the demands of our beloved community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley hereby take a Vote of No Confidence in the Police Chief.

Racial Disparities in Berkeley Policing  
Update on Pandemic Period, March 15 to June 12, 2020  
George Lippman  
June 19, 2020

As of June 12, the BPD resumed publication of demographic stop data to the online open portal, after a break since July 31, 2019. See: <https://data.cityofberkeley.info/Public-Safety/Berkeley-PD-Stop-Data-NEW-/4tbf-3yt8>

The following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12.

1. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
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4. The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of writing citations likely means that civilians of all races are being stopped without the required reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one**. That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped.

An overall risk in this pandemic is that the social and legal emergency undermines democratic norms such as transparency, civilian oversight, and adherence to constitutional principle and established process. The doubling of the already high disparity of Black and White stop rates is an indicator that equal treatment under the law (Fourteenth Amendment) has been shelved in practice.

Suspension of oversight bodies such as the PRC and the Fair and Impartial Policing Working Group--and proposals to permanently defund city commissions--and the failure to publish the required stop data, all while residents are not allowed to freely travel outdoors in the city, are also troubling; they bar the community from utilizing the "disinfectant effects of sunshine."

In the attached spreadsheet, see the first tab, or sheet (“BPD Raw Data\_3-16 to 6-12-20”) for the full listing of police encounters in that period. At the bottom of this tab please find a chart summarizing the calculations on numbers and percentages of stops, and numbers, percentages, and racial disparities in enforcement outcomes (citations and arrests). Contact me directly for calculations used to quantify disparities in stops based on the population by race in Berkeley.

| Ethnicity           | Stopped | % of total    | Cited | % of stops resultin<br>g in<br>citation | Arrest | % of stops resultin<br>g in<br>arrest |
|---------------------|---------|---------------|-------|-----------------------------------------|--------|---------------------------------------|
| Asian               | 29      | 4.77%         | 6     | 20.69%                                  | 0      | 0.00%                                 |
| Black               | 304     | <b>50.00%</b> | 23    | <b>7.57%</b>                            | 8      | <b>2.63%</b>                          |
| Hispanic/Latin<br>o | 88      | 14.47%        | 9     | 10.23%                                  | 4      | 4.55%                                 |
| White               | 143     | <b>23.52%</b> | 22    | <b>15.38%</b>                           | 7      | <b>4.90%</b>                          |
| Bad data            | 1       | 0.16%         | 0     | 0.00%                                   | 0      | 0.00%                                 |
| Other               | 43      | 7.07%         | 11    | 25.58%                                  | 0      | 0.00%                                 |
| TOTALS:             | 608     | 100.00%       | 71    | 11.68%                                  | 19     | 3.13%                                 |

George Lippman  
geolippman.pjc@earthlink.net

For context on the citation rate disparities, I refer to my presentation to the Mayor’s Fair and Impartial Policing Working Group from January 2020, “Key things to understand about the BPD stop data.” That presentation refers to data from the year 2012-2018.

The citation rate discrepancies are stable over the years studied. They are critical because they show the chances of civilians of different ethnic groups to be stopped by police in Berkeley with no ensuing need for enforcement action. The citation rate metric removes the need for consideration of residency. It also removes any need for consideration of the demographics of crime. Those who argue for allowing police officers to put more weight on a civilian’s race in their decision to stop them, contend that people of color commit crime at higher rates than White people. But this disparity in post-stop enforcement shows that Black people are twice more likely than Whites to be stopped where there either was no reasonable suspicion, or that suspicion was unfounded.

These numbers are not the end of the discussion, but the beginning. Particularly the stop and the citation rate disparities require us to delve deeper. The City government should investigate how the decision to make a stop is made. Are the disparate stops being made by a subset of the street officers or across the board? Do stops that are officer-initiated versus dispatched result in different levels of disparity? Are there certain officers who make proportionately more stops of African Americans and Latinos than other officers do? How can those outlier officers be identified?

Answers to these questions will give the Working Group and the department the tools to ensure that policing is conducted fairly and impartially.

\*

In conclusion, the data described above compel the Working Group to develop an action plan that will achieve the following goals:

- Identify officers that are outliers in their practice of stopping, searching, and citation-writing, and appropriately train and manage them.
- We cannot make poorly performing officers take the entire responsibility for the disparities. We have to also look at who their commanders are, what direction the officers are getting from those commanders, and what action these commanders are taking to address the performance of these officers.
- Adopt programs such as precision-based policing and intelligence-led stops to heavily reduce stops, particularly of African Americans and Latinos.
- Reduce racial disparities in citation rates as defined in this paper as close to zero as possible.
- Ensure that all use of force is reported.



Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Support Vision 2025 for Sustainable for Sustainable Food Policies

#### RECOMMENDATION

1. Adopt a Resolution Supporting Vision 2025 for Sustainable Food Policies
2. Join [San Francisco](#), [Chicago](#) and [Austin](#) in signing the [Milan Urban Food Policy Pact \(MUFPP\)](#) which includes forming an advisory body on sustainable food policies.
3. Support adoption of a Climate-Friendly Food Purchasing Policy as described by [Friends of the Earth](#) to replace 50% of the City's annual animal-based food procurement with plant-based food.
4. Short Term Referral to the City Manager to:
  - a. Track the amount of animal-based food replaced with plant-based food
  - b. Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

#### RATIONALE FOR RECOMMENDATION

In June, 2018 the City of Berkeley unanimously passed a Climate Emergency Declaration, then in September, 2018 passed the Resolution Establishing Green Monday. Berkeley should understand the impact of our food sector on the environment, sustainability of natural resources, health, and social equity. By adopting Vision 2025 for Sustainable Food Policies, Berkeley will sign MUFPP and join C40 Cities in developing sustainable food systems through forming an advisory body with local activists, organizations, and business owners. Berkeley would join the C40 North America cities, Austin, Boston, Chicago, Houston, Los Angeles, Miami, Montreal, New Orleans, New York, Philadelphia, Phoenix, Portland, San Francisco, Toronto, Vancouver, and Washington DC and more cities may follow suit. Adopting the Vision 2025, the City of Berkeley would be committed to making food purchasing decisions that protect animal welfare, environmental sustainability, and provide healthy food options. By adopting the proposed Vision, Berkeley would also pass Climate-Friendly Food Purchasing Policy and commit to replacing 50% of annual animal-based food purchasing with plant-based food.

### OUTCOMES AND EVALUATIONS:

Berkeley City Council would receive policy recommendations from the established advisory body for increasing climate-friendly, healthy and sustainable plant-based food options. The City Council should evaluate and update contracts with food vendors.

### BACKGROUND

According to MUFPP, our food choices are directly linked to our environmental, health and social wellbeing. What we put on our plates every day either contributes to, or harms our physical wellbeing, our local economy, and our global resources. Approximately, 80% of the U.S. population lives in urban areas.<sup>1</sup> This means that urban cities are responsible for a significant portion of the national food consumption, and with it, the environmental and social impacts of those food choices. As a result, the C40 cities like San Francisco, Chicago and Austin have signed MUFPP agreements in order to develop environment-friendly, healthy and socially equitable food policies.<sup>2</sup> The City of Berkeley has wisely adopted Green Monday and the Good Food Purchasing Program (GFPP). But there is certainly a need to develop broader policies for significant improvement. Vision 2025 is designed to achieve this significant change over the next five years without causing a financial burden to the City of Berkeley. In fact, could result in overall cost savings.

By adopting Vision 2025, the City would be agreeing to sign MUFPP developed with the support of international organizations including the United Nations Farm and Agriculture Organization (UN FAO). The MUFPP suggests forming an advisory committee that would include local activists, organizations, business owners and other stakeholders to propose sustainable food policies. The second action item under the resolution is to pass a Climate-Friendly Food Purchasing policy that requires the City to replace 50% of animal-based food procurement with plant-based food.

Globally, several agencies are reporting the devastating impacts of a meat- and dairy-based diet for our physical and environmental health. The UN FAO reports that animal agriculture is responsible for emitting 18% of our planet's total greenhouse gas (GHG).<sup>3</sup> These numbers are larger than the total GHG emissions from fossil fuels burned by the global transportation sector. The agriculture sector is expected to contribute 70% of total allowable GHG emissions by 2050, risking the Paris Agreement.<sup>6</sup> Livestock and poultry account for more than 60% of the global agricultural GHG emissions and, therefore, addressing the emissions from animal agriculture is crucial in order to meet the Paris Agreement.<sup>3,6</sup> According to the consumption-based GHG inventory described in Berkeley's Climate Action Plan, the food sector contributes more than 7 metric tons of CO<sub>2</sub> Eq. per household.<sup>5</sup> Most of these emissions are from animal products like meat and dairy.<sup>5</sup> The GHG emissions from meat consumption alone is more than the combined natural gas emissions in the City of Berkeley.

The negative impact of producing meat and dairy goes beyond global warming. In a drought-affected state, the average Californian consumes 1,500 gallons of water, and 50% of it is associated with meat and dairy consumption.<sup>7</sup> According to UN FAO, we have enough cropland to feed 9 billion people by 2050 if 40% of all crops produced today for livestock is directly used



for human consumption.<sup>8</sup> Globally, animal agriculture is the leading cause of tropical deforestation and it has massive impacts on climate change and biodiversity.<sup>9,10</sup> The destruction of forests and biodiversity forces wildlife to live closer to human populations, risking the spread of infectious diseases like Ebola and COVID-19.<sup>11</sup> Additionally, the production of meat and dairy puts us in close contact with domesticated animals resulting in the spillover of zoonotic pathogens like the influenza virus. The consumption of meat and dairy is associated with an increased risk of chronic illnesses like diabetes, heart disease, and cancer.<sup>12,13</sup> This type of diet significantly increases our healthcare costs, disproportionately jeopardizing the well-being of low-income families. The growing livestock biomass within confined spaces demands the increased use of antibiotics. According to the Center for Disease Control and Prevention (CDC), the excessive use of antibiotics serves as a breeding ground for antibiotic-resistant bacteria like Salmonella<sup>14</sup>. As a result, we are facing an uphill battle of antibiotic resistance. Recently, the World Health Organization (WHO) declared Antibiotic Awareness Week in November.

According to multiple reports, the single solution to achieve environmental sustainability within the food sector is by reducing the overall number of livestock and increasing our plant-based food options. The University of Oxford's most comprehensive meta-analysis reports that 83% of world farmland is used for livestock production to provide only 18% and 37% of our calories and protein, respectively.<sup>4</sup> The replacement of animal products with plant based food can free-up farmland that could remove additional 8.1 billion metric tons of CO<sub>2</sub> Eq. every year for next 100 years.<sup>4</sup> As a result, the 50% replacement of animal products with plant-based food can reduce 20% of total anthropogenic GHG emissions across all sectors.<sup>4</sup> According to World Resource Institute, the almost 50% reduction of animal products in the average U.S. diet can reduce more than 40% of the country's agriculture GHG emission and land use.<sup>6</sup>

The City of Berkeley purchases almost \$5 million worth of food for places like senior centers, the Police Department's jail facility, public meetings, and events. As a result, Berkeley's purchasing power has a huge role to play in increasing plant-based food options. The municipal guide from Friends of the Earth (FOE) on Climate-Friendly Food Purchasing is an effective tool for increasing plant-based food options. It provides a stepwise process for municipalities to meet their target of increasing plant-based food options. Berkeley's potential to provide sustainable food is beyond the city's purchasing power. It includes, but is not limited to City parks, public schools, restaurants, and other food businesses.

Berkeley would join a good company by adopting Vision 2025. Recently, U.S. legislators have identified the importance of increasing plant-based food and milk options across various cities, states, as well as in Congress. Senator Cory Booker has introduced the Farm System Reform Act to completely phase out of Concentrated Animal Feeding Operations (CAFO). Senator Elizabeth Warren and Bernie Sanders are co-sponsoring the bill, and Representative Ro Khanna has introduced a companion bill in the House. California Assembly Bill 479 encourages public schools to provide healthy, climate-friendly (plant-based) food and milk options. This active bill has been well-received by both the State Assembly and Senate. Los Angeles and other C40 Cities have committed to establish a planetary diet of consuming only 300 grams of

meat per person in a week. New York City Council recently declared a plan to phase out processed meat and to cut down its beef purchasing by 50% in city facilities. The decision was part of the City's Green New Deal for addressing global warming. More locally, Oakland Unified School District decreased carbon footprint by 14%, water consumption by 6% and saved \$42,000 through increasing fruits, vegetables and legumes purchase and reducing meat and dairy consumption by 30%.<sup>15</sup> This low-carbon commitment by one of California's largest school districts has shown the potential for protecting the environment and natural resources through healthy and cost-effective plant-based food options.

#### REVIEW EXISTING PROGRAMS, POLICIES, AND LAWS

Vision 2025 is aligned well with Berkeley's Green Monday initiative and GFPP. Green Monday recommends serving plant-based food once a week along with raising awareness about the positive impacts of plant-based food choices on the environment. Various reports suggest that animal products alone can jeopardize the Paris Agreement to keep the global surface temperature below 2C and could threaten scarce natural resources by 2050. Significant changes in our food choices need to happen for the wellbeing of our environment and global sustainability. It demands us to extend our efforts in increasing plant-based options through specific policies in the next 5 years.

GFPP is a certification-based program that also promotes antibiotic-free and grass-fed beef. The increasing demand for animal products requires that livestock are kept in confined spaces making them vulnerable to diseases. Therefore, it is not feasible to harvest animal products at a global scale without using antibiotics in livestock. The excessive use of antibiotics has already resulted in many antibiotic-resistant bacteria, pushing countries like India and China to use last-resort antibiotic drugs, like colistin.<sup>16</sup> It will also be socially inequitable if we were to use excessive resources, like pastureland, to harvest grass-fed and antibiotic-free animal products only for wealthy families and developed nations. Additionally, the grass-fed cows contribute more methane than the grain-fed cows in CAFO.<sup>17</sup> As a result, these existing initiatives and programs require Berkeley to extend plant-based options through other programs and policies.

#### FINANCIAL IMPLICATIONS

There is no imposed cost but could result in savings associated with adopting this recommendation.

#### ENVIRONMENTAL SUSTAINABILITY

This item is in alignment with Berkeley's commitment to environmental sustainability and programs like Green Monday and GFPP. The adoption of Vision 2025 for Sustainable Food Policies will significantly reduce Berkeley's food sector associated GHG emissions, deforestation, fresh water and antibiotic consumption. It will also help Berkeley to transition towards healthy and globally sustainable food practices.

CONTACT PERSONS

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

ATTACHMENTS:

1. Resolution

REFERENCES

1. United States Census Bureau <https://www.census.gov/newsroom/press-releases/2016/cb16-210.html>
2. Milan Urban Food Policy Pact Signatories <http://www.milanurbanfoodpolicypact.org/signatory-cities/>
3. Food and Agriculture Organization of the United Nations (FAO) <http://www.fao.org/news/story/en/item/197623/icode/>
4. Oxford Meta-Analysis on Food's Environmental Impacts <https://science.sciencemag.org/content/360/6392/987>
5. Berkeley Climate Action Plan Updates 2020 [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Presentations\\_Item\\_5\\_\(6pm\)\\_Pres\\_CMO\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Presentations_Item_5_(6pm)_Pres_CMO_pdf.aspx)
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10. UN FAO report, Cattle Ranching and Deforestation <http://www.fao.org/3/a-a0262e.pdf>
11. World Economic Forum <https://www.weforum.org/agenda/2020/03/biodiversity-loss-is-hurting-our-ability-to-prepare-for-pandemics/>
12. National Institute of Health <https://www.nih.gov/news-events/nih-research-matters/risk-red-meat>
13. Physicians Committee for Responsible Medicines <https://www.pcrm.org/good-nutrition/nutrition-information/health-concerns-about-dairy>
14. Center for Infectious Disease Research and Policy, University of Minnesota <https://www.cidrap.umn.edu/news-perspective/2016/12/fda-antibiotic-use-food-animals-continues-rise>
15. Good Food Purchasing Program <https://goodfoodcities.org/less-meat-better-food-happier-kids-oakland-unified-reinvents-its-school-lunch/>
16. The Statesman <https://www.thestatesman.com/supplements/8thday/heading-for-a-disaster-1502677575.html>
17. A Well-Fed World <https://awellfedworld.org/issues/climate-issues/grass-fed-beef/>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,  
ADOPTING VISION 2025 FOR SUSTAINABLE FOOD POLICIES

WHEREAS, roughly 80% of the U.S. population live in urban areas, suggesting the important role of U.S. Cities for establishing a culture of sustainability; and

WHEREAS, the City of Berkeley has declared a Climate Emergency for protecting our environment, human population and biodiversity; and

WHEREAS, the City of Berkeley is putting best efforts to reducing greenhouse gas (GHG) emissions in order to reverse global warming as quickly as possible; and

WHEREAS, Berkeley's consumption-based GHG inventory shows significant emissions associated with the City's food system; and

WHEREAS, the World Resource Institute (WRI) reports that the agriculture sector will be responsible for 70% of the total allowable emissions by 2050, risking Paris Agreement; and

WHEREAS, the United Nations Food and Agriculture Organization (UNFAO) reports that more than 60% of agriculture emissions come from the livestock sector, and it is estimated to be higher than fossil fuel emissions from the entire transportation sector; and

WHEREAS, the scientific analysis shows the urgency to reduce GHG emissions from animal agriculture in order to meet the Paris Agreement of keeping an average global surface temperature below 2C; and

WHEREAS, California is one of the most drought-affected states, and almost 50% of Californian's water footprint is associated with consumption of meat and dairy; and

WHEREAS, the cattle industry is the leading cause of deforestation in the Amazon rainforest that is home to 10% of the world's species and a major source of vital oxygen; and

WHEREAS, the U.S. food sector is globally interconnected because of the import-export trading and therefore, our food choice directly impacts the Amazon deforestation and biodiversity loss; and

WHEREAS, 83% of agriculture land is used for raising livestock and producing their feed, but meat and dairy only provide 18% of the world's calories; and

WHEREAS, the WRI estimates a 56% increase in crop calorie demand in order to feed 9 billion people by 2050, requiring an extra 593 million hectares of agriculture land, which is twice the size of India; and

WHEREAS, the world already produces enough food to feed 9 billion people if we use crop calories to directly feed the human population; and

WHEREAS, the U.S. pours significant agriculture resources to grows crops for feeding livestock and poultry while more than 800 million people are food insecure, and 45% of children die under 5 years of age due to malnutrition; and

WHEREAS, the WHO reports that 60% of all human disease originates in animals and the Center for Disease Control and Prevention (CDC) estimates 3 out of every 4 emerging infectious diseases come from animals; and

WHEREAS, the Concentrated Animal Feeding Operations (CAFO) risk spillover of zoonotic pathogens by confining animals and bringing human beings into proximity with them; and

WHEREAS, the CAFO negatively impacts the health of surrounding communities through air and water pollution, and the majority of these homes belong to African Americans; and

WHEREAS, the Physicians Committee for Responsible Medicines (PCRM) reports that meat and dairy consumption is associated with the increased risk of chronic illness like cancer, diabetes and heart disease in the U.S.; and

WHEREAS, the International Agency for Research on Cancer (IARC) has classified processed meat like ham, bacon, hotdogs, sausage, and some deli meat as carcinogenic and red meat as a probable carcinogen; and

WHEREAS, studies show that over 90% of the people dying from COVID-19 have had pre-existing conditions, mostly from chronic diseases such as heart disease and type 2 diabetes; and

WHEREAS, the COVID-19 pandemic has disproportionately impacted communities of color, with black Americans hospitalized at 4.5 times the rate of white Americans and Hispanic Americans hospitalized at 4 times the rate of white Americans; and

WHEREAS, communities of color experience higher rates of heart disease, type 2 diabetes, and other chronic diseases; and

WHEREAS, the socio-economic and cultural factors that cause poor health conditions in many communities of color can be found in all of our nation's struggling communities; and

WHEREAS, hundreds of thousands of the slaughterhouse workers are undocumented and forced to meet ever-growing line speed under the threat of deportation; and

WHEREAS, the U.S. workers in meat plants are three times more likely to suffer a serious injury with an average of two amputations per week; and

WHEREAS, the slaughterhouse workers are exposed to extremely stressful environments including physical, psychological and sexual abuse and many of them develop post-traumatic stress disorder (PTSD); and

WHEREAS, overfishing is destroying marine biodiversity, and aquaculture imposes a threat to our environment; and

WHEREAS, Project Drawdown reports shifting our diet towards plant-based food as one of the most significant solutions to climate change; and

WHEREAS, WRI recommends shifting our diet to plant-based in order to reduce GHG emissions, agriculture land-use and protect public health; and

WHEREAS, WRI reports that replacing almost 50% of animal-based food in the average U.S. diet with plant-based options could reduce more than 40% of agriculture land and GHG emissions; and

WHEREAS, Milan Urban Food Policy Pact (MUFPP) summit delivered a letter signed by 65 scientists calling world mayors to reduce the consumption of animal-based food; and

WHEREAS, Los Angeles and 13 other C40 Cities have signed a declaration to reduce procurement of meat products to 300 grams (two burger patties) per person per week by 2030; and

WHEREAS, the City of Berkeley has already started establishing sustainable food systems through passing Green Monday and Good Food Purchasing Program (GFPP) and recognizes the need of expanding these efforts; and

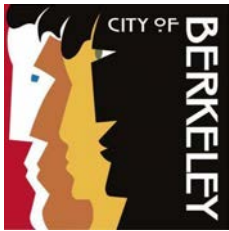
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Berkeley hereby adopts Vision 2025 for establishing sustainable food systems, wherein the City of Berkeley joins [San Francisco](#), [Chicago](#) and [Austin](#) in signing the [Milan Urban Food Policy Pact \(MUFPP\)](#) which includes forming an advisory body on sustainable food policies.

BE IT FURTHER RESOLVED, that the City Council of the City of Berkeley supports adoption of a Climate-Friendly Food Purchasing Policy as described by [Friends of the Earth](#) to replace 50% of the City's annual animal-based food procurement with plant-based food.

BE IT FURTHER RESOLVED, that the City Council of the City of Berkeley does a Short Term Referral to the City Manager to: (a) Track the amount of animal-based food replaced with plant-based food; (b) Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

BE IT FURTHER RESOLVED that the City of Berkeley will bring various stakeholders together including local activists, organizations and business owners to form an advisory body; and

BE IT FURTHER RESOLVED that the advisory body will meet once a month to review the implementation of current sustainable food programs, identify gaps and propose new programs to the City Council.



Councilmember Ben Bartlett  
City of Berkeley, District 3

CONSENT CALENDAR  
September 15th, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Amend Berkeley's Property Tax Measures and Restore Tax Equity by Changing the Square Footage Tax Imposition through a Comprehensive Verification Process

RECOMMENDATION

In order to correct inequitable and inconsistently applied rates of property tax assessments, and to ensure that outstanding revenues due to the City are paid, the Finance Department should conduct a comprehensive verification analysis. This process will update and bring the city's taxable square footage database into alignment with Planning's building area database. Through this verification, the City shall also reconcile with the Alameda County Assessor's Public Roll to ensure that the City's tax database is up-to-date and accurate. This reconciliation will restore tax equity, which has been desired by Berkeley voters, while also unifying standards, protocols and terminology between departments. The City should adopt the following habitability criteria for taxation purposes:

1. Taxable space must have manufactured flooring. If the understory has dirt base, it shall not be taxed (Uniform Building Code R502 – floor material requirement). (Acceptable proof: photo)
2. Taxable basement space must be of required height clearance. If understory has proper flooring and is of limited height, 6' 8" or less, with 6'4" allowance for ducting, then it shall not be taxed (Uniform Building Code R305 – basement height requirement) (Acceptable proof: photo with measuring tape)
3. Taxable attic space must have required height clearance. If finished attic, only areas of 6'4" height or more is taxed for city assessments (Acceptable proof: photo with measuring tape)
4. City of Berkeley shall post the property's taxable square footage in at least 12 point font on the City's Parcel Viewer page. City of Berkeley shall disclose the potential increase to taxable square footage liability for the taxpayer when application for building addition is made.
5. City of Berkeley shall make public the taxable square footage liability of the proposed finished building to the community when a Zoning Adjustments Board application is made.
6. City of Berkeley shall disclose a property's taxable square footage in writing to a property owner or interested buyer, upon request.

7. If the taxpayer requests a correction on the square footage assessments, and the space in question does not align with the above taxability requirements, the taxpayer shall be entitled to a refund on all 9 city and schools assessments for the previous four full years of taxes (Civil Code 5097). Requests for correction shall be allowed at any time.

### BACKGROUND

In 1965, the Berkeley Municipal Code was amended to state *“The following duties are hereby transferred to the appropriate officers and employees of the County of Alameda: (a) The assessment of City of Berkeley property for City of Berkeley taxes. (b) The equalization and correction of the assessment”* (BMC 7.24.010). Instead of using County standards and measures, however, the City has its own unique method of measuring taxes and assessing property within the City.

BMC 7.56.030A allows the Finance Department to impose taxes on the dwelling unit square feet. Specifically, BMC 7.56.020C defines dwelling as “designed for human occupancy.” However, the City has used an expansive interpretation of what shall be included in a dwelling area. For example, many Berkeley families have been charged for non-conforming spaces and areas not designed for human occupancy under their homes. The Berkeley for Assessment Tax Equity organization has sent the Finance Department a letter. See Attachment 1 and 2. The letter highlights examples of constituents who are currently and inequitably impacted by the City’s tax method.

The City’s expansive interpretation of the BMC has led to the taxation of unfinished understory areas, including spaces that are of a reduced height and are not of adequate height to be a basement according to the Uniform Building Code. Such spaces cannot be used for dwelling without substantially rebuilding the foundation, yet many of these areas continue to be improperly taxed. At the same time, dozens of properties with true basements (with floors and sufficient height to walk around in) are not taxed for those spaces.

At the same time, there are homeowners who experience windfall because they are not being taxed for new additions to their properties. According to the Berkeley for Assessment Tax Equity, hundreds of properties escape these assessments for their permitted additions each year because some Berkeley property owners who build onto their property are often not reassessed in square footage by the City of Berkeley or in ad valorem value by Alameda County. The inconsistencies in taxation, along with the imposition of taxes on non-dwelling spaces, is an equity issue that must be addressed.

Incorrect dwelling space assessments place a huge burden on many Berkeley homeowners--several of whom are seniors, persons of color, and/or have fixed-income.



These individuals experience economic hardship by paying hundreds of dollars more in taxes for unfinished understories on top of their already pricey assessments. All while other homeowners are experiencing windfall because they are not similarly taxed. As a result, those who pay taxes on their unfinished understory area subsidize those who do not pay for what should be their new additions' fair tax increase.

### CURRENT SITUATION

The voters of the City of Berkeley have approved various Tax Assessments to benefit the Berkeley Public Schools and City Programs and Districts. The intent of the voters was equitable taxation through calculation based on the size of the dwelling or business. Instead, the City's tax assessments have been calculated in a way that allows escaped assessments for those who have added on to their home with or without permits. In addition, the City's interpretation of 1950s and 1960s building cards has led the City to charge homeowners for non-conforming spaces, which are not part of their dwelling, at varying rates of tax assessments for similarly sized properties.

Community members, including individuals from Berkeley for Assessment Tax Equity (BATE), have asked the Council to rationalize this process of paying property taxes. BATE and past auditors have already identified problems with the tax records, including:

1. The failure of the city to capture square footage at the intersection of planning/building and finance/assessor
2. The inequitable imposition of taxes on non-conforming spaces for some properties, and not for others

In the past four decades, City auditors have identified assessment discrepancies many times and have made suggestions that echoes the recommendations of this proposal. For example, a 2005 City audit recommended the implementation of a comprehensive verification analysis, in which tax procedures should include a comparison of the building square footage (BSFT) and lot square footage (LSFT) to the County's assessed values. In 2012, another auditor recommended that the City Manager should consider aligning the tax definition of BSFT with the Planning Department's. In this case, the City's aim of using square footage for more equitable distribution of the special tax would not change. See Attachment 3.

However, the City's current method of taxation does not reflect these changes or recommendations made by past auditors. As a result, the flawed imposition of tax continues to broaden the tax burden of some and the total escaped taxes of others. In this respect, the tax equity problem results from a lack of internal controls between City Departments. .

Currently, BATE has identified 700 properties with square footage-related lost revenue errors. See Attachment 4. In addition, there are at least 40 properties with understories/basements that are not charged for these dwelling areas, while there are at least 11 confirmed homeowners who have been charged for non-conforming spaces. See Attachment 5. To effectively address the significant impacts of the City's special tax assessment method on all property owners in Berkeley, the Council should utilize the recommendations of past auditors and BATE's research to directly change the City's method of taxation.

#### ACTIONS/ALTERNATIVES CONSIDERED

The District 3 Office also considered hiring an outside consultant to conduct their own individual analysis and impact study on Berkeley's property tax measures and special assessments. This third-party consultant would analyze the impacts of the City's tax measures on homeowners and City revenues. In addition, the consultant would compare the impacts between the tax methodologies of (1) Alameda County, (2) Berkeley's Finance Department, and (3) Berkeley's Planning Department. The consultant would use this information to help the City determine the best method and practice for taxing property and ensuring tax equity. However, the City has already hired past auditors who have suggested some of the recommendations in this item. Rather than spend additional funds to hire a consultant to perform another analysis, the City should implement direct changes to the method of adherence to tax code when imposing taxes.

#### OUTREACH OVERVIEW AND RESULTS

The District 3 Office has consulted with the Berkeley for Assessment Tax Equity (BATE) and impacted constituents on the ways in which Berkeley's tax measures have significantly affected their lives and communities. The constituents have collected background materials, observed BATE community actions, and discovered findings from research on underassessed properties and experiences with City departments. The Office's communication with these constituents has informed this Council recommendation.

#### RATIONALE FOR RECOMMENDATION

This recommendation aims to restore tax equity by updating the tax records to align with habitability standards. Failing to tax habitable dwelling spaces while imposing taxes on inhabitable spaces places an economic burden on taxpayers due to the inconsistent and unequal practice of taxation assessments. Enforcing equitable taxation in the law and in practice is important to ensure homeowners are being fairly and accurately taxed based on reasonable legal standards regarding their dwelling units. Taxpayers should

not be overcharged on units that are not designed for human occupancy, noting that legal considerations of “dwelling” do not always comply with the reality of these spaces.

To enforce tax equity, these recommendations outline a standard for taxable dwelling units and inform the taxpayer of the taxation assessment method. If there is a discrepancy in the assessment, the taxpayer may request a correction to ensure tax compliance. Former city auditors have recommended these guidelines in the past, but unfortunately, there has been no action to follow through with their recommendations. Not only would these code changes ensure that homeowners are not being overly taxed, but by modifying the tax code to align with the Planning Department’s square footage database, the City can gain money from the previously unassessed, untaxed dwelling spaces. These recommendations would ensure that tax equity is properly enforced to align with habitable standards.

#### FISCAL IMPACTS OF RECOMMENDATION

Staff time to check the tax records and update the tax database to ensure that tax assessments correctly match the relevant properties that must be charged. Past auditors have found that aligning the tax code with the Planning Department’s code would make these interdepartmental tasks and updates easier. The aim of levying tax with equity in mind would not change either. In addition, removing non-conforming, non-dwelling spaces from the taxable database will not have a significant impact on revenue. Instead, changing the tax code will allow the City to capture the hundreds of thousands of dollars of unassessed dwelling space, resulting in increased cash flow.

All true basements and other non-conforming, but developed, spaces would remain taxed upon implementation of this proposed policy. Most homes that are taxed by the City at a higher square footage level than the County's value would remain this way. As a result, the City would not face rampant future applications for refunds.

#### CONTACT PERSON

Councilmember Ben Bartlett  
Katie Ly

510-981-7130  
510-981-7131

#### ATTACHMENTS

1. Berkeley for Assessment Tax Equity Group Letter (BATE) to the Finance Department
2. Signatures on BATE’s Letter
3. 2005 and 2012 City Audit on Assessment Discrepancies
4. List of the 700 Properties with Square Footage-Related Lost Revenue
5. List of the 40 Basements/Understories Not Charged

## ATTACHMENT 1

Berkeley for Assessment Tax Equity

2215 Stuart St.

Berkeley, CA 94705

July 1, 2020

City of Berkeley Finance Department

1947 Center St.

Berkeley, CA 94704

Dear Finance Department,

We, the undersigned, saw the Finance Department's response to the Berkeley Neighborhood's Request for a public hearing about the numerous requests from the community for tax bill corrections. Despite your claim to the contrary, we know that the City's square footage database is rife with errors. We are urging you to take action now to correct the square footage value you use to bill us for City and Schools parcel taxes. Berkeley Municipal Code 7.56.030A (referenced in the Library and Schools taxes) allows Finance to impose tax on the dwelling unit square feet. BMC 7.56.020C defines dwelling as "designed for human occupancy". You are imposing tax on areas that are NOT designed for human occupancy, in our cases. This is unfair and burdens us with a greater liability for City Services than others who are not similarly taxed, as each instance will show.

Willa Willis Jacobs in the 1700 block of 62<sup>nd</sup> - I pay for 820 ft<sup>2</sup> of unfinished non-conforming space under my home. Near me, at 1823 62<sup>nd</sup>, a duplex owner pays 772 ft<sup>2</sup> less than they should. Also, the duplex at 1536 62<sup>nd</sup> pays 609 ft<sup>2</sup> less than they should after their 1993 basement renovation. I, Ms. Jacobs, pay \$820 a year more than I legally should pay, the landlords at 1823 and 1536 62<sup>nd</sup> pay \$800 and \$625 less a year than they should.

Roxanne Schwartz in the 1300 block of 66<sup>th</sup> - I pay assessment taxes for 1077 ft<sup>2</sup> of unfinished, non-dwelling space less than 6 ft in height. The unfinished understories at 1619 Julia and 1623 Tyler are not charged assessment taxes on their similar spaces. Near me, at 1406 66<sup>th</sup>, the landlord owner pays for 655 ft<sup>2</sup> less building area than that showing in the public record. Why should I, a retiree on fixed income pay more for city services than that landlord whose tenants should be paying adequately for city services through their rent?

Paul Gumpel in the 1100 block of Carleton - I pay for 733 ft<sup>2</sup> of sloped dirt understory. Near me, the landlord at 1115 Carleton, only pays for half the square footage (1118 ft<sup>2</sup>) they have available to rent to tenants (2524 ft<sup>2</sup>). The landlord at 1215 Carleton pays tax on 1175 ft<sup>2</sup> less than they should for their 2587 ft<sup>2</sup> building. I, Mr. Gumpel, pay extra \$750 a year and the landlords save \$1400 and \$1200 a year, respectively.

## ATTACHMENT 1

Mrs. Doris Smith in the 1700 block of Carleton – I pay for 384 ft<sup>2</sup> of unfinished, non-conforming space. The law says and voters approved a tax on dwelling space. A couple of blocks over at 1731 Channing, they don't pay for their cavernous non-conforming space. Neither do they pay for unfinished space at 1933 Yolo and 76 Codornices and 1136 Fresno. Also close by, the owners at 2319 California don't pay tax on their beautiful 2<sup>nd</sup> story they added. Why should they receive discounts on dwelling space for years, while I am penalized for non-dwelling space? I, Mrs. Doris Smith, pay an extra \$400/year and the other owners don't have to pay this illegal tax. Many, like the owners of 2319 California don't even have to pay for dwelling space when they add it on.

Merryl Dashiell in the 1700 block of Carleton – I pay for 525 ft<sup>2</sup> of unfinished attic. City of Berkeley councilmembers, Harrison and Droste do not pay for their finished and usable attics. I, Ms. Dashiell, pay an extra \$550 a year and Councilmembers Harrison and Droste save \$500 a year each.

Colleen Miller in the 2100 block of Essex - I pay extra for unfinished understory of 1024ft<sup>2</sup>. My neighbors at 2121 Essex don't pay for their understory of 1083 ft<sup>2</sup> and the landlord of the duplex at 2117 Essex underpays for rentable, dwelling space by 1485 ft<sup>2</sup> each year. I, Colleen Miller, pay an extra unlawful \$1025 a year and the others save \$1100 and \$1500 respectively on their tax bill.

Mrs. Berrigher in the 1900 block of Fairview - we pay for 1094 ft<sup>2</sup> of unfinished understory. My neighbor at 1930 Fairview does not pay for their basement or finished attic. Also nearby, the landlord owner of the duplex at 1631 Woolsey pays for 682 ft<sup>2</sup> less space than they actually have to rent to their tenants. The owner of the nearby house, 3107 Deakin, recently on the market avoids paying for a 1000 square foot finished apartment in their untaxed basement. Fairview Family pays \$1300 more than they lawfully should be forced to pay. The landlord at 1631 Woolsey saves \$700/year. The owners at 3107 Deakin save \$1000 a year.

Wolf and Amanda Arnold in the 1600 block of Josephine - We recently bought our home and were not told that the 686 ft<sup>2</sup> of non-conforming height understory would be taxed. Down the street, the owners at 1405 Josephine don't pay assessments on their basement, even after they developed it with permits in 1997. Also on our street, 1206 Josephine underpays for permitted dwelling space by 1245 ft<sup>2</sup> (around \$1300) a year. The home at 1410 Josephine underpays by 1686 ft<sup>2</sup> or around \$1700 a year. 1315 and 1226 underpay by around \$1000/year, all for dwelling space. We will be burdened even more unfairly when taxes increase soon.

Chris Catletts in the 1700 block of Parker – I pay extra for 1119 ft<sup>2</sup> understory not tall enough to walk in without hunching over. My neighbors at 1825 Parker don't pay for the space they created in 2002 when they did a \$200,000 house raise to increase their building area by 1141 ft<sup>2</sup>. The triplex landlord owner up the street at 2120 Parker doesn't pay for the 926 ft<sup>2</sup> area of a 2006 \$253,845 ft<sup>2</sup> 3<sup>rd</sup> story. 1736 Channing doesn't pay for their understory at all. I, a retiree, pay an extra unlawful \$1119 a year and the others save an unlawful \$1150 and \$950 a year.

The Tharp/Menard family in the 1600 block of Stuart St – we pay 916 ft<sup>2</sup> extra for unfinished, dirt, non-conforming space. Our backdoor neighbor at 1618 Ward doesn't pay for the 975 ft<sup>2</sup> area of the downstairs unit they developed in the 1990s. Another duplex owner at 1508 Ward doesn't pay for the 1006 ft<sup>2</sup> they renovated in 2002, before or after the renovation! We, the Tharp/Menard family, pay \$920 a year more than we should, while the duplex owners at 1508 and 1618 pay \$1000 and \$1050 less than their share a year for city services.

**ATTACHMENT 1**

Ms. Dengler in the 2200 block of Stuart – I pay for 2286 ft2 of basement that I don't have. Meanwhile, the 4plex owner at 1939 Stuart pays for only 2700 ft2, even though it is a 3800 ft2 building. I, Mrs. Dengler, lose \$2300 a year in unlawful tax assessments while the landlord down the street saves \$1100 a year.

We beseech you to do the right thing and correct our dwelling space assessments before the new tax bills are mailed out.

Berkeley for Assessment Tax Equity

Cc: Mayor Jesse Arreguin, City Manager Dee Williams-Ridley, City Auditor Jenny Wong,  
Councilmembers Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste,  
Alameda County Tax Collector Henry Levy, Alameda County Assessor Phong La,  
Alameda County Board of Supervisor Keith Carson,  
Alameda County District Attorney Jeff Israel,  
Berkeley Neighborhood Council, Berkeley School Board  
Sharon Parker, Ca State Controller Office (Betty Yee)

*See Attachment 2 for signatures.*

ATTACHMENT 32

Willa Willis Jacobs at ~~████~~ 62<sup>nd</sup> Willa Willis Jacobs

Roxanne Schwartz at ~~████~~ 66<sup>th</sup> Roxanne Schwartz

Paul Gumpel at ~~████~~ 6 Carleton Paul Gumpel

Mrs. Smith at ~~████~~ Carleton Doris M. Smith

Merryl Dashiell at ~~████~~ Carleton Merryl Dashiell

Colleen Miller ~~████~~ Essex Colleen Miller

~~1909 Fairview~~

Wolf Arnold at ~~████~~ Josephine Wolf Arnold

~~Steve Klucavich at 1689 Parker~~

Chris Catletts at ~~████~~ Parker Chris Catletts

~~Elgie Scott at 1514 Prince~~

Laura Menard at ~~████~~ Stuart Laura Menard

Barbara Dengler at ~~████~~ Stuart Barbara Dengler

~~1914 Ward~~

~~Mr. Julius at 2001 Woolsey~~

Mrs. Beatrice Barrigher at ~~████~~ Fairview Mrs. Beatrice Barrigher 144

## ATTACHMENT 3

### Parcel Based Special Taxes, Fees, and Assessments, Presented to Council March 15, 2005

Audit Prepared by: Ann-Marie Hogan, City Auditor, CIA, CGAP, Teresa Berkeley-Simmons, Audit Manager, CIA, CGAP, Jocelyn Nip, Auditor II, CPA

From Background: Our Landscape and Park Maintenance Assessment Fund Review report issued in November 1994 and our Clean Storm Water (CSW) Assessment Audit issued in October 1995 identified many internal control weaknesses in the assessment processes. One finding in the Landscape and Park audit stated, "Changes in improvement square footage are not always entered into the assessment data base timely." One finding in the CSW audit stated, "Due to internal control weaknesses, procedures do not provide a reasonable assurance that all parcels which can be assessed CSW Fees are properly assessed."

In late 2003, members of the public revealed that several properties, including the Gaia Building, were not billed for parcel taxes. Subsequently, Finance conducted investigations of 339 parcels with zero BSFT and identified properties that had escaped assessments.

2.2 Finding 3: There is likelihood that the taxable BSFT for some parcels might have been understated or overstated, resulting in improper assessments. There is no systematic plan in place to capture such parcels, forgoing the opportunities for recovering revenue related to underassessed properties.

The discovery of an underassessment is not a one-time windfall. Additional BSFT brings a future stream of revenues as long as the property remains

There was awareness that overassessments exist, which may include exempt areas such as garages, patios and balconies. Checking for these overcharged and undercharged discrepancies was called a **comprehensive verification exercise**

5.1 On a quarterly basis, the Revenue Collection Manager should on a sample basis review and verify that the BSFT posted to the Land Management System is supported and accurate. This review should be documented.

5.2 Formalize and document the review procedures performed by the Land Management Analyst. **Procedures should include a comparison of the BSFT and LSFT to the County's assessed values.** When a property of high assessed value is assigned a zero square footage or low square footage, it should trigger a concern that the property may not be properly taxed.

### July 24, 2012 Information Calendar: Audit Status Report: Improved workflow systems

Finding 3: Finance and Planning have not clearly assigned responsibilities for capturing taxable building square footage. Recommendation 3.5: City Manager should consider whether increased accuracy and efficiency of special tax calculations is worth the cost of a special election to simplify the Berkeley Municipal Code Definition of building square footage. The City Manager, with input from Planning, should consider aligning the definition with Planning's. The City's practice of using square footage for more equitable distribution of the special tax would not change.



## ATTACHMENT 4

| Address | SqFt Escaped | City sqft | type   | Year of Addn | Cost of Addn | Addition type        | City Tax Loss-la Cnty | Loss-last 10 yr |
|---------|--------------|-----------|--------|--------------|--------------|----------------------|-----------------------|-----------------|
| 5th     | 642          | 3028      | 4plx   |              |              | error in sf2 tx      | 5259                  |                 |
| 5th     | 418          | 1098      |        |              |              | error in sf2 tx      | 3424                  |                 |
| 6th     | 921          | 2334      | triplx |              |              | error in sf2 tx      | \$7,545               |                 |
| 6th     | 539          | 832       |        |              |              | error in sf2 tx      | \$4,415               |                 |
| 6th     |              | 1463      |        | 2007         | \$80,000     | 562 ft2 addition     |                       | \$9,896         |
| 6th     | 547          | 1945      | duplx  |              |              | error in sf2 tx      | \$4,481               |                 |
| 6th     | 421          | 1699      |        | 1995         | \$22,960     | remod lower flr      | \$3,449               |                 |
| 6th     | 326          | 2442      | triplx |              |              | error in sf2 tx      | \$2,671               | \$107K/yr ir    |
| 6th     | 2698         | 3322      | 8 unit |              |              | error in sf2 tx      | \$22,101              | only reass \$   |
| 6th     | 485          | 1360      |        | 2006/15      | \$65,000     | 485 ft2 2nd str/bsmt | \$3,973               |                 |
| 6th     | 439          | 1108      |        | 2002         | \$60,000     | addn                 | \$3,596               |                 |
| 6th     | 2578         | 1340      | duplx  | 1996         | \$78,400     | raise hse/add unit   | \$21,118              |                 |
| 6th     | 477          | 1666      | duplx  |              |              | error on sf2 tax     | \$3,907               |                 |
| 7th     | 496          | 1563      |        | 1999         | \$43,966     | fam room             | \$4,063               |                 |
| 7th     | 644          | 604       | duplx  |              |              | error on sf2 tx      | \$5,276               |                 |
| 7th     | 1405         | 2384      | triplx | 1997/07      | \$90,000     | addn/add meters      | \$11,509              |                 |
| 7th     | 1200         | 1244      |        | 2007         | \$39,000     | develp bsmt          | \$9,830               |                 |
| 7th     | 988          | 953       |        | 2011         | \$80,000     | add famrm/wkshp      | \$8,093               | \$9,896         |
| 7th     | 500          | 762       |        |              |              | error on sf2 tax     | \$4,096               |                 |
| 8th     | 413          | 1157      |        | 2000/08      | \$51,000     | 239 ft2/kitchen      | \$3,383               |                 |
| 8th     | 510          | 1563      |        | 1992/05      | \$49,760     | addition             | \$4,178               |                 |
| 8th     | 322          | 884       |        | 1995         | \$19,000     | addition             | \$2,638               | \$2,350         |
| 8th     | 641          | 2290      | triplx |              |              | error on sf2 tax     | \$5,250               |                 |
| 8th     | 490          | 993       |        | 1999         | \$47,000     | bed/ba/study         | \$4,014               |                 |
| 8th     | 500          | 1268      | duplx  |              |              | error on sf2 tax     | \$4,096               |                 |
| 8th     | 544          | 1191      | duplx  | 1999         | \$90,000     | 544ftconv to duplx   | \$4,456               |                 |
| 8th     | 726          | 1796      |        |              |              | error on sf2 tax     | \$5,947               |                 |
| 8th     | 694          | 450       |        |              |              | error on sf2 tax     | \$5,685               |                 |
| 8th     | 1490         | 882       |        |              |              | error on sf2 tax     | \$12,206              | sold 2018       |
| 8th     | 4900         | 1612      |        | 2016         | \$800,000    | sfr to 4plex         | \$4,900               | \$54K done      |
| 9th     | 483          | 880       |        | 2003         | \$80,000     | addition 483 ft2     | \$3,956               | \$0 Done        |
| 9th     | 773          | 1436      |        | 2005         | \$121,000    | addn/fire repair     | \$6,332               | \$10K only      |
| 9th     |              | 2793      |        | 2003         | \$214,370    | addn 2 story         |                       | \$24,785        |

|             |      |              |      |           |                       |          |               |
|-------------|------|--------------|------|-----------|-----------------------|----------|---------------|
| 9th         | 500  | 1394         |      |           | 2 story addn          | \$4,096  |               |
| 9th         | 762  | 944          | 1994 | \$152,190 | manf hom1716 ft2      | \$6,324  | \$3,092       |
| 9th         | 610  | 1439         | 1994 | \$61,000  | attic/stair           | \$4,997  |               |
| 9th         | 653  | 1057         |      |           | error on sf2 tax      | \$5,349  | bsmt not cl   |
| 9th         | 1247 | 991 duplx    | 1998 | \$86,686  | 2 story cott/bsmt     | \$10,215 |               |
| 9th         | 690  | 1400 duplx   |      |           | error on sf2 tax      | \$5,652  |               |
| 10th        | 426  | 916          |      |           | error on sf2 tax      | \$3,490  |               |
| 10th        | 896  | 883 duplex   |      |           | 2 homes/1 lot         | \$7,340  |               |
| 10th        | 1318 | 1409         | 2003 | \$15,000  | permit 2 new furnc    | \$10,797 |               |
| 10th        | 465  | 1439         |      |           | in-law downstairs     | \$3,809  |               |
| 10th        | 580  | 1234 duplx   |      |           | error on sf2 tax      | \$4,751  |               |
| 10th        | 455  | 2983 triplex |      |           | error on sf2 tax      | \$3,727  |               |
| 62nd        | 609  | 1885 duplx   | 2003 | \$6,000   | renov bsmt            | \$4,989  |               |
| 62nd        | 1000 | 3148 duplx   |      |           | cottage in rear       | \$8,918  | unknown       |
| 62nd        | 520  | 1967 duplx   |      |           | error on sf2 tax      | \$4,260  |               |
| 63rd        | 403  | 2374 duplx   |      |           | error on sf2 tax      | \$3,301  |               |
| 63rd        | 477  | 2119 duplx   |      |           | error on sf2 tax      | \$3,907  |               |
| 63rd        | 497  | 1026         | 2004 | \$52,791  | addition              | \$4,071  | done at \$31K |
| 63rd        | 620  | 1387         | 2017 | 91500     | addn                  | \$5,078  | unknown       |
| 66th        | 655  | 2009         |      |           | error on sf2 tax      | \$5,366  |               |
| Acton       | 467  | 2533         | 2003 | 45000     | remodel/addit         | \$3,826  | \$ 5,565.00   |
| Acton       | 508  | 2137         |      |           | error on sf2 tax      | \$4,161  |               |
| Acton       | 373  | 1746         | 2002 | 20000     | garg convers          | \$3,055  | \$ 2,474.00   |
| Acton       | 923  | 976          |      |           | 2nd story             | \$7,561  | unknown       |
| Acton       | 847  | 1652 duplx   |      |           | 2nd unit not chg      | \$6,938  | unknown       |
| Acton       | 680  | 1008 duplx   |      | 1999      | gas meter unit2       | \$5,570  |               |
| Acton       | 871  | 992          |      |           | error on sf2 tax      | \$7,135  |               |
| Acton       | 611  | 1066         | 2012 | 81000     | addition 2 story      | \$5,005  |               |
| Acton       | 629  | 1140         |      |           | error on sf2 tax      | \$5,153  |               |
| Adeline     | 464  | 1040         |      |           | error on sf2 tax      | \$3,801  | ?             |
| Adeline     | 739  | 911 triplx   | 1961 | unknown   | addition              | \$6,054  | \$1,000       |
| Addison     | 335  | 985          | 1994 | 40000     | raise house           | \$2,744  | sold 2004     |
| Addison     | 2150 | 3514         | 1992 | unknown   | new duplex            | \$17,612 |               |
| Addison     | 493  | 2680         |      |           | error on sf2 tax      | \$4,039  |               |
| Allston Way |      | 1890         | 2002 | \$76,000  | raised house addition |          | \$9,401       |

|             |      |              |         |           |                     |           |                       |
|-------------|------|--------------|---------|-----------|---------------------|-----------|-----------------------|
| Allston Way | 1162 | 1362         | 1993    | \$78,140  | 2nd story           | \$9,519   | \$9,665               |
| Allston Way | 552  | 1098         | 1994    | \$40,000  | 2nd story           | \$4,522   |                       |
| Alcatraz    | 1435 | 2235 triplex |         |           | error on sf2 tax    | \$11,755  |                       |
| Alcatraz    | 482  | 1836 duplx   |         |           | error on sf2 tax    | \$3,948   |                       |
| Alcatraz    | 616  | 2786         |         |           | error on sf2 tax    | \$5,046   |                       |
| Arch        | 417  | 2127         | 2011    | \$204,041 | kitch/ba remodel    | \$3,416   |                       |
| Arch        | 600  | 1289         | 1997    |           | develp bsmt         | \$4,915   |                       |
| Arch        | 1200 | 540          | 1992    | \$108,180 | new 3 bd/2 ba hous  | \$9,830   | \$13,382              |
| Arch        | 736  | 1176 duplx   | 2010    | \$15,000  | unit A repairs      | \$6,029   |                       |
| Arch        | 448  | 4012 triplx  | 2001    | \$133,500 | 2nd story           | \$3,670   | \$16,514 no rnt bd re |
| Arch        | 2705 | 4588 multi   |         |           | error on sf2 tax    | \$22,159  |                       |
| Arch        | 375  | 3475 duplx   |         |           | error on sf2 tax    | \$3,072   |                       |
| Arch        | 493  | 1289 triplx  | 1998    |           | 3 meters install    | \$4,039   |                       |
| Arch        | 740  | 3603         | 2011/17 | \$390,000 | remodel/ADU ?       |           | \$19,680              |
| Arlington   | 1758 | 1652         | 1995    |           | home rebuild        | \$14,401  |                       |
| Arlington   | 1397 | 2430         | 2002    | \$150,000 | home rebuild        | \$11,444  |                       |
| Arlington   | 1399 | 1650         | 1997/12 |           | addn/sunrooms       | \$11,460  |                       |
| Arlington   | 145  | 1585         | 2000 ?  |           | ADU size error      | \$1,187 ? |                       |
| Arlington   | 541  | 1790         | 2006    | \$322,000 | new 2300 ft2 home   | \$4,432   |                       |
| Arlington   | 920  | 2228 duplx   | 1993    | \$32,000  | attic conversion    | \$7,536   |                       |
| Arlington   | 1079 | 1828         | 1999/02 | \$102,500 | bsmt remd/2nd stor  | \$8,839   |                       |
| Arlington   | 616  | 2144         | 1992    | \$11,000  | bsmt conv           | \$5,046   |                       |
| Arlington   | 883  | 2207         | 2002    |           | error on sf2 tax    | \$7,233   |                       |
| Arlington   | 572  | 2181         | 2013    | \$68,700  | 2nd stor addn       | \$4,686   |                       |
| Ashby       | 928  | 1810 4plx    | 2003    |           | many upgrades       |           |                       |
| Ashby       | 536  | 4525 5plx    |         |           | error on sf2 tx     | \$4,391   |                       |
| Ashby       | 416  | 1143         |         |           | several inspections | \$3,408   |                       |
| Ashby       | 671  | 1501         | 2009    | \$210,500 | renov/addn          | \$5,497   |                       |
| Ashby       | 363  | 1690         |         |           | few prmts 07-11     | \$2,974   |                       |
| Ashby       | 1055 | 1074 duplx   | 1980    |           | Victrian hse lift   | \$8,642   |                       |
| Ashby       | 542  | 1086         |         |           | error on sf2 tax    | \$4,440   |                       |
| Ashby       | 446  | 2311 duplx   |         |           | error on sf2 tx     |           |                       |
| Ashby       | 372  | 6540 8unts   | 2016    |           | Hsng Rpt-06675      |           |                       |
| Ashby       | 291  | 1880 duplx   | 1999    | \$20,000  | Rm addn/kit rmd     |           |                       |
| Ashby       | 1000 | 2960 5plx    | 2001    | \$100,000 | conv bsmt to apt    | \$8,192   |                       |

|            |      |      |         |           |                    |                   |          |          |
|------------|------|------|---------|-----------|--------------------|-------------------|----------|----------|
| Bancroft   | 1430 | 1276 |         |           | adu/downtairs      | \$11,714          | unknown  |          |
| Bancroft   | 468  | 1513 |         |           | error on card      | \$3,834           | unknown  |          |
| Bancroft   | 644  | 1544 | 2002    | \$3,220   | gar conv to living | \$5,276           | \$398    |          |
| Bay Tree   | 755  | 2300 |         |           | ADU                | \$6,184           | ?        |          |
| Benvenue   | 950  | 3463 | 4plex   |           | residence/cotta    | 13 bdrms/7 bath   | \$7,782  |          |
| Berkeley W | 335  | 966  |         |           | error on sf2 tax   | \$2,744           |          |          |
| Berkeley W | 210  | 888  | 2000    | \$6,200   | Sunroom            | \$1,720           | \$767    |          |
| Berkeley W | 911  | 864  | 1994    | \$71,000  | 2nd story addn     | \$7,463           | unknown  |          |
| Belvedere  | 206  | 801  | 1007    | ?         | error on sf2 tax   | \$1,687           | ?        |          |
| Berryman   | 480  | 1133 | 2009    | \$35,000  | ADU                | \$3,932           | \$2,066  |          |
| Blake      | 817  | 1105 | 1995    | unkown    | error on sf2 tax   | \$6,693           | unknown  |          |
| Blake      | 1740 | 1154 | unknown | unknown   | addition           | \$14,253          |          |          |
| Blake      | 584  | 1216 |         |           | error on sf2 tax   | \$4,784           |          |          |
| Blake      | 600  | 1422 |         |           | error on sf2 tax   | \$4,915           |          |          |
| Blake      | 612  | 1319 | 2000    | \$75,000  | house raise        | \$5,013           |          |          |
| Blake      | 889  | 1550 | duplx   | 2012      | raise bldg duplx   | \$7,283           |          |          |
| Blake      | 968  | 2274 |         |           | error on sf2 tax   | \$7,930           |          |          |
| Blake      | 382  | 1831 | 2004    | \$18,000  | addition           | \$0               | \$2,227  |          |
| Blake      | 711  | 2842 |         |           | error on sf2 tax   | \$5,824           |          |          |
| Blake      | 216  | 1087 |         |           | error on sf2 tax   | \$1,769           | ?        |          |
| Bonita     | 693  | 2003 | duplx   | 2003      | \$66,759           | addition          | \$5,677  |          |
| Bonita     | 1445 | 2173 | duplx   | 1992      | \$47,406           | addition          | \$11,837 |          |
| Bonita     | 788  | 2352 | triplx  | 1995/2017 | 20000/105000       | conv bsmt/attic   | \$6,455  | \$13,057 |
| Bridge     | 700  | 2709 |         |           | \$25,000           | addn:0810832712   | \$5,734  | \$3,092  |
| Browning   | 498  | 1062 |         |           |                    | error on sf2 tax  | \$4,080  |          |
| Browning   | 2647 | 720  | 2015    | \$50,000  | renovation         | \$21,684          | \$6,185  |          |
| Browning   | 433  | 1591 |         |           |                    | error on sf2 tax  | \$3,547  |          |
| California | 337  | 1454 | duplx   |           |                    | addition          | \$2,761  |          |
| California | 516  | 1244 | duplx   |           |                    | addition          | \$4,227  |          |
| California | 532  | 1078 | 2005    | \$53,400  | addn 2nd story     | \$4,358           | \$6,605  |          |
| California | 1099 | 1444 | duplx   |           |                    | error on sf2 tax  | \$9,003  |          |
| California | 658  | 2066 | 2002    | \$189,000 | 2nd story addn     |                   | \$23,379 |          |
| California | 536  | 2105 | duplx   | 1995      | \$8,000            | conv SFR to duplx | \$4,391  |          |
| California | 672  | 942  |         |           |                    | error on sf2 tax  | \$5,505  |          |
| California | 545  | 1208 | duplx   | 1994      | \$67,195           | ADU               | \$4,465  |          |

|            |      |              |           |               |                      |          |              |
|------------|------|--------------|-----------|---------------|----------------------|----------|--------------|
| California | 843  | 4913 triplex | 2002      | \$245,013     | add 2 units          | \$6,906  |              |
| California | 1062 | 1137         | 1997      | \$40,000 plus | 2nd story addn       | \$8,699  | unknown      |
| California | 674  | 966          | 2013      | \$31,500      | stor conversion      | \$5,521  |              |
| California | 504  | 1360         | 1994      | \$35,000      | attic conversion     | \$4,128  | unknown      |
| California | 370  | 944          | 2002      | \$40,000      | addition             | \$3,031  | \$4,948      |
| California | 808  | 2382 duplx   |           |               | error on sf2 tax     | \$6,619  |              |
| California | 399  | 1625         | 1994      | \$19,000      | addition             | \$3,268  | unknown      |
| California | 827  | 1037         | 1993      | \$48,793      | 872 ft2 addn         | \$7,143  |              |
| Camelia    | 1114 | 1094         | 1998      |               | bsmnt made usable    | \$9,126  |              |
| Camelia    | 451  | 1224         |           |               |                      | \$3,695  |              |
| Camelia    | 495  | 1553 duplx   |           |               |                      | \$4,055  |              |
| Camelia    | 1005 | 1005         | 2002      | \$97,365      | 2nd story addn       | \$8,233  |              |
| Campus Dr. | 949  | 2930         |           |               | error on sf2 tax     | \$7,774  | ?            |
| Campus Dr. | 1231 | 1769         | 2003      | \$115,000     | addition             | \$10,084 |              |
| Capistrano | 185  | 2603         | 2006      | \$57,873      | addition             | \$1,516  |              |
| Carleton   | 1118 | 1336 duplx   |           |               | error on sf2 tax     | \$10,944 |              |
| Carleton   | 774  | 1446         | 2017      | \$400,000     | 2nd story addn       | \$6,340  | reass \$93K  |
| Carleton   | 253  | 1604 1857    | 2012      | \$3,000       | basement convers     | \$2,074  | \$371        |
| Carleton   | 1175 | 1412 trplx   |           |               | error on sf2 tax     |          | 96.6K income |
| Carleton   | 715  | 517          |           |               | error on sf2 tax     | \$5,857  |              |
| Carleton   | 1023 | 1504 duplx   |           | \$2,002       | inspect              | \$8,380  |              |
| Carleton   | 1284 | 1614 duplx   |           |               | error on sf2 tax     | \$10,518 |              |
| Carleton   | 314  | 1348         | 1995      | \$28,000      | addition             | \$2,572  | unknown      |
| Carleton   | 500  | 1087         | 1993      | \$10,000      | 2nd story addn       | \$4,095  | \$1,237      |
| Cedar      | 554  | 1092         |           |               | error on sf2 tax     | \$4,538  | ?            |
| Cedar      | 480  | 844          | 1999      |               | addition             | \$3,932  | ?            |
| Cedar      | 433  | 1466         | 2005      | \$154,700     | raised house additio | \$3,547  | ?            |
| Cedar      | 984  | 1440         |           |               | error on sf2 tax     | \$8,060  | ?            |
| Cedar      | 1186 | 1116         |           |               | duplex added         | \$9,715  | ?            |
| Cedar      | 844  | 2209 duplx   |           |               | error on sf2 tax     | \$6,914  |              |
| Cedar      | 939  | 1231 duplx   |           |               | error on sf2 tax     | \$7,692  |              |
| Cedar      | 2789 | 2103 triplex | 1999      | \$75,000      | reconstr to triplx   | \$22,847 |              |
| Cedar      | 763  | 1948         | 1993      | \$100,000     | add cottage/remode   | \$6,250  | \$12,970     |
| Channing   | 794  | 3194         | 1998/2014 | \$103,620     | 2nd story addn       |          | \$12,818     |
| Channing   | 736  | 752          | 1996      | \$67,000      | addition             | \$6,029  | unknown      |

|              |      |      |           |      |                 |                    |          |                   |
|--------------|------|------|-----------|------|-----------------|--------------------|----------|-------------------|
| Channing     | 838  | 1377 | duplx     |      |                 | error on sf2 tax   | \$6,865  |                   |
| Channing     | 831  | 1013 |           | 1996 | \$84,000        | addition           | \$6,807  | unknown           |
| Channing     | 649  | 2263 |           | 2009 | \$53,000        | addition           |          | \$6,556           |
| Channing     | 810  | 1600 |           | 2002 | \$125,000       | 2 bed/1 ba         | \$6,635  | \$15,462          |
| Channing     | 621  | 1205 |           | 2010 | \$8,500         | remodel 2nd stor   | \$5,087  | \$1,051           |
| Channing     | 1032 | 1371 |           | 2003 | \$20,000        | bsmt to liv space  | \$8,454  | \$2,474           |
| Chestnut     | 408  | 960  |           |      |                 | erro on sf2 tax    | \$3,342  |                   |
| Chestnut     | 1014 | 1198 |           |      |                 | error on sf2 tax   | \$8,306  |                   |
| Chestnut     | 489  | 1705 |           |      |                 | error on sf2 tax   | \$3,932  |                   |
| Codornices   | 492  | 1875 |           |      |                 | sunroom            | \$4,030  | ?                 |
| Contra Costa | 480  | 2082 |           | 1997 | 75000           | int/ext remdl      | \$3,932  |                   |
| Contra Costa | 1903 | 2077 |           |      |                 | error on sf2 tax   | \$15,600 |                   |
| Contra Costa | 620  | 2171 |           | 2002 | 208000          | add master/ba      | \$5,079  |                   |
| Contra Costa | 625  | 1669 |           |      |                 | error on sf2 tax   | \$5,120  |                   |
| Contra Costa | 484  | 2058 | 2008/2015 |      | 175000          | bsmt conv/bedr add | \$3,965  |                   |
| Contra Costa | 701  | 2198 |           |      |                 | error on sf2 tax   | \$5,742  |                   |
| College      | 902  | 3218 | Bdg Hs    | 2000 | \$9,360         | build 17th bedrm   | \$7,389  | stdnt rooming hse |
| College      | 662  | 1860 | condo     |      |                 | error on sf2 tx    | \$5,423  | Is bsmt chgd?     |
| College      | 589  | 851  | condo     |      |                 | error on sf2 tx    | \$4,825  |                   |
| College      | 545  | 3351 | duplx     |      |                 | error on sf2 tax   | \$4,465  | comm'l too        |
| Cornell      | 1072 | 648  |           |      |                 | 2nd story          | \$8,782  |                   |
| Cornell      | 755  | 746  |           |      |                 | 2 story            | \$6,184  |                   |
| Cornell      | 775  | 780  |           |      |                 | 2 story            | \$6,349  |                   |
| Cornell      | 400  | 1062 |           |      |                 | back house addn    | \$3,277  |                   |
| Cornell      | 503  | 504  |           |      |                 | back addn          | \$4,120  |                   |
| Cornell      | 400  | 1003 |           |      |                 | rear 2nd story     | \$3,277  |                   |
| Cornell      | 640  | 1100 |           |      | sf2 from zillow | 2nd story          | \$5,243  |                   |
| Cornell      | 1240 | 811  |           |      |                 | 2nd story          | \$10,158 |                   |
| Cornell      | 1224 | 552  |           |      |                 | 2nd story          | \$10,027 |                   |
| Cornell      | 425  | 1080 |           |      |                 | 2 story            | \$3,482  |                   |
| Cornell      | 655  | 1069 |           |      |                 | full walkable bsmt | \$5,366  |                   |
| Cornell      | 613  | 1275 |           |      |                 | 2nd story          | \$5,022  |                   |
| Cornell      | 1000 | 1326 |           |      |                 | 2nd story          | \$8,192  |                   |
| Cornell      | 1580 | 1360 |           | 2009 | \$270,000       | second unit addn   | \$12,943 | \$33,399          |
| Cornell      | 1000 | 1360 |           |      |                 | 2nd story          | \$8,192  |                   |

|          |      |              |         |           |                    |          |             |
|----------|------|--------------|---------|-----------|--------------------|----------|-------------|
| Curtis   | 1160 | 1415 duplx   | 1992    | \$68,440  | 2nd story          | \$9,502  |             |
| Curtis   | 336  | 1120         |         |           | ADU                | \$2,752  |             |
| Curtis   | 670  | 1317         |         |           | error on sf2 tx    | \$5,489  |             |
| Curtis   | 773  | 2135 triplx  |         |           |                    | \$6,332  |             |
| Curtis   | 803  | 969          | 2000    | \$43,525  | remodel            | \$6,578  |             |
| Curtis   | 763  | 1559 duplx   |         |           | error on sf2 tx    | \$6,250  |             |
| Curtis   | 1420 | 1112         |         |           | rear 2 styt addn   | \$11,632 |             |
| Curtis   | 417  | 1971 duplx   |         |           | legalize unit/attc | \$3,415  |             |
| Curtis   | 377  | 1500         |         |           | error on sf2 tx    | \$3,088  |             |
| Curtis   | 1804 | 828          | 1994    | \$150,000 | 1300ft2 addn       | \$14,778 |             |
| Curtis   | 492  | 1184         | 1993    | \$40,000  | 2nd story addn     | \$4,030  |             |
| Dana     | 472  | 2702 multi   | 2012    | \$3,000   | attic conversion   | \$3,867  | \$371       |
| Dana     | 2154 | 1229         | 1998    | \$12,000  | bsmt conv          | \$7,577  | unknown     |
| Dana     | 782  | 1208 duplx   |         |           | error on sf2 tax   | \$6,406  |             |
| Deakin   | 608  | 1252         |         |           | error on sf2 tax   | \$4,981  |             |
| Deakin   | 1331 | 1340         | 2002    | \$75,000  | bsmt to liv space  | \$10,903 | \$9,278     |
| Delaware | 2092 | 2800 4plex   |         |           | error on sf2 tax   | \$17,137 |             |
| Delaware | 655  | 1740 duplx   | 1992    |           | create duplex      | \$5,366  |             |
| Delaware | 1865 | 1359 duplx   |         |           | error on sf2 tax   | \$15,278 |             |
| Delaware | 930  | 1062         |         |           | error on sf2 tax   | \$7,618  |             |
| Delaware | 331  | 1551         |         |           | error on sf2 tax   | \$2,711  |             |
| Delaware | 331  | 1551         |         |           | error on sf2 tax   | \$2,711  |             |
| Delaware | 937  | 1933 triplex | 1996    | \$152,170 | raise house/studio | \$7,676  | unknown     |
| Delaware | 1146 | 1244         | 2004    | \$130,000 | bsmt to liv space  | \$9,388  | \$30K reass |
| Derby    | 560  | 1122         | 2007    | \$150,000 | 2nd flr addition   | \$4,587  |             |
| Derby    | 1675 | 739 duplx    |         |           | error on sf2 tax   | \$13,721 |             |
| Derby    | 771  | 987          | 2013/15 | \$35,000  | bsmt conv/addn     | \$6,316  | \$4,330     |
| Derby    | 1148 | 1288         | 1941    | unknown   | 2nd story addn     | \$9,404  |             |
| Derby    | 449  | 1313         | 2002    | \$90,000  | addition           | \$3,678  | \$11,133    |
| Derby    | 892  | 4033         |         |           | error on sf2 tax   | \$7,307  | ?           |
| Derby    |      | 1774         | 2011    | \$35,000  | ADU                |          | \$4,330     |
| Dohr     | 1451 | 878          |         |           | error on sf2 tax   | \$11,886 | unknown     |
| Dohr     | 452  | 1506         | 2006    | \$75,000  | whole hse remod    | \$3,703  |             |
| Dohr     | 673  | 1100         | 2018    | \$139,160 | gar conversion     | \$673    | \$3,479     |
| Dwight   | 677  | 926          |         |           | 2nd story addn     | \$5,546  |             |

|           |      |              |            |               |                   |          |                          |
|-----------|------|--------------|------------|---------------|-------------------|----------|--------------------------|
| Dwight    | 418  | 2311 duplex  |            |               | error on sf2 tax  | \$3,425  |                          |
| Dwight    | 275  | 1775 triplex | 2007       |               | add 4th meter     | \$2,253  |                          |
| Dwight    | 1504 | 4678 units   | 1992       | \$125,546     | add bldg          | \$12,320 |                          |
| Dwight    | 1806 | 5776 units   | 2009       | \$60,000      | bsmt conversion   | \$14,794 |                          |
| Edith     | 1000 | 1300         |            |               | art warehouse     | \$8,192  | ?                        |
| Edith     | 463  | 2179         | 2011       |               | 2nd story addn    | \$3,793  |                          |
| Edith     | 644  | 984          |            |               | error on sf2 tax  | \$5,276  |                          |
| Edith     | 920  | 1990 duplex  | 1990       | unknown       | 2nd story         | \$7,536  | bsmt/cottg not charged   |
| Edith     | 1248 | 1878         | 1994       | \$ 200,000.00 | 4 bed 2nd story   | \$10,223 |                          |
| Edith     |      | 2399         | 2005       | \$ 137,800.00 | 2 story addn      |          | \$ 17,045.00             |
| Edith     |      | 3646         | 1998       | \$ 49,000.00  | bsmt addn         |          | \$ 6,061.00 \$6K reassoi |
| Edith     | 480  | 1459         | 2000       | \$ 51,000.00  | garg conver ADU   | \$3,932  | \$ 2,802.00              |
| Edith     | 540  | 1408         |            |               | sunrm/gar conv    | \$4,424  | ?                        |
| Edwards   | 687  | 1317         | 1994       | \$65,328      | 2nd story addn    | \$5,628  | \$8,081                  |
| Ellis     | 577  | 888 duplex   | 1995       | \$45,000      | 1 story addn      | \$4,727  |                          |
| Ellis     | 913  | 2092 duplex  | 1993       |               | error on sf2 tax  | \$7,479  |                          |
| Ellis     | 962  | 993 duplex   |            |               | error on sf2 tax  | \$7,881  |                          |
| Ellsworth | 498  | 2420         | 2006/12    | \$83,000      | bsmt conv/addn    | \$4,080  | sold in '13              |
| Ellsworth | 1015 | 2957 triplex |            |               | error on sf2 tax  | \$8,315  |                          |
| Emerson   | 1282 | 1304         |            |               | error on sf2 tax  | \$10,502 |                          |
| Essex     | 1831 | 1649 duplex  | 2002       | \$127,626     | remod bsmt        | \$14,999 |                          |
| Essex     | 1083 | 1428         | 1992       | \$73,000      | addition          | \$8,872  |                          |
| Euclid    | 913  | 1741         | 2000       | \$75,000      | fam rm addition   | \$7,479  |                          |
| Eunice    | 1346 | 1768         | 2005       | \$120,000     | 2 story addition  | \$11,026 |                          |
| Eunice    | 1357 | 1767         | 2004       | \$180,000     | addition          | \$11,116 |                          |
| Fairlawn  | 1386 | 570          |            |               | error on sf2 tax  | \$11,354 |                          |
| Fairlawn  | 724  | 1646         | 2004       | \$350,000     | addn 1212 ft2     | \$5,931  |                          |
| Fairlawn  | 728  | 876          | 2006       | \$60,000      | remodel/addn      | \$5,964  |                          |
| Fairlawn  | 1254 | 1117         |            |               | error on sf2 tax  | \$10,273 |                          |
| Fairlawn  | 527  | 1105         |            |               | error on sf2 tax  | \$4,317  |                          |
| Fairlawn  | 704  | 1154         |            |               | error on sf2 tax  | \$5,767  |                          |
| Fairlawn  | 397  | 1248         | 1994/95/96 | \$44,900      | permits not final | \$3,252  | very low txs             |
| Fairlawn  | 413  | 1643         |            |               | 2019 AUP          | \$3,383  |                          |
| Fairview  | 400  | 3333 4plex   | 1997       | \$95,481      | renovate flat     | \$3,277  | advert 96K income        |
| Forest    | 150  | 2780         |            |               | error on sf2 tax  | \$1,229  | ?                        |



|              |      |              |              |             |                       |          |                         |
|--------------|------|--------------|--------------|-------------|-----------------------|----------|-------------------------|
| Forest       | 3076 | 3817 duplx   | 2015         | \$276,972   | remodel               | \$25,197 |                         |
| Francisco    | 621  | 1142         |              |             | error on sf2 tax      | \$5,087  |                         |
| Francisco    | 344  | 1189         | 1999         | \$12,200    | addition              | \$2,818  |                         |
| Francisco    | 2060 | 1512         | 1997         | \$260,000   | raise house           | \$16,875 |                         |
| Francisco    | 1421 | 1183         | 2006         | \$150,940   | basement convers      | \$5,825  | \$3,151                 |
| Francisco    | 453  | 2016 triplex |              |             | error on sf2 tax      | \$3,711  |                         |
| Francisco    | 1373 | 1397         | 1998         | \$30,000    | 2nd story             | \$11,247 |                         |
| Francisco    | 984  | 1415         | 2002         | \$63,000    | fire dmg exist triplx | \$8,061  |                         |
| Francisco    | 658  | 2704 duplx   | 1994         | \$210,000   | new carriage hs       | \$5,390  |                         |
| Francisco    | 798  | 2453 triplex | 1997         | \$93,094    | add 2nd unit          | \$6,536  |                         |
| Francisco    | 948  | 2743 4plex   |              |             | error on sf2 tax      | \$7,766  |                         |
| Fresno       | 448  | 1728 no cty  | 2011 AUP     |             | 448ft2 2nd story      | \$3,670  |                         |
| Fulton       | 608  | 1843         | 2003         | \$85,000    | basement convers      | \$4,981  | reass. \$40K            |
| Glen         | 512  | 1488         | 1995         |             | ADU and Addtn         | \$4,194  | \$2,845                 |
| Grant        | 800  | 3750         | 2005         | \$47,300    | addtn                 | \$0      | \$5,851                 |
| Grant        | 761  | 2716 duplx   | 2005         | \$45,000    | foundt work           | \$6,234  |                         |
| Grant        | 559  | 1854         |              |             | error on sf2 tax      | \$4,579  |                         |
| Grant        | 1209 | 1343         | 1998         | \$5,500     | 1st floor convers     | \$9,904  |                         |
| Grant        | 668  | 3629 duplx   | 1999         |             | hsg viol - 3 H2O heat | \$5,472  |                         |
| Grizzly Peak |      | 2490         | 2014         | \$300,000   | 663 ft2 addn          |          | \$18,555 rent ad for \$ |
| Grizzly Peak | 868  | 1511         |              |             | in law unit           | \$7,110  |                         |
| Grizzly Peak | 792  | 1828         | 2013         | \$55,000    | 792 ft2 bsmt remodel  | \$6,488  |                         |
| Grizzly Peak | 898  | 2617         | 1998,06,10   | \$60,000    | bath/laundry crwl     | \$7,356  |                         |
| Grizzly Peak | 925  | 2285         |              |             | error on sf2 tax      | \$7,577  |                         |
| Grizzly Peak |      | 2863         | 2011         | \$125,000   | 364 ft2/remodel       |          | \$15,463                |
| Grizzly Peak | 200  | 2234         | 2003/13      | \$80K/\$37K | kitchen/sunroom       | \$1,638  | \$9,896                 |
| Grizzly Peak |      | 9043         | 2005         | \$190,000   | remodel               |          | \$23,503                |
| Grizzly Peak | 400  | 1636         | 2005/2011    | \$80,000    | Gar conv/kitch remd   | \$3,277  | \$9,896                 |
| Grizzly Peak |      | 5191         | 2018         | \$200,000   | whole hse remodel     |          | \$24,740                |
| Grizzly Peak | 1278 | 2012         | 1996         | \$176,060   | 2nd story             | \$10,469 |                         |
| Grizzly Peak | 1708 | 1938         | 1994         | \$80,000    | addition              | \$13,992 |                         |
| Grizzly Peak | 888  | 3256         | 1986 unknown |             | major remodel         | \$7,273  |                         |
| Grizzly Peak | 341  | 1972         | 1993         | \$17,000    | gar. Conv             | \$2,793  |                         |
| Grizzly Peak | 1131 | 2032         | 1996         | \$153,000   | 3rd story             | \$9,265  |                         |
| Grizzly Peak | 632  | 1784         | 2006         | \$173,000   | 2nd flr addition      | \$5,177  |                         |

|              |       |      |         |           |                            |                 |          |
|--------------|-------|------|---------|-----------|----------------------------|-----------------|----------|
| Grizzly Peak | 1510  | 2215 | 2005    | \$145,000 | addn                       | \$12,370        |          |
| Grizzly Peak | 250   | 1800 | 2018    | 23500     | basement convers           | \$488           | \$588    |
| Grizzly Peak | 434   | 1999 | 2010    | \$20,979  | legalz bsmt unit           | \$3,555         |          |
| Grizzly Peak | 769   | 1413 | 2005    | \$150,000 | 769ft2 addn                | \$6,439         |          |
| Grizzly Peak | 786   | 2494 | 2019    | \$286,750 | 786 ft2 addn               | \$786           |          |
| Grizzly Peak | 1050  | 1076 |         |           | error on sf2 tax           | \$8,601         |          |
| Grizzly Peak | 1136  | 4087 | 2000/06 | \$336,429 | 1327/470 ft2 add           | \$9,306         | ?        |
| Harmon       | 600   | 1130 | 1723    |           | error on sf2 tax           | \$4,915         | ?        |
| Haste        | 497   | 1524 | triplex |           | 1999 - 3 meters            | \$4,071         |          |
| Haste        | 1100  | 1368 | BrdgHse |           | 2 story Board              | \$9,011         |          |
| Haste        | 16929 | 2670 | multi   |           | error on sf2 tax           | \$138,679       |          |
| Hearst       | 870   | 1176 |         | unknown   | error on sf2 tax           | \$7,127         |          |
| Hearst       | 855   | 1569 | duplx   | 2000      | 125000 duplex renov        | \$12,853        |          |
| Hearst       | 1554  | 1241 | 2001/02 | 138000    | addn/ADU                   | \$12,730        |          |
| Hearst       | 90    | 2246 | 1350    | 1995      | \$30,000 basemt conv/add   | \$0             | \$3,711  |
| Hearst       | 636   | 910  |         | 1949      | unknown 2nd story addn     | \$7,455         |          |
| Hearst       | 667   | 1208 |         | 1992      | \$45,000 addition          | \$5,464         |          |
| Hearst       | 819   | 1833 |         | 2002      | \$105,000 addition         | \$6,709         |          |
| Hearst       | 373   | 3709 | triplex | 1994      | \$264,000 conv to triplex  | \$3,056         |          |
| Hearst       | 897   | 1791 | duplx   |           | error on sf2 tax           | \$7,348         |          |
| Henry        | 928   | 1134 | condo   | 2001      | \$19,000 bsmt excav/rnov   | \$7,602         |          |
| Hilgard      | 2157  | 7176 | multi   | 2015      |                            | 18 bd, renov    | \$17,670 |
| Hilgard      | 2435  | 2228 | units   |           |                            | various pmts    | \$19,947 |
| Hilgard      | 1934  | 1153 | trplx   | 2000      | \$140,000 renovations      | \$15,843        |          |
| Hillcrest    | 446   | 2020 |         | 1995      | \$39,400 addition          | \$3,654         | \$4,874  |
| Hilldale     | 110   | 2589 |         | 2006      | \$410,000 roof/attic/entry | \$901           | \$50,717 |
| Hilldale     | 225   | 1525 |         | 2003      | \$100,000 2nd stry         | \$1,843         |          |
| Hilldale     | 546   | 1446 |         |           | error on sf2 tax           | \$4,473         |          |
| Hilldale     | 849   | 1615 |         | 1997      |                            | bsmt conv dwllg | \$6,955  |
| Hilldale     | 406   | 2102 |         | 2010      | \$20,000 remodel           | \$3,326         |          |
| Hilldale     | 1131  | 1540 |         | 2000      | \$30,000 addn/kitch rmdl   | \$1,073         |          |
| Hilldale     | 1261  | 1889 |         | 2000/10   | \$58,800 seism/renov       | \$10,330        |          |
| Hilldale     | 319   | 1830 |         | 1998      | \$80,000 addn              | \$2,613         |          |
| Hilldale     | 330   | 2281 |         | 2013      | \$100,000 kitchen/remdl    | \$2,701         |          |
| Hilldale     | 845   | 2792 |         | 2014      | \$45,000 basement remodel  | \$4,499         | \$0      |

|             |      |             |           |           |                    |          |                    |
|-------------|------|-------------|-----------|-----------|--------------------|----------|--------------------|
| Hillegass   | 2924 | 15492 multi |           |           | error on sf2 tax   | \$23,953 |                    |
| Hillegass   | 270  | 3409        |           |           | error on sf2 tax   | \$2,212  |                    |
| Hillegass   | 348  | 4468 multi  |           |           | error on sf2 tax   | \$2,851  |                    |
| Hillegass   | 186  | 1338        |           |           | error ft2 tax      | \$1,524  | ?                  |
| Hillegass   | 400  | 2290 duplx  |           |           | ADU                | \$3,277  |                    |
| Hillegass   | 1850 | 2130 duplx  |           |           | addn of duplx      | \$15,155 |                    |
| Hillegass   | 273  | 2577        | 2002      | \$100,000 | minor addtn        | \$2,236  | \$12,370           |
| Hopkins     | 895  | 2010        |           |           | ADU/2nd story      | \$7,332  | ?                  |
| Hopkins     | 1022 | 868         | 2002      | \$70,000  | 2nd story          | \$8,372  |                    |
| Hopkins     | 288  | 1544        |           | \$100,000 | Access struct      | \$0      | \$12,370           |
| Hopkins     | 510  | 1683 duplx  | 2012      | ??        |                    | \$4,178  |                    |
| Indian Rock | 1121 | 2294        | 2003      | \$150,000 | addn               | \$9,183  | only reass. \$19K  |
| Indian Rock | 338  | 1938        |           | \$60,000  | bsmt renov         | \$2,769  | \$7,422            |
| Indian Rock | 633  | 4229        | 1995      | \$30,000  | patio walls/elect  | \$5,185  | \$3,711 unreass b4 |
| Jaynes      | 1160 | 1344        | 1997      | \$107,000 | house raise        | \$9,502  | sold 2011          |
| Jaynes      | 452  | 2872        | 2012      | \$137,000 | bsmt excav 452 ft2 | \$3,702  | \$0                |
| Jones       | 536  | 1052        |           |           | bsmt renov         | \$4,391  |                    |
| Jones       | 566  | 1141        |           |           | 2nd story          | \$4,637  |                    |
| Jones       | 951  | 841         |           |           | 2nd story addn     | \$7,790  |                    |
| Jones       | 220  | 862         |           |           | gar. Conv          | \$1,802  |                    |
| Josephine   | 334  | 2355        |           | \$230,000 | addition           | \$0      | \$28,451           |
| Josephine   | 1245 | 1432        | 1999/2002 | \$35,000  | addtn              | \$10,199 |                    |
| Josephine   | 592  | 1584        | 1998      | \$78,204  | addition           | \$4,850  |                    |
| Josephine   | 1038 | 2008        | 1995      | \$100,000 | 2nd story addn     | \$8,503  |                    |
| Josephine   |      |             | 1998      | \$9,000   | basement renov     |          | \$1,113            |
| Josephine   | 1686 | 962         | 1999      | \$163,000 | addition           | \$13,811 |                    |
| Josephine   | 580  | 2234        | 2017      | \$283,000 | addition           | \$4,751  |                    |
| Josephine   | 345  | 1815        | 1995      | \$40,000  | 2 story addn       | \$2,826  |                    |
| Julia       | 1599 | 1476 duplx  |           |           | error on sf2 tax   | \$13,099 |                    |
| Kains       | 300  | 1092        | 2006      | \$60,000  | bsmt conv          | \$2,458  |                    |
| Kains       | 318  | 830         | 2002      | \$67,000  | addn/kitch/ba      | \$2,605  |                    |
| Kains       | 591  | 828         | 2007      | \$200,000 | 2nd story addn     | \$6,783  |                    |
| Kains       | 704  | 1658        |           |           | error on sf2 tax   | \$5,767  |                    |
| Kains       | 1426 | 1515        | 2018      | \$250,000 | raise house        | \$1,426  |                    |
| Kains       | 935  | 1824 triplx | 2011      | \$23,000  | fire renovation    | \$7,659  |                    |

|          |      |      |                   |           |           |          |                     |
|----------|------|------|-------------------|-----------|-----------|----------|---------------------|
| Kains    | 87   | 1175 | plus attic/basmnt |           |           | \$713    | ?                   |
| Kains    | 1004 | 1716 | duplx             | 2007/2013 |           | \$8,225  | bsmt renov/remod    |
| Kains    | 363  | 1280 |                   | 2004      | \$25,500  | \$2,974  | addition            |
| Kains    | 767  | 1224 |                   | 1998/2003 | \$65,000  |          | bsmt(545)/ADU(767)  |
| Keeler   | 559  | 1027 |                   | 1998      | \$17,000  | \$4,579  | basement remodel    |
| Keith    | 502  | 1814 |                   |           |           | \$4,112  | error on sf2 tax    |
| Keith    | 2927 | 1088 | triplx            | 2007      | \$248,000 | \$23,977 | 2 story added       |
| Keith    | 596  | 1196 |                   | 1994/2018 | \$72,000  | \$4,882  | bsmt/ whole remode  |
| Keith    | 823  | 2614 |                   | 1998      | \$20,000  | \$6,742  | raise hse/legalize  |
| Keith    | 760  | 2009 | duplx             | 1994      | \$70,000  | \$6,226  | add 2nd unit        |
| Keith    | 368  | 1560 |                   | 2006/2008 | \$75,000  | \$3,015  | remodels            |
| Keith    | 922  | 2189 |                   | 2002      | \$92,200  | \$7,553  | bsmt remodel        |
| Keith    | 761  | 1256 |                   | 2002      | \$58,000  | \$6,234  | addn                |
| Keith    | 2127 | 1005 |                   | 1994      | \$26,000  | \$17,424 | addn                |
| Keith    | 900  | 2301 |                   | 1995/2005 | \$15,000  | \$7,372  | bsmt/major remod    |
| Keith    | 1166 | 1844 |                   | 1993/1995 | \$20,000  | \$9,552  | seismic/mstr addn   |
| Keith    | 1311 | 2793 |                   | 1995      |           | \$10,739 | work MAY req pmt    |
| Keith    | 538  | 2356 |                   | 1996      | \$148,000 | \$4,407  | fam rm addition     |
| Keith    | 568  | 1850 |                   | 1997      | \$45,000  | \$4,653  | 2nd story addn      |
| King     | 415  | 1689 | duplx             |           |           | \$3,400  | error on sf2 tax    |
| King     | 482  | 1684 |                   |           |           | \$3,948  | error on sf2 tax    |
| King     | 436  | 2285 |                   | 2002      | \$75,420  | \$3,572  | bsmt/2 story addn   |
| King     | 806  | 4630 | duplx             | 2016      | \$105,000 | \$2,201  | lift house add 806  |
| King     | 504  | 2131 | duplx             |           |           | \$4,129  | error on sf2 tax    |
| King     | 686  | 3380 | 4plx              |           |           | \$5,620  | see rent bd report  |
| La Loma  | 662  | 1192 | 1854              | 2005      | \$41,000  | \$5,443  | addition            |
| La Loma  | 973  | 3240 |                   | 1999      | \$55,000  | \$7,971  | 2 bed/fam rm        |
| La Loma  | 1018 | 2790 |                   | 2005      | \$80,000  | \$8,339  | renovations         |
| La Loma  | 667  | 3105 |                   | 2007      | \$35,000  | \$5,464  | seismic/other pmt   |
| La Loma  | 480  | 1664 | duplx             | 2002      | \$6,000   | \$3,932  | seismc/error        |
| Lewiston | 908  | 3194 |                   | 2008      | \$307,000 | \$7,438  | addn/remdl          |
| Lewiston | 470  | 3181 | duplx             | 2008      | ?         | \$3,850  | instl 2 meters      |
| Lewiston | 466  | 2316 |                   | 1993      | \$100,000 | \$3,817  | conv sunrm bkfst nk |
| Le Roy   | 660  | 2246 |                   | 1993      | \$25,000  | \$5,407  | bsmt renov          |
| Le Roy   | 457  | 2557 |                   |           |           | \$3,744  | error on sf2 tx     |

|           |      |             |           |           |                      |          |                  |
|-----------|------|-------------|-----------|-----------|----------------------|----------|------------------|
| Le Roy    | 824  | 1353        | 1992      | \$23,000  | conv attc to dwllg   | \$6,750  |                  |
| Le Roy    | 1598 | 4340 5plx   | 1997      | \$43,000  | fncln upgrade        | \$13,090 | student minidorm |
| Lincoln   | 408  | 1696 4plx   |           | \$23,000  | basement convers     | \$3,342  | \$2,845          |
| Linden    | 394  | 1893        | 2003      | \$15,000  | gar. Conv            | \$3,228  |                  |
| Linden    | 688  | 1843        |           |           | error on sf2 tax     | \$5,636  |                  |
| Linden    | 400  | 1523        |           |           | error on sf2 tax     | \$3,277  |                  |
| Lorina    | 1385 | 1599 duplx  |           |           | error                | \$11,346 |                  |
| Marin     | 825  | 2109        |           |           | error on sf2 tax     | \$6,758  |                  |
| Mariposa  | 548  | 2464 duplx  |           |           | error on sf2 tax     | \$4,489  |                  |
| M L King  | 865  | 2764        | 1998      | \$58,910  | raise bldg, add room | \$0      | \$7,287          |
| M L King  | 1537 | 2298 duplx  | 2005      | \$125,000 | raise bldg, add room | \$12,590 | sold 2009        |
| M L King  | 500  | 1594 duplx  | 1996      | \$20,000  | bsmt renovation      | \$4,096  |                  |
| Mathews   | 765  | 1141 duplx  |           |           | ADU                  | \$6,267  | ?                |
| McGee     | 549  | 1009 duplx  |           |           | ADU/basement conv    | \$4,497  | ?                |
| McGee     | 495  | 1754        | 2004      | \$275,000 | 2nd story addn       | \$4,055  | reass. \$68K     |
| McGee     |      | 1823        | 2009      | \$130,000 | basement convers     | \$0      | \$16,081         |
| McGee     | 390  | 1571        | 2006      | \$50,000  | powder room          | \$3,195  | sold in 2006     |
| McGee     | 763  | 1453        | 2016      | \$175,000 | basement convers     | \$6,250  | \$6,404          |
| McGee     | 161  | 1350        | 2005      | \$4,236   | basement convers     | \$1,318  | \$535            |
| McGee     | 1026 | 1026        | unknown   | unknown   | attic conv/AccStruct | \$8,405  | ?                |
| McGee     | 540  | 1742 duplx  |           | \$1,998   | bsmt raise ceiling   | \$4,424  |                  |
| McGee     | 1100 | 1881        | 2011      | \$100,500 | addition             | \$9,018  | \$12,432         |
| McKinley  | 453  | 2621 triplx |           |           | error on sf2 tax     | \$3,711  |                  |
| McKinley  | 576  | 1635        |           |           |                      | \$4,718  |                  |
| McKinley  | 689  | 2437        | 1997      |           | convers habit space  | \$5,644  |                  |
| McKinley  | 360  | 1643        | 1998      | \$85,272  | garg convers         | \$2,949  | unknown          |
| Michigan  | 332  | 2116        | 1993/1999 | \$4,000   | finish bsmt          | \$2,720  |                  |
| Michigan  | 395  | 2708        | 2005      | \$300,000 | remodel              | \$3,236  | also has bsmt    |
| Michigan  | 532  | 3853        | 1991      |           | major remodel zill   | \$4,358  | \$300K-\$29      |
| Miller    | 806  | 4077        | 2002      | \$300,000 | addition             |          | \$33,523         |
| Milvia    | 805  | 1207        |           |           | 2nd story addn       | \$6,594  |                  |
| Milvia    | 860  | 2765 duplx  |           |           | error on sf2 tax     | \$7,045  |                  |
| Milvia    | 1584 | 1050 triplx | 1995      | \$15,000  | renovate flat        | \$12,976 |                  |
| Monterrey | 966  | 2476        | 2011      | \$75,000  | addition             | \$7,913  | \$9,278          |
| Oak Knoll | 2608 | 4291        |           |           | error on sf2 tax     | \$21,364 |                  |

|        |         |      |        |              |                          |          |             |             |
|--------|---------|------|--------|--------------|--------------------------|----------|-------------|-------------|
| Ordway | 920     | 864  | 1996   | COB syst dwn | bsmt to liv space        | \$7,536  |             |             |
| Ordway | 644     | 1664 | 2006   | ?            | addition                 | \$5,439  |             |             |
| Ordway | 489     | 1139 |        | ?            | error on sf2 tax         | \$4,006  |             |             |
| Ordway | 383     | 1192 | 1996   | ?            | addition                 | \$3,137  | unknown     |             |
| Oregon | 557     | 1337 | 2001   | \$30,000     | addition                 | \$4,563  |             |             |
| Oregon | 992     | 1182 |        |              | duplx error on sf2 tax   | \$8,126  |             |             |
| Otis   | 140     | 1168 |        |              | error on tax             | \$1,147  | unknown     |             |
| Oxford | 521     | 1514 | 2001   | 7500         | conv garage              | \$4,268  |             |             |
| Oxford | 540     | 2707 | 2004   | \$95,000     | addition                 |          | \$11,751    | more sf2    |
| Oxford | 417     | 926  | 1997   |              | triplx bsmt conv         | \$3,416  |             |             |
| Oxford |         |      | 2009   | \$23,300     | bsmt conv                |          | \$2,882     | only 3k add |
| Oxford |         | 2622 | 2009   | \$205,000    | add 550 ft2              |          |             |             |
| Oxford |         |      | 2013   | \$27,000     | multi remod/addn         |          | \$3,340     |             |
| Oxford | 1263    | 1576 | 2000   | \$35,000     | finsh attc/stairs        | \$10,346 |             |             |
| Oxford |         |      |        | \$55,000     | lowr unt addn            |          | \$6,804     |             |
| Oxford | 720     | 2641 | 2019   | 50000        | rebuild sunroom          | \$5,898  |             | 7 units     |
| Oxford | 1110    | 3884 |        |              | multi error on sf2 tax   | \$9,093  |             |             |
| Page   | 301     | 1528 |        |              | duplx                    | \$2,466  |             |             |
| Page   | 500     | 1341 |        |              |                          | \$4,096  |             |             |
| Page   | 442     | 1334 |        |              |                          | \$3,621  |             |             |
| Page   |         | 1780 | 2016   | \$160,500    | addition                 |          | \$7,827     |             |
| Parker |         | 2447 | 2010   | \$68,000     | bsmt to liv space        |          | \$7,422     |             |
| Parker | 609     | 1733 | 2012   | \$91,000     | addition                 | 4989     | reass \$14K |             |
| Parker | unknown | 2123 | 2004   | \$72,000     | ADU                      | unknown  | \$8,758     |             |
| Parker | 329     | 1505 | 2000   | unkown       | duplx Access struct      | \$2,695  |             |             |
| Parker | 327     | 2751 | 1994   | unknown      | duplx cottage in rear    | \$2,679  |             |             |
| Parker | 613     | 1998 |        |              | duplx ADU untaxed        | \$5,022  | ?           |             |
| Parker | 1989    | 1255 | 99/'04 | \$33,500     | gar conv/attic           | \$6,013  |             | sold 2007   |
| Parker | 1141    | 1160 | 2002   | \$200,000    | house raise              | \$9,347  |             | reass \$44K |
| Parker | 687     | 2633 | 2009   | \$68,000     | duplx add 687 ft2cottage | \$5,628  |             |             |
| Parker | 926     | 3588 | 2006   | \$253,845    | triplx 3rd flr addition  | \$7,586  | \$31,400    |             |
| Parker | 565     | 2049 | 2009   | \$38,750     | duplx 2nd unit           | \$4,628  |             |             |
| Parker | 462     | 1274 | 2010   | \$75,000     | addition                 | \$3,785  |             | reass \$8K  |
| Parker | 584     | 5896 |        |              | 5plex error on sf2 tax   | \$4,784  |             |             |
| Parker |         | 3140 | 2005   | \$70,000     | 2nd floor addtn          |          | \$8,659     |             |

|           |      |      |                     |              |                  |          |         |
|-----------|------|------|---------------------|--------------|------------------|----------|---------|
| Parker    | 870  | 3387 | 2010                | \$38,000     | build ADU        |          | \$4,700 |
| Piedmont  | 1357 | 2956 | 5plx                |              | error on sf2 tax | \$1,116  |         |
| Piedmont  | 717  | 6398 | Bdg Hse             |              | SFR conv bdgHse  | \$5,874  |         |
| Piedmont  | 1369 | 2421 | triplx              |              | error on sf2 tax | \$11,215 |         |
| Piedmont  | 641  | 3068 | 1994                |              | addition         | \$5,251  | ?       |
| Piedmont  | 1734 | 1589 |                     |              | error on sf2 tax | \$14,204 |         |
| Peralta   | 440  | 908  | 1993                | \$13,000     | addition         | \$3,604  | \$1,608 |
| Peralta   | 480  | 860  | 1997                | COB syst dwn | fam rm/bed/ba    | \$3,932  |         |
| Peralta   | 800  | 857  |                     |              | 2nd story        | \$6,553  |         |
| Peralta   | 606  | 1038 | 2004                |              | addition         | \$4,964  |         |
| Peralta   | 318  | 1329 | 1995                |              | 2nd story addn   | \$2,605  |         |
| Peralta   | 1043 | 1084 | 1995/03             |              | studio/addn      | \$8,544  |         |
| Peralta   | 505  | 1403 | 2004                |              | addition         | \$4,137  |         |
| Pine      | 386  | 1728 |                     |              | addition         | \$3,162  |         |
| Pine      | 497  | 1592 | 2008                | \$45,000     | addition/porch   | \$4,071  | \$5,567 |
| Prince    | 989  | 1421 | duplx               |              | error on sf2 tax | \$8,102  |         |
| Prince    | 836  | 2122 | 4plx                |              | error on sf2 tax | \$6,848  |         |
| Prince    | 435  | 2461 | triplx              |              | error on sf2 tax | \$3,563  |         |
| Prince    | 618  | 3162 |                     | \$53,337     | addition         |          | \$6,598 |
| Prince    | 603  | 1981 | 2001                | \$45,000     | addition         | \$4,940  |         |
| Prince    | 670  | 1266 | duplx               |              | error on sf2 tax | \$5,489  |         |
| Prince    | 314  | 1210 | duplx               | 1994         | unknown          | \$2,572  |         |
| Prince    | 744  | 1916 | duplx               |              | error on sf2 tax | \$6,095  |         |
| Queens    | 882  | 1454 |                     |              | error on sf2 tax | \$7,225  |         |
| Queens    | 407  | 1840 | plus storage        |              | error on sf2 tax | \$3,334  |         |
| Queens    | 600  | 1865 | has workshp/util rm |              | error on sf2 tax | \$4,915  |         |
| Queens    | 555  | 2448 |                     |              | error on sf2 tax | \$4,546  |         |
| Roosevelt | 352  | 1527 |                     |              | error on sf2 tax | \$2,662  |         |
| Roosevelt | 398  | 1224 |                     |              | error on sf2 tax | \$3,260  |         |
| Roosevelt | 724  | 1491 | triplx              |              | error on sf2 tax | \$5,931  |         |
| Rose      | 532  | 1499 | 1994                | \$49,000     | 2nd stor/master  | \$4,358  |         |
| Rose      | 324  | 1420 | 1994                | \$23,548     | addition         | \$2,654  |         |
| Rose      | 1150 | 1720 | 1996                | \$102,350    | 2nd story        | \$9,421  |         |
| Rose      | 488  | 1551 | 1993                | \$75,000     | 2nd story        | \$3,998  |         |
| Rose      | 457  | 2803 | 2014                |              | install 4 meters | \$3,744  |         |

|               |      |              |         |              |                       |          |              |
|---------------|------|--------------|---------|--------------|-----------------------|----------|--------------|
| Rose          | 410  | 3696         | 2000/07 | \$405,000    | storage convers       | \$3,359  | \$30,925     |
| Rose          | 197  | 2609         |         |              | error on sf2 tax      | \$1,613  | \$0          |
| Rose          | 105  | 1616         | 2005    | \$100,000    | error on sf2 tax      | \$860    | unknown      |
| Russell       | 784  | 2001 duplx   | 2007    | \$96,076     | raise bldg/conv bst   | \$6,422  |              |
| Russell       | 302  | 3478 duplx   |         |              | 2nd bldg not incl     | \$2,474  |              |
| Russell       | 1000 | 1038 triplex | 2009    |              | convert util to 3     | \$8,192  |              |
| Russell       |      | 2258 duplx   | 2003    | \$8,000      | sid. 3 flr dwell/cott | \$5,063  |              |
| Russell       | 545  | 3013         |         |              | error on sf2 tax      | \$4,465  |              |
| Russell       | 657  | 1773         | 1993    | \$36,000     | add guest/bath        | \$5,382  |              |
| sacramento    | 709  | 1577         | 2007    | \$90,000     | add 2nd story         | \$5,808  | 62K added    |
| sacramento    | 900  | 1309         |         |              | 2nd story/addn        | \$7,373  |              |
| sacramento    | 822  | 1228         |         |              | 2nd story addn        | \$6,734  |              |
| sacramento    | 1000 | 1321         |         |              | basement devel        | \$8,192  |              |
| sacramento    | 1000 | 1225         |         |              | basement devel        | \$8,192  |              |
| sacramento    |      |              | 2017    | \$170,000    | 2 story addn          |          | \$4,205      |
| sacramento    | 210  | 655 855      | 2003    | \$14,340     | gar conversion        | \$1,720  | \$1,774      |
| sacramento    | 400  | 1379         | 1994    | \$42,097     | fam rm/bed/ba         | \$3,277  |              |
| sacramento    | 427  | 1218         | 1993    | \$19,116     | 2nd story             | \$3,498  | only \$16K r |
| sacramento    | 509  | 851          | 2008    | \$80,000     | din/fam rm addn       | \$4,170  |              |
| sacramento    | 1152 | 843          | 1993    | \$71,748     | 2nd story             | \$9,437  |              |
| sacramento    | 1700 | 1904         |         |              | triplex w/nonconf     | \$13,926 |              |
| sacramento    | 468  | 908          | 1997    | \$30,000     | addition              | \$3,834  |              |
| sacramento    | 906  | 1251         | 1994    | \$56,366     | 906 ft2 2nd stry      | \$7,422  |              |
| sacramento    | 910  | 4030         |         |              | error on sf2 tax      | \$7,455  | ?            |
| san Luis      | 700  | 1537         |         |              | ADU not charged       | \$5,734  | ?            |
| san Luis      | 1152 | 1473         | 1994    | \$95,658     | bed/ba addn           | \$9,437  |              |
| Santa Barbara | 325  | 2417         |         |              | error on sf2 tax      | \$2,662  | ?            |
| Santa Barbara | 1069 | 2969         |         |              | error on sf2 tax      | \$8,757  |              |
| Santa Barbara | 1007 | 1495         |         |              | error on sf2 tax      | \$8,249  |              |
| Santa Barbara | 368  | 2183         |         |              | error on sf2 tax      | \$3,015  |              |
| Santa Barbara | 403  | 1757         |         |              | error on sf2 tax      | \$3,301  |              |
| Santa Barbara |      | 2947         | 2015    | \$ 87,000.00 | kitch/ba              |          | 5381         |
| Santa Barbara | 1375 | 3390         |         |              | error on sf2 tax      | \$11,264 |              |
| Santa Barbara | 900  | 1861         | 2016    | \$ 53,000.00 | kitch/ba/garconv      | \$7,373  | 3278         |
| Santa Barbara | 372  | 2656         |         |              | ADU                   | \$3,047  |              |



|               |      |      |             |               |                      |                  |                      |              |
|---------------|------|------|-------------|---------------|----------------------|------------------|----------------------|--------------|
| Santa Barbara | 484  | 2480 | 2013        | \$ 50,000.00  | bsmt au pair         | \$3,965          | 4123                 |              |
| Scenic        | 802  | 2384 | 2006        | \$ 23,500.00  | bath/kitch           | \$6,570          |                      |              |
| Scenic        | 715  | 2188 | 2009/11     | \$ 170,000.00 | bsmt renov           | \$5,857          | \$21,029             |              |
| Scenic        | 636  | 4465 | 1999        | \$20,000      | den/bath/bsmt        | \$5,209          |                      |              |
| Scenic        | 1014 | 2104 | 1994        | \$7,500       | convert garage/bath  | \$8,306          |                      |              |
| Shattuck      | 720  | 1711 | duplx       |               | error on sf2 tax     | \$5,898          |                      |              |
| Shattuck      | 1308 | 3843 | 1993/2000   | \$45,000      | Bsmt conv/ADU        | \$10,715         | \$115K add           |              |
| Shattuck      | 674  | 1618 | 2008        | \$305,000     | bsmt to master       | \$5,521          |                      |              |
| Shattuck      | 545  | 2567 | 2000/07     | \$63,000      | conv strg, sunrm     | \$4,465          | \$7,793              |              |
| Shattuck      | 1208 | 3383 | 1993/6/2010 | \$120,000     | solarium/kitch/bath  | \$9,896          | \$14,844 list as SFR |              |
| Shattuck      | 9969 | 9969 | multi       |               | error on sf2 tax     | \$81,664         | zumpr ad             |              |
| Shattuck      | 1197 | 1198 | 5unit       |               | error on sf2 tax     | \$9,806          |                      |              |
| Sierra        | 228  | 2378 | duplx       | 2012          | \$9,500              | ADU              | \$1,868              |              |
| Sonoma        | 620  | 2757 | duplx       | 2012          | ???                  | ADU              | \$5,079              | sold in 2000 |
| Spaulding     | 364  | 1521 |             |               | \$14,000             | bsmt conversion  | \$2,982              | unknown      |
| Spaulding     | 1221 | 1338 |             |               | unknown              | bsmt/2nd story   | \$10,002             |              |
| Spaulding     | 1393 | 1221 |             |               |                      | duplex added     | \$11,411             |              |
| Spruce        | 534  | 672  | 1995/97     | \$44,000      | addn/encls porch     | \$4,374          | ? vry lw txs         |              |
| Spruce        | 875  | 1892 | 2012        | \$95,000      | 2 story addn         | \$7,168          | \$11,752             |              |
| Spruce        | 750  | 2389 | 1995/96     | \$75,000      | additions            | \$6,144          |                      |              |
| Spruce        | 756  | 506  |             |               |                      | error on sf2 tax | \$6,193              |              |
| Spruce        |      | 2799 | 2008/12     | \$112,300     | kitch/ba/fin bsmt    |                  | \$11,257             |              |
| Spruce        | 726  | 3699 | 2003        | \$49,000      | finish bsmt          | \$5,947          |                      |              |
| Spruce        | 152  | 3555 |             |               |                      | error on sf2 tax | \$1,245              | ?            |
| Spruce        | 646  | 2212 |             |               |                      | error on sf2 tax | \$3,768              |              |
| Spruce        | 633  | 1746 | 2018        | \$150,000     | addition             | \$633            |                      |              |
| Spruce        | 794  | 2142 | 1992/2001   | \$121,000     | art studio/attic ren | \$6,504          |                      |              |
| Spruce        | 493  | 1327 |             |               |                      | error on sf2 tax | \$4,039              | fin bsmt/att |
| Spruce        | 747  | 1357 | 1998        | \$2,450       | seismic foundn       | \$6,119          |                      |              |
| Spruce        | 1014 | 1224 |             |               |                      | error on sf2 tax | \$8,306              |              |
| Spruce        | 702  | 513  |             |               |                      | error on sf2 tax | \$5,751              |              |
| Stannage      | 295  | 930  |             |               |                      | error on sf2 tax | \$2,417              |              |
| Stannage      | 800  | 1043 |             |               |                      | 2nd story added  | \$6,553              |              |
| Stannage      | 252  | 874  |             |               |                      | 2nd story added  | \$2,064              |              |
| Stannage      | 502  | 886  |             |               |                      | addition         | \$4,112              |              |

|             |      |             |      |           |                   |          |            |              |
|-------------|------|-------------|------|-----------|-------------------|----------|------------|--------------|
| Stannage    | 982  | 694         |      |           | 2 story           | \$8,044  |            |              |
| Stannage    | 392  | 936         |      |           | addition          | \$3,211  |            |              |
| Stannage    | 416  | 1367        |      |           | 2nd story blt     | \$3,408  |            |              |
| Stannage    | 653  | 1515 triplx |      |           | units developed   | \$5,349  |            |              |
| Stannage    | 676  | 676         |      |           | bsmt developed    | \$5,538  |            |              |
| Stuart      | 655  | 1807 duplx  |      |           | error on sf2 tax  | \$5,366  |            |              |
| Stuart      | 373  | 1670        |      |           | error on sf2 tax  | \$3,055  | ?          |              |
| Stuart      | 1075 | 2686 duplx  |      |           | error on sf2 tax  | \$8,806  |            |              |
| Stuart      | 842  | 1009        | 1994 | \$16,000  | addtn             | \$6,897  |            | sold 2017    |
| Tamalpais   | 1350 | 4353        | 2012 | \$400,000 | addition 3600ft2  | \$11,059 |            |              |
| Talbot      | 160  | 2494        |      |           | workshp fullhght  | \$1,311  | ?          |              |
| The Alameda | 1431 | 1869        | 1997 | \$100,000 | addition          | \$11,722 | \$12,370   |              |
| The Alameda | 257  | 2250        | 2002 | \$116,000 | third floor add'n | \$2,105  |            |              |
| The Alameda | 779  | 1510        | 1992 | \$23,838  | 2 bd addition     | \$6,381  |            |              |
| The Alameda | 1025 | 1791        |      |           | error on sf2 tax  | \$8,421  |            | nd to chg b: |
| The Alameda |      | 3803        | 2016 | \$36,000  | breakfast nook    |          | \$2,227    | vry lw txs   |
| The Alameda | 510  | 1902        | 2012 | \$110,000 | ADU/garage        | \$4,178  | only \$11K |              |
| The Alameda |      | 2805        | 2002 | \$100,000 | kitchn/bsmt ren   |          | \$12,370   |              |
| The Alameda | 647  | 2545        | 2007 | \$30,000  | remod/addition    | \$5,300  |            |              |
| The Alameda |      | 3131        | 2014 | \$160,000 | 2 bedrm addn      |          | \$19,792   |              |
| The Alameda | 868  | 2727        | 1998 | \$45,000  | bath/attic renov  | \$7,110  | \$5,567    |              |
| The Alameda | 590  | 1238        | 2010 | \$49,428  | bsmt renovation   | \$4,833  | \$6,114    |              |
| The Alameda | 421  | 2013        | 2004 | \$160,000 | attic convsn      | \$3,448  |            |              |
| The Alameda | 640  | 1530        | 1998 | \$25,000  | gar. Conv         | \$5,243  |            |              |
| The Alameda | 126  | 1698        | 2016 | \$65,000  | addn              | \$504    | \$4,020    |              |
| Tyler       | 1990 | 1992 4plex  |      |           | error on sf2 tax  | \$16,318 |            |              |
| Vassar      | 1030 | 3042        | 2011 |           | AUP App 4270ft2   | \$8,438  |            |              |
| Vallejo     | 1300 | 2770        |      |           | finish bsmt       | \$10,649 |            |              |
| Vallejo     | 874  | 2167        |      |           | addn              | \$7,160  |            |              |
| Vicente     | 4582 | 1264        | 2002 | PRA 6/25  | new home/pool     | \$37,534 |            |              |
| Vicente     | 372  | 1960        | 2014 | \$47,500  | addn              | \$2,271  |            |              |
| Vicente     | 1327 | 2824        | 2001 | \$45,000  | bsmt conv to dwll | \$10,871 |            |              |
| Vicente     | 374  | 2792        | 1998 | \$300,000 | new 3166ft SFR    | \$3,064  |            |              |
| Vicente     | 1072 | 1698        | 1996 | \$300,000 | new SFR           | \$8,782  |            |              |
| Vicente     | 1029 | 1617        | 1995 | \$241,760 | new SFR           | \$8,429  |            |              |

|          |      |            |             |           |                  |          |                             |
|----------|------|------------|-------------|-----------|------------------|----------|-----------------------------|
| Vincente | 570  | 1684       | 2011        | \$78,400  | addn/remod       | \$4,669  | only \$7500 rea inspc 2x 20 |
| Vincente | 1226 | 1436       |             |           | seismic 2004     | \$10,043 | very low txs                |
| Vincente | 416  | 2559       | 2010        | \$175,000 | addn/remod       | \$3,408  | \$21,648                    |
| Vincente | 867  | 1408       | 2001/2006/1 | \$65,800  | addn/seism/rmdl  | \$7,102  | \$2,474                     |
| Vincente | 567  | 1469       | 1998        | \$65,000  | rmdl             | \$4,645  |                             |
| Vincente | 362  | 2578       |             |           | error on sf2 tax | \$2,965  |                             |
| Vincente | 463  | 1607       | 2002        | \$150,000 | whle hse rmdl    | \$3,792  | \$20K reass                 |
| Vincente | 448  | 1287       | 1999        | \$42,000  | bsmt renov       | \$3,670  |                             |
| Vine     | 1000 | 1105       |             |           | error on sf2 tax | \$8,192  | reass. \$71K                |
| Virginia | 760  | 1272       | 2014        | \$115,000 | addtn            | \$8,226  |                             |
| Virginia | 350  | 1218       | 2014        | \$18,000  | basement convers | \$1,434  | \$1,080                     |
| Virginia | 553  | 1857 duplx | 1997        | \$110,000 | conversion duplx | \$4,530  |                             |
| Virginia | 385  | 1004       | 1993        | \$21,394  | addtn            | \$3,154  | \$2,646                     |
| Virginia | 630  | 1408       | 1996        | \$71,016  | raise house      | \$5,161  |                             |
| Virginia | 1080 | 2146       | 1992        | \$68,000  | 3rd flr addition | \$8,847  | \$8,412                     |
| Virginia | 383  | 2385 duplx |             |           | error on sf2 tax | \$3,137  |                             |
| Virginia | 242  | 2812       |             |           | error on sf2 tax | \$1,982  | \$0                         |
| Virginia | 638  | 3989 4plex | 2009        | \$108,966 | 2 story addn     | \$5,226  |                             |
| Virginia | 775  | 2630       | 1999        | \$35,300  | bsmt/kitchen     | \$6,349  | sold 2013                   |
| wallace  | 525  | 1227       | 2013        | \$100,000 | addition         | \$4,301  |                             |
| wallace  | 525  | 1140       | 1988        | \$30,000  | addition         | \$4,301  |                             |
| Walnut   | 1055 | 1560       | 1997        | \$44,411  | 2nd story        | \$8,642  |                             |
| Walnut   | 400  | 1392       | 2011        |           | ADU              | \$3,277  |                             |
| Walnut   | 437  | 1759       | 2012        | \$4,000   | 2nd story        | \$3,580  |                             |
| Walnut   | 682  | 1908       |             |           | error on sf2 tax | \$5,586  |                             |
| Walnut   | 437  | 1434       |             |           | error on sf2 tax | \$3,580  |                             |
| Walnut   | 1053 | 1444       | 2005        | \$90,000  | gar conv rec rm  | \$8,626  |                             |
| Walnut   | 716  | 1061       | 1996        | \$45,000  | attic conv/bath  | \$5,865  |                             |
| Walnut   | 655  | 1972       |             |           | error on sf2 tax | \$5,366  |                             |
| Walnut   | 905  | 2471 duplx |             |           | error on sf2 tax | \$7,414  | unknown                     |
| Ward     | 492  | 1022       | 1997        | \$43,788  | addition         | \$4,030  |                             |
| Ward     | 700  | 1083       |             |           | bsmt developed   | \$5,734  |                             |
| Ward     | 1173 | 2303 duplx |             |           | error on sf2 tax | \$9,609  | \$0                         |
| Ward     | 1006 | 1216 duplx | 2002        | \$47,600  | bsmt conversion  | \$8,241  |                             |
| Ward     | 643  | 1614 duplx |             |           | error on sf2 tax | \$5,267  | unknown                     |

|          |      |       |               |           |                               |          |                      |
|----------|------|-------|---------------|-----------|-------------------------------|----------|----------------------|
| Ward     | 975  | 1153  | duplx 1990s   | variance  | raise bldg                    | \$7,987  | unknown              |
| Ward     | 695  | 1140  |               | 1993      | 84252 rebuilt/addition        | \$5,693  |                      |
| Ward     | 1290 | 2329  |               | 2004      | \$137,024 new cottage         | \$10,567 | 0 sold in 200        |
| Ward     | 424  | 948   |               | 1998      | \$28,000 bsmt/loft            | \$3,473  |                      |
| Ward     | 558  | 1558  |               | 2004      | \$78,000 add mstr bdrm        | \$4,571  |                      |
| Ward     | 148  | 1803  |               | 2002      | \$21,000 new sunroom          | \$1,212  | \$2,598              |
| Ward     | 1150 | 3100  | duplx 2003/12 |           | \$142,000 convert attic/bsmt  | \$9,421  | \$0                  |
| Ward     | 986  | 1750  |               | 2010      | \$123,000 addition            | \$8,077  | \$15,215             |
| Ward     | 1080 | 2020  | 4plx          | 2017      | \$60,500 bsmt renovation      | \$8,847  |                      |
| Warring  | 5106 | 11440 | frat          |           |                               |          |                      |
| warring  | 918  | 4980  | Bdg Hse       |           |                               |          |                      |
| Webster  | 848  | 1561  |               |           |                               |          |                      |
| Webster  | 651  | 1966  |               | 1996/2007 | \$116,000 remodel/ADU         | \$5,332  |                      |
| Webster  | 413  | 3357  |               | 2013      | \$650,000 addition            | \$3,383  | \$9,892              |
| Webster  |      | 2220  |               | 2015      | \$140,000 new mstr bath       |          | \$8,659 only \$60K r |
| Webster  |      | 2542  |               | 2006      | \$340,000 sunrm/bsmt/ADU      |          | \$40K done           |
| Webster  | 444  | 2056  |               | 2012      | \$35K permitted major remodel | \$3,637  |                      |
| West     | 341  | 900   |               |           |                               |          |                      |
| West     | 409  | 1414  |               | 2019      | \$151,000 space conversion    | \$410    |                      |
| Woodmont | 1499 | 1181  |               |           |                               |          |                      |
| Woodmont | 544  | 1964  |               | 2019      | \$207,000 add 544 ft2         | \$544    |                      |
| Woodmont | 292  | 2502  |               | 2004      | addn                          |          | 2012 AUP s           |
| Woodmont | 1166 | 3461  |               | 2001      | pmt 112890-41865              | \$9,552  |                      |
| Woodmont | 604  | 1600  |               |           |                               |          |                      |
| Woolsey  | 682  | 3397  | duplx         | 2017      | \$250,000 conver to duplx     | \$5,587  |                      |
| Woolsey  | 650  | 1629  | triplx        | 1994      |                               |          |                      |
| Woolsey  | 314  | 1590  |               | 2007      | \$80,000 addition             | \$2,572  | \$9,896              |
| Woolsey  | 306  | 1749  |               | 2001      | \$67,000 addition             | \$2,507  |                      |
| Woolsey  | 1000 | 551   |               | 2004      | \$83,000 2nd story addn       | \$8,199  | \$10,267             |
| Yolo     | 551  | 1872  |               | 2006      | \$4,700 basement convers      | \$4,514  | \$581                |
| Yosemite | 179  | 2762  |               | 2012      | addn 780ft2                   | \$1,466  |                      |
| Yosemite | 335  | 2625  |               | 1993      | \$82,300 2nd/3rd flr remodel  | \$2,744  |                      |
| Yosemite | 357  | 1765  |               |           |                               |          |                      |
| Yosemite | 646  | 3764  |               | 1998/2003 | \$89,000 add unit/738 ftaddn  | \$6,046  |                      |
| Yosemite | 570  | 1597  |               | 2004      | \$125,000 add ba crawlspc     | \$4,669  |                      |

|          |        |      |      |          |                 |             |             |
|----------|--------|------|------|----------|-----------------|-------------|-------------|
| Yosemite | 665    | 2788 | 1992 | \$15,340 | bsmt ba/seismic | \$5,448     |             |
| Yosemite | 1206   | 2629 |      |          | sferr/bsmt untx | \$9,879     |             |
|          | 549069 |      |      |          |                 | \$4,120,013 | \$1,063,556 |

Key: County tax rate last 10 years

(Year 10/11) 1.2555%, (Y11/12) 1.2563%, (Y12/13) 1.2472%, (Y13/14) 1.2717%, (Y14/15) 1.2447%,  
 (Y15/16) 1.2218%, (Y16/17) 1.2168%, (Y17/18) 1.2136%, (Y18/19) 1.2279%, (Y19/20) 1.2184%

10 year Total 12.37%

City Rate for last 10 years

(Year 10/11) 0.642%, (Y11/12) 0.7211%, (Y12/13) 0.7412%, (Y13/14) 0.7617%, (Y14/15) 0.7752%,  
 (Y15/16) 0.81%, (Y16/17) 0.8325%, (Y17/18) 0.9365%, (Y18/19) 0.9666%, (Y19/20) 1.00558%

10 year Total multiplier 8.19179

## Basements/understories in Berkeley that are not charged

|                      |                 |
|----------------------|-----------------|
| 2125 6 <sup>th</sup> | 2043 Lincoln    |
| 2337 9 <sup>th</sup> | 459 Michigan    |
| 1019 Addison         | 2832 Milvia     |
| 30 Bay Tree          | 1344 McGee      |
| 1915 Berryman        | 1925 McGee      |
| 808 Camelia          | 1157 Oxford     |
| 1731 Channing        | 2909 Pine       |
| 76 Codornices        | 2565 Rose       |
| 620 Colusa           | 1147 Spruce     |
| 1440 Cornell         | 1609 Stannage   |
| 1448 Cornell         | 716 The Alameda |
| 3107 Deakin          | 1623 Tyler      |
| 1637 Delaware        | 787 Vincente    |
| 1508 Edith           | 551 Woodmont    |
| 1930 Fairview        |                 |
| 1205 Francisco       |                 |
| 1136 Fresno          |                 |
| 1507 Grant           |                 |
| 2819 Grant           |                 |
| 1526 Henry           |                 |
| 2943 Hillegass       |                 |
| 1405 Josephine       |                 |
| 1619 Julia           |                 |
| 1175 Kains           |                 |
| 1209 Kains           |                 |
| 1414 Kains           |                 |



Councilmember Kate Harrison  
District 4

CONSENT CALENDAR  
September 15, 2020

**To: Honorable Mayor and Members of the City Council**

**From: Councilmember Kate Harrison, District 4**

**Subject: Centennial Proclamation Honoring the Passage of the United States 19<sup>th</sup> Amendment and the National Women’s Suffrage Movement**

RECOMMENDATION

Adopt a resolution honoring 2020 as the centennial of the winning of women's suffrage at the federal level in the United States.

SUMMARY

August 26<sup>th</sup>, 2020 was "Women's Equality Day", the 100th anniversary of the declaration that the 19th Amendment was in effect nationwide and the 100<sup>th</sup> Anniversary of newly franchised American Women Voters in Their First Presidential Election.. This resolution recognizes the centennial and the many people that have worked to ensure that women have access to the ballot.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

August 26th was "Women's Equality Day", honoring the 100th anniversary of the declaration that the 19th Amendment was in effect nationwide--women had finally won the right to vote throughout the country. Tennessee was the 36th state to ratify the amendment, on August 18, but it needed to be officially certified by Federal officials; that took place on August 26, 1920, putting the amendment into full effect. The Amendment stated, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

The struggle for the enfranchisement of women begins both long before this and in places far from the nation’s capital. The 1848 Seneca Falls Convention was the first major gathering for the US women’s suffrage movement, called by Quaker women active in the abolitionist movement along with Elizabeth Cady Stanton. Stanton moved to add a resolution on women’s right to vote, which shocked many other attendees,

before eventually being included. It was the impassioned support from Fredrick Douglass that swayed many attendees. He said "In this denial of the right to participate in government, not merely the degradation of woman and the perpetuation of a great injustice happens, but the maiming and repudiation of one-half of the moral and intellectual power of the government of the world." <sup>1</sup>

Later, here in Berkeley, women were prominent leaders in the sustained efforts to win women's suffrage in California. In 1909, Elinor Carlisle was elected to Berkeley's School Board even before women had won the right to vote. Among others, Berkeley's Mary McHenry Keith—the first woman to earn a law degree in California—was a central figure in the California suffrage movement which culminated in the passage in 1911 of women's voting rights in California. Berkeley's male voters had supported women's voting rights in California in a suffrage campaign that failed in 1896, and Berkeley was the only large city in California to vote in favor of statewide suffrage in 1911.

Soon, women from Berkeley ran for local and State offices culminating with Anna Saylor becoming one of the first four women elected to state office in California in 1918. She represented Berkeley in the California State Assembly, was an advocate for child welfare and criminal justice reform, and later became the first woman appointed to the Governor's Council—essentially the State cabinet—in California. Saylor was the joint nominee of the Republican, Democratic, and Progressive parties when she first won office, and was re-elected four times. Two other women elected to the Assembly from other parts of California at the same time as Saylor were UC Berkeley alumnae – Grace Dorris and Esto Bates Broughton. Later, in 1947, Carrie L. Hoyt was the first woman to serve as Berkeley's Mayor.

The 19th amendment that went into effect in 1920 was the culmination of a nationwide movement for women's rights but it was also the beginning of many more struggles. Berkeley women participated in the national movement including traveling to Washington, D.C. Carrie H. Gibbs traveled at the age of 44 to witness the first Washington DC parade in 1913. Gibbs was the President of the Berkeley Federation Mothers' Club – now the PTAs (1912-1913) and began her work as a member of the School Board for three terms starting in 1915.

There were still many women who could not vote easily or even at all following the passage of the 19th amendment. Poll taxes, so called "literacy" tests, and other unjust laws prevented many women of color from becoming citizens or exercising the right granted to them by the 19<sup>th</sup> Amendment. It was not until later, after legislation including the 1924 Indian Citizenship Act, the 1965 Voting Rights act, or the 1965 Immigration and Nationality act, that many indigenous, Asian American, Filipino, Latino, and African American women were unequivocally allowed to vote.

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<sup>1</sup> Seneca Falls and the Origins of the Women's Rights Movement. Sally McMillen. Oxford University Press, Sep 8, 2009. Pp 93-94.



Even today, voter suppression is still a great concern. Many states continue to uphold voter ID laws that have been used to disenfranchise many communities of color as well as transgender and nonbinary Americans that are often unable to apply for an ID that reaffirms their gender identity.<sup>2</sup> Additionally, the lack of comprehensive federal immigration reform keeps the process to become a citizen arduous and complicated. The modern barriers to voting that many women still face are a great threat to a democracy, particularly in this election season.

In 2020, the 100<sup>th</sup> anniversary of the 19<sup>th</sup> Amendment, we must remember and honor the people of many backgrounds that have organized their communities and fought for the right for women to have a say in their own government, from the Seneca Falls convention and before, through Berkeley's activism on voting rights more than a century ago, to the present day.

#### ENVIRONMENTAL SUSTAINABILITY

No impacts to environmental sustainability

#### RATIONALE FOR RECOMMENDATION

To honor the many people that have worked to ensure voting rights for women and access to voting in the history of our country, state, and city.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT

Councilmember Kate Harrison: (510) 981-7140

#### ATTACHMENTS

1. Resolution

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<sup>2</sup> The Potential Impact of Voter Identification Laws on Transgender Voters in the 2020 General Election. UCLA School of Law Williams Institute. <https://williamsinstitute.law.ucla.edu/publications/trans-voter-id-impact/>

**RESOLUTION NO. XXXX-N.S.**

**RESOLUTION HONORING AS THE CENTENNIAL OF THE PASSAGE OF THE UNITED STATES 19<sup>TH</sup> AMENDMENT AND ITS ROLE IN ADVANCING THE RIGHTS OF ALL WOMEN**

WHEREAS, On November 1, 1919 the State of California was one of the first states to ratify the 19<sup>th</sup> Amendment, and, finally on August 18<sup>th</sup>, 1920, Tennessee became the 36<sup>th</sup> and final state needed to ratify the 19<sup>th</sup> Amendment and establish it as the law of the land; and

WHEREAS, On August 26<sup>th</sup>, 1920, the Federal Government formally acknowledged the successful ratification of the 19<sup>th</sup> Amendment, placing it with the original Constitution in the State Department vault; and,

WHEREAS, The right to vote is the cornerstone of our democracy and the fundamental right upon which all of our civil liberties rest; and

WHEREAS, The 19<sup>th</sup> amendment declared that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex;" and,

WHEREAS, The 19<sup>th</sup> Amendment came to be law only due to the hard work of many dedicated activists, organizers, and others who risked great personal consequence in their struggle for justice; and,

WHEREAS, The 19<sup>th</sup> Amendment did not guarantee suffrage for all women, including Native Americans who did not gain the right to vote until 1924, Asian and Pacific Islander Americans who were not permitted to be citizens until 1952 and African-American and Latin Americans who suffered voter suppression until passage of the Voting Rights Act of 1965 and 1975; and

WHEREAS, The fact that today women are active in local, state, and national government and are running for office in unprecedented numbers reminds us that we all follow in the footsteps of these resolute American and Berkeley Suffragists; and

WHEREAS, The 19<sup>th</sup> Amendment to the United State Constitution has played an important role in the advancing the right of all women

WHEREAS, The struggle to ensure that all eligible woman voters have full access to a ballot is ongoing to this day:

NOW, THEREFORE, BE IT RESOLVED That Berkeley's residents and all citizens Celebrate the 100<sup>th</sup> anniversary of the 19<sup>th</sup> Amendment, The City of Berkeley

remembers and honors the people of many backgrounds and eras that have organized their communities and fought for the right of women to have a say in their government, from the Seneca Falls convention and to the present day.



**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 (510) 981-7150  
 shahn@cityofberkeley.info

CONSENT CALENDAR  
 September 15, 2020

**To:** Honorable Members of the City Council  
**From:** Vice Mayor Sophie Hahn (Author) and Councilmembers Cheryl Davila (Co-Sponsor) and Rashi Kesarwani (Co-Sponsor)  
**Subject:** Resolution Congratulating Kamala D. Harris on her Nomination for Vice President of the United States

RECOMMENDATION

Adopt a Resolution congratulating Kamala Harris on her nomination for Vice President of the United States and encouraging all eligible voters to vote in the Nov. 3, 2020 election.

BACKGROUND

On August 19, 2020, United States Senator Kamala D. Harris of California accepted the nomination for Vice President of the United States. Sen. Harris is the first African American and Indian American woman to be nominated for national office by a major U.S. political party.

Kamala Harris was born in 1964 to two graduate students at the University of California, Berkeley -- a mother from India and a father from Jamaica. As Senator Harris said in the speech accepting her nomination for Vice President, she “got a stroller’s-eye view” of the civil rights movement of the 1960s as her parents marched for justice in the streets of Berkeley.

Kamala Harris grew up in West Berkeley and attended Thousand Oaks Elementary School in District 5. She was in the second class to be part of the [Berkeley school integration program](#) -- an innovative two-way busing plan designed to fully integrate Berkeley’s public schools. As Sen. Harris wrote in her 2019 memoir *The Truths We Hold*, “I only learned later that we were part of a national experiment in desegregation, with working-class black children from the flatlands being bused in one direction and wealthier white children from the Berkeley hills bused in the other.”

In a statement to [Berkeleyside](#), Sen. Harris credited her first grade teacher at Thousand Oaks, Mrs. Frances Wilson, with having a profound effect on her and being deeply committed to the diverse group of students in her class. She has written about her fond childhood memories of visiting the Rainbow Sign in Berkeley, where she met artists and activists, and spending days cleaning test tubes in Berkeley labs.

After moving away from Berkeley at the age of 12, Kamala Harris went on to graduate from Howard University and to earn a law degree from the University of California, Hastings. She has dedicated her career to public service, serving as a prosecutor in Alameda County, as the first African American and Indian American woman to be elected as San Francisco District Attorney, and as the first African American and Indian American woman to be elected California Attorney General.

In 2016, Kamala Harris was the first African American and Indian American woman to be elected to represent California in the U.S. Senate. Since taking office, Sen. Harris has served with distinction and has been a powerful voice for justice and accountability.

This resolution celebrates Kamala D. Harris, an African American and Indian American woman, daughter of immigrants, student of Berkeley Unified School District public schools, and accomplished public servant, and offers congratulations on her nomination for Vice President of the United States.

FINANCIAL IMPLICATIONS

None.

CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (Cell)

ATTACHMENTS

1. Resolution

RESOLUTION NO. ##,###-N.S.  
CONGRATULATING KAMALA HARRIS ON HER NOMINATION  
FOR VICE PRESIDENT OF THE UNITED STATES

WHEREAS, on August 19, 2020, Kamala Harris of California was nominated for Vice President of the United States;

WHEREAS, Kamala Harris is the first African American and Indian American woman to be nominated for national office by a major political party in the United States, and only the fourth woman to be chosen for a presidential ticket;

WHEREAS, Kamala Harris was born in 1964 to two graduate students at the University of California, Berkeley;

WHEREAS, Kamala Harris is the daughter of immigrants, a mother from India and a father from Jamaica;

WHEREAS, Kamala Harris “got a stroller’s-eye view” of the civil rights movement of the 1960s as her parents marched for justice in the streets of Berkeley;

WHEREAS, Kamala Harris grew up in West Berkeley and attended Thousand Oaks Elementary School in North Berkeley as part of the second class to go K-12 under Berkeley’s voluntary integration program in Berkeley public schools;

WHEREAS, Kamala Harris credits her first grade teacher, Mrs. Frances Wilson at Thousand Oaks Elementary School, with having a profound effect on her and being deeply committed to her diverse group of students;

WHEREAS, Kamala Harris lived in Berkeley until age 12, spending her childhood learning about activism, and spending time at The Rainbow Sign, a Black cultural center that served as a bridge across all borders—ethnic, national and political, on what is now Martin Luther King Jr Way;

WHEREAS, since graduating from law school, Kamala Harris has devoted her career to public service, as a prosecutor in the Alameda County District Attorney’s Office, as the first African American and Indian American woman to be elected as San Francisco District Attorney, and as the first African American and Indian American woman to be elected California Attorney General;

WHEREAS, in 2016, Kamala Harris was elected to serve as Senator from California, winning 64% of the vote, and becoming the second African American woman and first Indian American woman to be elected to serve in the United States Senate;

WHEREAS, since 2017, Kamala Harris has represented California with distinction in the United States Senate, introducing or cosponsoring legislation to defend the legal rights of refugees and immigrants, reform cash bail, and make lynching a federal crime;

WHEREAS, Kamala Harris serves on the Senate Select Committee on Intelligence, the Senate Homeland Security and Governmental Affairs Committee, and the Senate Judiciary Committee, where she has been a powerful voice for justice and accountability;

WHEREAS, Thousand Oaks Elementary School has honored Kamala Harris by including her in a mural among other extraordinary women Ruth Asawa, Dolores Huerta, Malala Yousafzai, Serena Williams, and Anne Frank; and

WHEREAS, Kamala Harris is an example to many, including in particular those who identify as women and girls and for those who are Black, Indigenous, and People of Color in Berkeley and throughout the United States and the world who are inspired by her example of dignified and powerful leadership;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council congratulates, celebrates and expresses deep gratitude to Kamala Harris on the occasion of her nomination for the office of Vice President of the United States of America; and

BE IT FURTHER RESOLVED that the City of Berkeley encourages all eligible voters to register and vote in the Nov. 3, 2020 election, to register their preferences as we seek leaders of integrity and resolve so we can make progress on our collective journey to achieve the “more perfect union” our Constitution envisions for this United States of America.





CONSENT CALENDAR  
September 15, 2020

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson  
Subject: Chancellor's Community Partnership Fund Grant for Paid Internships

### RECOMMENDATION

Adopt a Resolution accepting a \$15,000 grant from the UC Berkeley Chancellor's Community Partnership Fund (CCPF) to fund paid City internships for high school and college students, in partnership with the ASUC, the Public Service Center, and the Institute for Governmental Studies.

### BACKGROUND

In any given year, dozens of students intern with the City of Berkeley. These students are typically not paid, not aligned with a formal school-based public service program, and may not receive adequate support in preparing for their internship. The shortage of paid internships, not just in Berkeley but in the public sector as a whole, dictates which students can and cannot afford to gain valuable public service experience. Low-income, underrepresented students of color are often excluded from career-building opportunities, and public entities are unable to benefit from the expertise and lived experiences they bring to the table.

College students face an average of \$37,172 in student debt,<sup>1</sup> and 69 percent say they cannot afford to take an unpaid internship.<sup>2</sup> As tuition and housing costs rise and student debt grows, it is becoming less and less feasible for students to partake in unpaid internships in exchange for professional work experience.

In June 2019, the Council adopted a budget that included \$13,500 of annual funding for paid internships in the Mayor and Council offices. Given the success of this effort, our office collaborated with the ASUC, the Public Service Center, and the Institute for Governmental Studies to seek additional funding for an expansion of the Public Service Center's Public Service Internship (PSI) program into the summer.

High school and college students who are accepted into this 10-week program will be paid minimum wage to intern for various City departments and offices. Additional information about the proposed program can be found in the attached grant application.

<sup>1</sup> <https://www.nitrocollege.com/research/average-student-loan-debt>

<sup>2</sup> <https://thehill.com/opinion/finance/387537-unpaid-internships-unfairly-favor-the-wealthy>

FINANCIAL IMPLICATIONS

This grant provides \$15,000 in funding for paid internships, which will be deposited into the One-Time Grant Fund and appropriated as part of the Annual Appropriations Ordinance (AAO) process.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

- 1: Resolution
- 2: CCPF Grant Award Letter
- 3: CCPF Grant Application

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

ACCEPTING A \$15,000 GRANT FROM THE UC BERKELEY CHANCELLOR'S  
COMMUNITY PARTNERSHIP FUND TO FUND PAID CITY INTERNSHIPS FOR HIGH  
SCHOOL AND COLLEGE STUDENTS

WHEREAS, the Chancellor's Community Partnership Fund has awarded the City of Berkeley, the ASUC, the Public Service Center, and the Institute for Governmental Studies a grant in the amount of \$15,000 to fund paid City internships; and

WHEREAS, the shortage of paid internships in the public service sector poses a significant barrier to low-income students, many of whom cannot afford to work a full-time, unpaid internship; and

WHEREAS, these students, who are disproportionately underrepresented students of color, are then unable to access valuable experiences that they can use to further their public service careers and secure paid work in the future; and

WHEREAS, in June 2019, the Council adopted a FY 2020 & 2021 budget that included \$13,500 of annual funding for paid internships in the Mayor and Council offices, demonstrating the City's commitment to providing public service opportunities for low-income, underrepresented students; and

WHEREAS, this additional grant funding would create paid internship positions across City departments, agencies, and elected offices, further expanding the range of opportunities offered by the City; and

WHEREAS, this initiative would further the goals of *Berkeley's 2020 Vision: Equity in Education*, which seeks to eliminate racial disparities in academic achievement in Berkeley public schools; and

WHEREAS, as outlined in the grant application, the City of Berkeley as the primary community partner is responsible for implementing the proposed project and fulfilling the terms of the grant, including accepting and dispersing the funds; and

WHEREAS, these funds shall be deposited into the One-Time Grant Fund and appropriated as part of the Annual Appropriations Ordinance (AAO) process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council accepts the grant from the Chancellor's Community Partnership Fund in the amount of \$15,000.

Dear Councilmember Robinson, Executive Affairs Vice President Imai and staff,

On behalf of Chancellor Carol Christ and the Advisory Board of the UC Berkeley Chancellor's Community Partnership Fund, I am pleased to let you know that your proposal, Cal in Local Government: Summer program has been awarded a grant in the amount of **\$15,000**.

The Fund received many worthy proposals, representing a wide range of community and neighborhood groups partnering with university faculty, staff, and students to address important community needs. This year's applicants were highly competitive and the Advisory Board members had a difficult time deciding on the best mix of grants to receive an award during these unprecedented times. The Advisory Board recommended your proposal to receive an award because we believe it will significantly enhance the quality of life in Berkeley while strengthening partnerships between the university and community during a time when the coronavirus has impacted nearly every part of our community.

#### **CORONAVIRUS-19 ADAPTATIONS**

The Advisory Board is also very aware that the coronavirus pandemic and public health restrictions will likely impact your partnership and wants to support your ability to adapt and succeed. **Please include in your confirmation of acceptance any adaptations you intend to make to meet the challenges posed by the coronavirus and to ensure the safety of the Berkeley community.**

You can simply update the adaptations you have already shared with the Board. Once your partnership begins, please keep GCR Associate Director Jen Loy and I apprised of any additional adaptations you might need to make, including the need for an extension of the grant period and reporting deadlines (see attached Terms and Conditions for more information.) Please note, the Advisory Board is prepared to grant extensions during these extraordinary times.

#### **CONFIRMATION OF ACCEPTANCE AND SIGNATURES**

In order to confirm your acceptance of a partnership grant you will need **to agree to and sign the Terms and Conditions document** (attached) and provide the required updates and appendixes (including the above mentioned coronavirus adaptations). This document will need to be signed by the primary community and university partners (and fiscal sponsor, and university staff/faculty partner if applicable) and then sent to UC Berkeley via email to [calpartnershipfund@berkeley.edu](mailto:calpartnershipfund@berkeley.edu) or, if need be, mailed to Government and Community Relations, 2200 Bancroft Avenue, Berkeley, CA 94720-4204. The Terms and Conditions document will then be signed by the Chancellor and an electronic copy of the completed document will be sent to you for your records. Funds cannot be released until we have received this document and required updates and appendixes. *Please note, in the case of this program, we need to discuss to whom we are releasing the funds. Jen will reach out under a different email subject line.*

#### **UPDATED BUDGET WORKSHEET AND NARRATIVE**

If you accept the grant award for an amount different from that request in your full application, you will also need to **submit a revised budget worksheet and narrative** detailing how you will use the money. Please also **be sure to comply with any additional requirements or conditions** that are noted above and in the appendices to the Terms and Conditions document.

#### **UC BERKELEY VENDOR STATUS**

As well, the community partner or fiscal sponsor must be **an approved UC Berkeley vendor**. If this is not yet the case, download the vendor form, fill it out and email it to [thesmith@berkeley.edu](mailto:thesmith@berkeley.edu) and [calpartnershipfund@berkeley.edu](mailto:calpartnershipfund@berkeley.edu) at your earliest convenience. Please indicate in your subject line this is CCPF Vendor Status email. [UC Berkeley Substitute W-9 and Supplier Information Form](#). (It is also attached). **Please return all Term and Conditions and Budget documents to the [calpartnershipfund@berkeley.edu](mailto:calpartnershipfund@berkeley.edu) email address by July 31.**

In closing, I am pleased to join the Chancellor and the Advisory Board wishing you success with your project. We hope that the resources will be useful in advancing this important effort. If you have any immediate concerns please contact me directly at [rlizardo@berkeley.edu](mailto:rlizardo@berkeley.edu) and cc [calpartnershipfund@berkeley.edu](mailto:calpartnershipfund@berkeley.edu).

Warm regards,

Rubén Lizardo

Chair, Chancellor's Community Partnership Fund Advisory Board

Director, Local Government and Community Relations

University of California, Berkeley

Chancellor's Community Partnership Fund [chancellor.berkeley.edu/gcr/local-community/ccpf](http://chancellor.berkeley.edu/gcr/local-community/ccpf)



CHANCELLOR'S COMMUNITY PARTNERSHIP FUND  
UNIVERSITY OF CALIFORNIA, BERKELEY

2200 Bancroft Avenue, Berkeley, CA 94720-4204  
Tel.: 510/642-7860 E-mail: calpartnershipfund@berkeley.edu

## 2020-2021 Grant Application Packet

**APPLICATION DEADLINE: Monday, March 9, 2020 no later than 5:00pm**  
*Incomplete applications will not be reviewed.*

Checklist:

A complete application will consist of the following documents:

- **Grant Application (this document)**
- **2019-2020 Budget Worksheet**
- **Partnership Agreement Letters** from all community and UC partners confirming their participation in the project or program. These letters must include: 1) confirmation that the individual or organization listed has agreed to participate as a project partner; and, 2) a summary of their planned participation and role.
- **Financial Documentation:**
  - a. **Please include the primary community partner's IRS 501(c)(3) designation letter.** If the lead organization is not registered as a non-profit and/or has not attained 501(c)(3) tax-exempt status by the application due date, then a fiscal sponsor must be designated. A letter from the fiscal sponsor confirming their willingness to act as the project's fiscal sponsor must be included in the grant application.
  - b. **Please also include ONE of the following:** the primary community partner's or fiscal sponsor's organizational budget, balance sheet, or Form 990 for the current and past fiscal year (or indicate via check box on page 3 that requested information is available on Guidestar.org).

### Optional Materials:

- No more than three, one-page letters of support from community members and/or other stakeholders not listed as partners may be submitted.
- No more than three pages of illustrations, maps, plans, project timelines and/or other relevant materials may also be included in the application packet.

### Submission Guidelines

All applications and supporting materials should be submitted electronically (as attachments) and emailed to [calpartnershipfund@berkeley.edu](mailto:calpartnershipfund@berkeley.edu). All materials must be **received no later than 5:00pm on Monday, March 9, 2020.**

### Naming your application:

Please use the following naming guidelines:

- If sending one PDF containing all documents, it should be named: Projectname\_CCPF\_FullApp
- If sending individual documents, enumerate them to match the order of the checklist above: ProjectName1\_CCPFFullApp; ProjectName2\_CCPFBudget; ProjectName3\_CCPFLetterOrgName; etc.
- Feel free to abbreviate your unique Partnership Name.

## 2020-2021 Grant Application Form

**Note:** Click inside the boxes to input information. They will expand as you type. To use automatic checkboxes, double-click the checkbox and select “checked” in the default value list that will pop-up on your screen and click “OK.”

### I. Project Information

|                                                                   |                                                                                                      |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Project/Program Title:                                            | Cal in Local Government – Summer Program                                                             |
| Applicant/Primary Community Partner:                              | City of Berkeley                                                                                     |
| Primary University Partner:                                       | Office of the External Affairs Vice President<br>Associated Students of the University of California |
| Total Project/Program Budget:                                     | \$35,000                                                                                             |
| Amount Requested from Chancellor’s<br>Community Partnership Fund: | \$25,000                                                                                             |

**Please indicate program or project type (check one):**

- Community Service Program
- Neighborhood Improvement Project

**Fund Theme applicable to your project (check one):**

- Arts and Culture
- Community Safety, Public Health and Wellness
- Economic Development
- Education\*
- Environmental Stewardship

*\*Note: Applicants for education grants must demonstrate how program activities align with and further the 2020 Vision for Berkeley’s Children and Youth.*

**Project Summary:** Provide a brief description of your project. This information will be used to produce informational materials about the Chancellor’s Community Partnership Fund. Limit summaries to **150 words or less.**

In any given year dozens of students are interning with City of Berkeley agencies and offices. However these students are typically not paid, not aligned with a formal school based public service program, may not receive support in preparing for their internship. This is an equity issue, as it limits which students can and cannot afford to gain valuable public service experience. Low-income, underrepresented students of color are impacted the most negatively.

In partnership with the ASUC, the Institute for Governmental Studies (IGS), the City of Berkeley, and the Public Service Center (PSC), this grant will allow for the expansion of the current PSC public service internship program in Berkeley into the summer and strengthen it through partnerships with the ASUC and IGS. The success of this program would then be used as “proof of concept” to raise funds to establish a permanent summer internship program with the city.

**II. Partner Information****Applicant/Primary Community Partner Information**

The **primary Community Partner** will be responsible for implementing the proposed project and fulfilling the terms of the grant.

|                                   |                                                                 |
|-----------------------------------|-----------------------------------------------------------------|
| Name of Community Organization    | City of Berkeley                                                |
| Date Founded                      |                                                                 |
| Tax ID #                          |                                                                 |
| Mailing Address                   | 2180 Milvia Street, 5 <sup>th</sup> Floor<br>Berkeley, CA 94704 |
| Telephone Number                  | (510) 981-2489                                                  |
| Website URL                       | www.cityofberkeley.info                                         |
| Contact Person's Name and Title   | Councilmember Rigel Robinson                                    |
| Contact Person's E-Mail Address   | rrobinson@cityofberkeley.info                                   |
| Contact Person's Telephone Number | (510) 981-7170                                                  |

**Primary University Partner Information**

Please provide the following information for the primary University partner.

|                                                                |                                                                                                      |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Name of Organization, Department, or Staff Unit at UC Berkeley | Office of the External Affairs Vice President<br>Associated Students of the University of California |
| Mailing Address                                                | 2464 Bancroft Way #412D<br>Berkeley, CA 94705                                                        |
| Telephone Number                                               | (510) 642-1431                                                                                       |
| Fax Number                                                     | n/a                                                                                                  |
| Website URL                                                    | www.asuc.org                                                                                         |
| Contact Person's Name and Title                                | Varsha Sarveshwar, External Affairs Vice President                                                   |
| Contact Person's E-Mail Address                                | eavp@asuc.org                                                                                        |
| Contact Person's Telephone Number                              | (818) 584-4678                                                                                       |

If the **primary University Partner** is a student or student group, please include the name and contact information for the **Faculty/Staff Advisor** below.

|                        |                                                |
|------------------------|------------------------------------------------|
| Faculty/Staff Advisor  | Sandra Bass                                    |
| Title, Department/Unit | Associate Dean, Director Public Service Center |
| E-Mail Address         | sandrab@berkeley.edu                           |
| Telephone Number       | (510) 643-0326                                 |

**Additional Partner Information**



Please provide the following information for all active community and university partners. You may copy and paste additional tables if necessary. Student and student group partners should also provide contact information for their respective faculty and/or staff advisors.

Identification and collaboration with potential partners should take place early in the application process. UC Berkeley's Office of Local Government and Community Relations can provide assistance connecting interested applicants with potential partners. Strong, meaningful partnerships are a key element of funded projects.

|                                                 |                                                                  |
|-------------------------------------------------|------------------------------------------------------------------|
| Name of Organization, Department, or Staff Unit | Institute for Governmental Studies                               |
| Mailing Address                                 | 109 Moses Hall<br>University of California<br>Berkeley, CA 94720 |
| Telephone Number                                | (510) 642-1474                                                   |
| Fax Number                                      | (510) 642-3020                                                   |
| Website URL                                     | <a href="http://www.igs.berkeley.edu">www.igs.berkeley.edu</a>   |
| Contact Person's Name and Title                 | Dr. Christine Trost, Executive Director                          |
| Contact Person's E-Mail Address                 | <a href="mailto:ctrost@berkeley.edu">ctrost@berkeley.edu</a>     |
| Contact Person's Telephone Number               | (510) 642-4465                                                   |

### **III. Project Description**

Each applicant is required to submit a project description that includes the following three components: A) an issue statement; B) a project implementation plan, and C) a partnership summary. Project descriptions that fail to include all three components will not be considered for funding.

**The total word count for the three-part Project Description should not exceed 1500 words.** Below each text box we have provided an area for you to keep track of your word count. Please combine sections A+B+C and provide a total word count at the end of the Project Description section.

#### **A. The Issue Statement and Berkeley Beneficiaries\***

- Briefly explain the significant problem or need that your project or program addresses and describe how your project will benefit your target population in Berkeley.
- Based on your issue/need statement, describe your target population and the geographic area that your project will serve, including the names of neighborhoods, street boundaries, and ideally city council district. Specify the demographics of this community, including race/ethnicity, age and socio-economic status. Include how many Berkeley residents you plan to serve.

\*Please note: If your program also serves non-Berkeley residents, you must clarify how Partnership Fund support will be solely dedicated to *Berkeley residents*.

Students who aspire to become public servants face significant barriers in accessing internship opportunities. Most significantly, public service internships — such as internships in local government — are usually unpaid. This limits the kinds of students who can gain from these experiences. Well-off students can often afford to work a full-time, unpaid summer internship, leaving them with valuable experience that they can use to secure paid work. Lower-income students — who, disproportionately, are underrepresented students of color — are often excluded from unpaid summer internships as they must use their time to work for pay. Though the City of Berkeley allocated \$10,000 in its latest budget to support paid interns, that alone is not enough to fund the dozens of interns that support our local government on a daily basis.

Our project will fund paid summer internships for 10 students attending Berkeley high schools (rising juniors and seniors only), Berkeley Community College, and the University of California, Berkeley. We will give priority to students who are traditionally underrepresented in public service: low-income students and students from underrepresented communities of color. Exposing a diverse class of interns to the policy process early in life is crucial to promoting diversity in our future leaders. Thus, this project acknowledges and furthers the Berkeley 2020 vision: Equity in Education.

Issue Statement word count: 211

## B. The Project Implementation Plan

The Fund strongly encourages well-organized, results-oriented projects and programs. Please explain the following:

- How you plan to implement your project and describe the outcomes you expect to accomplish.
- How you deliver the desired community outcomes.
- The program strategies you will employ and why.
- If your project or program partners with UC students, please describe intended learning outcomes they will achieve through their participation.
- Include a timeline and key milestones as appropriate.
- When possible, include the measurements you will use to evaluate whether the project or program has been successful in achieving its objective(s).

This project would launch in summer 2020 or summer 2021, depending on what is most feasible.

### The Internship Program Structure

- 10 week program (approx. June 1 - Aug 7)
- 6 hours per day at a city site,
- 1 brown bag "learning session" each week with a city leader
- Interns will be paid minimum wage (\$15.59) for 30 hours per week. ASUC/PSC would utilize CCPF grant funds to pay half (\$7.85); City of Berkeley agencies and offices would pay the other half.
- Cost per intern would be approximately \$2,353 for the city agency

Working together, the City, the ASUC, the PSC, and IGS, we would publish and disseminate an application by early May. This application would require a student's transcript, two references, and two personal statements (one on the student's interest in public service, and one on how the student has persevered through adversities in their life). After the deadline, the stakeholders will form a selection committee, select and interview finalists, and then extend offers to at least 7 students to participate in the summer program. (For the UC Berkeley students from the ASUC, we are hopeful that participating in the selection process is a meaningful professional development and public service experience).

Then, we will work with the students and the City to match them with placements. These placements would include the offices of elected city officials as well as city departments and agencies. Placements would be determined by a combination of the city's needs and the students' interests. Every week, students will participate in a "brown bag lunch" with a city civil servant or elected official to learn more about their careers in public service. Students should take away from the internship both hard skills (writing, quantitative analysis, etc.) and soft skills (group work, facilitation, etc.), as well as a better understanding of how they might go about a career in public service. Students will also begin developing their professional network through their placements and brown bag lunches.

The summer internship would last for 10 weeks. At the end, students will be engaged in a facilitated reflection process and the selection committee will conduct interviews with fellows and to hear how the program was received. Placement supervisors will be send a survey form, and students will also be expected to submit a short report. This information will be used to finetune the program in future years.

The hope is that this pilot will attract ongoing dollars from donors to the university to sustain and expand this internship for the summer as well as during the school year.

Project Implementation plan word count: 338

### **C. The Partnership Summary**

One of the main goals of the Fund is to establish and strengthen collaborative partnerships between the university and community. Use the following prompts to answer the question: What is each partner's role?

- Identify your project or program's partners and describe the extent of coordination and collaboration amongst the partners.
- What is the capacity of each partner to successfully implement this plan? You can list the partners responsible for implementing the plan and describe the experience.
- If your project or program partners with Berkeley students or UC Berkeley students, please describe intended learning outcomes they will achieve through their participation.
- How will this partnership between the Community Partner(s) and the University Partner(s) be sustained after the year-long grant? And what other benefits can be derived from the partnership?

The program has four partners: the City of Berkeley, the Associated Students of the University of California, the Public Service Center, and the Institute for Governmental Studies.

City of Berkeley agencies would provide appropriate supervision and partial financial support for interns. The ASUC, the PSC, and IGS will work together to recruit and select students, prepare students for their internships and support them throughout. All three of these stakeholders have extensive experience with running scholarships, grants, internships, and other opportunities, and disseminating them through channels that reach as many students as possible.

The students who are involved in the application process will gain important professional development and public service experience, while the students who are selected as fellows will benefit from a robust public service program that prepares them for the next steps in their careers while supporting vital city services.

Partnership summary word count: 190

**Total Word Count for Project Description** (sections A, B and C above). This is not to exceed 1500 words in total length. Longer submissions will not be read in full by the Board:

**Total Project Description (A,B,C) word count: 720**

**IV. Budget Narrative**

Please expand on the budget line items from the 2019-2020 Budget Worksheet. Remember that the person(s) reviewing your budget may not be familiar with your project or program. Use this narrative as an opportunity to justify and explain the costs outlined in your budget worksheet. Expenses might include as personnel, supplies and materials, fiscal sponsorship fee if applicable, etc.

**Please limit your budget narrative to 500 words.**

CCPF partnership funds would be used to pay approximately half of internship wages. Participating city agencies would pay the other half.

Currently, the City has allocated \$10,000 in its latest budget to pay for interns. However, as city agencies would only pay approximately \$2353 dollars for an intern for the summer, our hope is that additional city support would be forthcoming and thus more internships would be available.

Our hope is that this program will be used as a “proof of concept” to raise permanent funds through our stakeholders to establish a permanent summer internship program with the city.

**Total narrative budget word count (limit to 500 words): \_\_\_\_\_**

**Tax Exempt Status of the Primary Community Partner (or Applicant)**

Funds will be distributed **only** to tax exempt organizations qualifying under Internal Revenue Code section 501(c)(3). An applicant that is not a 501(c)(3) organization must designate one to serve as fiscal sponsor. The IRS determination letter issued to the applicant or fiscal sponsor **and** a letter from the fiscal sponsor confirming its willingness to serve in that role (as appropriate) must be attached to the application. Please indicate whether:

- The primary community partner/applicant is a 501(c)(3) organization.
- The primary community partner/applicant is not a 501(c)(3) organization and will provide fiscal sponsor information.

**Fiscal Sponsor Information** (if applicable)

|                        |                                                     |
|------------------------|-----------------------------------------------------|
| Name of Fiscal Sponsor | Associated Students of the University of California |
| Tax ID #               | 94-0294680                                          |

|                                   |                                                    |
|-----------------------------------|----------------------------------------------------|
| Mailing Address                   | 2465 Bancroft Way, Berkeley, CA 94720              |
| Telephone Number                  | (510) 642-1431                                     |
| Fax Number                        | n/a                                                |
| Website URL                       | www.asuc.org                                       |
| Contact Person's Name and Title   | Varsha Sarveshwar, External Affairs Vice President |
| Contact Person's E-Mail Address   | eavp@asuc.org                                      |
| Contact Person's Telephone Number | (818) 584-4678                                     |

**Financial Documentation**

Please indicate which *ONE* of the following forms you are submitting for the current and past fiscal year for the applicant or fiscal agent.

*Submitting for:*

- Applicant/Primary Community Partner       Fiscal Sponsor

*Select one of the following:*

- Organizational budget       Balance Sheet  
 Form 990       Information available at Guidestar.org

**Signature**

Please input your name, title and date in the following section.

By submitting this application and the supporting application materials, you are agreeing that: you are an authorized representative of the organization(s) identified on the Grant Application Form and that the information you have included in this document and other supporting application materials is to the best of your knowledge true and accurate.

|                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Name: Varsha Sarveshwar</p> <p>Title: External Affairs Vice President</p> <p>Organization: Associated Students of the University of California</p> <p>Date: March 9, 2020</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*Last Revised 1/30/2020*



CHANCELLOR'S COMMUNITY PARTNERSHIP FUND

UNIVERSITY OF CALIFORNIA, BERKELEY

2200 Bancroft Avenue, Berkeley, CA 94720-4204

Tel:510-642-7860 E-mail: calpartnershipfund@berkeley.edu

2020-2021 Budget Worksheet

Please itemize your project costs. Insert additional rows, as necessary. Itemize staff salaries, stipends paid to UC or community partners, consultants, and contract services under Personnel.

Applicant/Primary Community Partner:

Project/Program Name:

| Category                                                                                                                                                             | Expense Type/Description                     | Total Project Budget | Total Requested from the Partnership Fund      |           |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|----------------------|------------------------------------------------|-----------|--|
| <b>1. Supplies and Materials</b>                                                                                                                                     |                                              |                      |                                                |           |  |
|                                                                                                                                                                      | Orientation meals                            | \$ 250.00            |                                                |           |  |
|                                                                                                                                                                      | Other office supplies                        | \$ 150.00            |                                                |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
| <b>2. Personnel</b>                                                                                                                                                  |                                              |                      |                                                |           |  |
| Berkeley Student Interns                                                                                                                                             | \$15.59/hr 30 hours per week, 7 interns      | \$ 35,025.00         | \$ 25,000.00                                   |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
| <b>3. Travel Expenses</b>                                                                                                                                            |                                              |                      |                                                |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
| <b>4. Other Expenses (itemize)</b>                                                                                                                                   |                                              |                      |                                                |           |  |
|                                                                                                                                                                      | <i>e.g. fiscal sponsor fee if applicable</i> |                      |                                                |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
| <b>Totals</b>                                                                                                                                                        |                                              | \$ 35,425.00         | \$ 25,000.00                                   |           |  |
| <b>Other Sources of Support for the Project:</b> please indicate whether additional sources of support are requested, received, committed, or in-kind (see example). |                                              |                      | <b>Amount Requested, Received or Committed</b> |           |  |
| <i>Example: Berkeley Community Development Fund (requested)</i>                                                                                                      |                                              |                      | \$                                             |           |  |
| City of Berkeley                                                                                                                                                     |                                              |                      |                                                | \$10,000  |  |
|                                                                                                                                                                      |                                              |                      | \$                                             |           |  |
|                                                                                                                                                                      |                                              |                      | \$                                             |           |  |
| <b>Total</b>                                                                                                                                                         |                                              |                      | \$                                             | 10,000.00 |  |
| <b>Combined Total (Partnership Fund Plus Other Sources of Support)</b>                                                                                               |                                              |                      | \$                                             | 35,000.00 |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |
|                                                                                                                                                                      |                                              |                      |                                                |           |  |



March 9, 2020

Office of the Chancellor - University of California, Berkeley  
200 California Hall # 1500  
Berkeley, CA 94720

To whom it may concern,

I am writing to express my enthusiasm for the Cal in Local Government - Summer Program application up for consideration for the Chancellor's Community Partnership Fund. Student interns serve a valuable role in city hall, doing policy research and drafting legislation for consideration by the city council. Interns have a long and storied history here, with many having gone on to serve their communities in exciting ways. However, they have seldom been financially compensated for their work in the building.

Legislative internships in city hall have traditionally been unpaid. Despite the very real impacts and outcomes from students' work for the city, their labor has been taken for granted. This serves as a barrier for low-income students, who may benefit the most from meaningful work experience in local government, but cannot afford to put hours into a job that does not help them pay the bills.

Recently, this has started to change. The city council recently approved a budget item to fund one paid intern in each office. This application in partnership with the ASUC and the Public Service Center would take that work several steps further, and allocate the resources necessary to financially support interns in city hall and make the opportunity to intern more realistic for our most marginalized students.

I urge you to approve this proposal. Thank you for your consideration!


Sincerely,

A handwritten signature in black ink, appearing to read "Rigel Robinson", written in a cursive style.

RIGEL ROBINSON, Berkeley City Councilmember

2180 Milvia Street, 5th Floor • Berkeley, CA 94704  
(510) 981-7170 • [RRobinson@cityofberkeley.info](mailto:RRobinson@cityofberkeley.info)



|  <b>ASUC</b><br>ASUC Fiscal Year 2019-2020 Budget and Sponsorship (ABSA)<br>ASUC Chief Financial Officer: Lucy Liu<br>Chief Financial Officer |                      |                      |                  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|------------------|--|
| ASUC Chartered Programs and Commissions                                                                                                                                                                                        |                      |                      |                  |  |
| Organization                                                                                                                                                                                                                   | Sponsorship Category | Years of Sponsorship | Allocation       |  |
| ASUC Mental Health Commission                                                                                                                                                                                                  | GOVT                 |                      | \$3,000          |  |
| ASUC Publications and Media Board                                                                                                                                                                                              | GOVT                 |                      | \$10,000         |  |
| ASUC Financial Wellness Commission                                                                                                                                                                                             | GOVT                 |                      | \$3,000          |  |
| ASUC Housing Commission                                                                                                                                                                                                        | GOVT                 |                      | \$3,000          |  |
| ASUC Sexual Violence Commission                                                                                                                                                                                                | GOVT                 |                      | \$3,000          |  |
| ASUC Healthcare Justice Commission                                                                                                                                                                                             | GOVT                 |                      | \$3,000          |  |
| ASUC Intimate Partner Violence Commission                                                                                                                                                                                      | GOVT                 |                      | \$3,000          |  |
| ASUC Public Oversight Commission                                                                                                                                                                                               | GOVT                 |                      | \$3,000          |  |
| ASUC Diversity Affairs Commission                                                                                                                                                                                              | GOVT                 |                      | \$3,000          |  |
| ASUC Post-Traditional Student Commission                                                                                                                                                                                       | GOVT                 |                      | \$3,000          |  |
| ASUC Sustainability Team                                                                                                                                                                                                       | GOVT                 |                      | \$3,000          |  |
| ASUC Student Union Programming, Entertainment, and Recreation Board                                                                                                                                                            | GOVT                 |                      | \$0              |  |
| CarTV                                                                                                                                                                                                                          | GOVT                 |                      | \$1,000          |  |
| Innovative Design                                                                                                                                                                                                              | GOVT                 |                      | \$7,000          |  |
| Halper Solar Program                                                                                                                                                                                                           | GOVT                 |                      | \$3,500          |  |
| Open Consulting Policy                                                                                                                                                                                                         | GOVT                 |                      | \$50,000         |  |
| De'ed Board                                                                                                                                                                                                                    | GOVT                 |                      | \$5,000          |  |
| GOVT SUBTOTAL:                                                                                                                                                                                                                 |                      |                      | \$94,700         |  |
| ASUC Registered Student Organizations                                                                                                                                                                                          |                      |                      |                  |  |
| Organization                                                                                                                                                                                                                   | Sponsorship Category | Years of Sponsorship | Allocation       |  |
| <b>Publications (PUB) Registered Student Organizations</b>                                                                                                                                                                     |                      |                      |                  |  |
| B-Side, The                                                                                                                                                                                                                    | PUB                  | 7                    | \$200            |  |
| BAFE Magazine                                                                                                                                                                                                                  | PUB                  | 12                   | \$4,077          |  |
| Berkeley Economic Review                                                                                                                                                                                                       | PUB                  | 2                    | \$700            |  |
| Berkeley Politics Review                                                                                                                                                                                                       | PUB                  | 30                   | \$2,000          |  |
| Berkeley Poetry Review                                                                                                                                                                                                         | PUB                  | 20                   | \$1,520          |  |
| Berkeley Politics Review, The                                                                                                                                                                                                  | PUB                  | 16                   | \$8,128          |  |
| Berkeley Science Review                                                                                                                                                                                                        | PUB                  | 19                   | \$1,200          |  |
| Berkeley Scientific Journal                                                                                                                                                                                                    | PUB                  | 1                    | \$900            |  |
| Berkshon Buzz                                                                                                                                                                                                                  | PUB                  | 1                    | \$700            |  |
| Blue & Gold Yearbook                                                                                                                                                                                                           | PUB                  | 5                    | \$700            |  |
| Cal Literature and Arts Magazine                                                                                                                                                                                               | PUB                  | 20                   | \$2,000          |  |
| Calliope Magazine                                                                                                                                                                                                              | PUB                  | 10                   | \$9,200          |  |
| Chin Touch                                                                                                                                                                                                                     | PUB                  | 20                   | \$1,500          |  |
| Crab                                                                                                                                                                                                                           | PUB                  | 3                    | \$900            |  |
| in Color Film and Visual Arts Collective                                                                                                                                                                                       | PUB                  | 1                    | \$400            |  |
| Interdisciplinary Finance Journal at UC Berkeley                                                                                                                                                                               | PUB                  | 1                    | \$700            |  |
| Latino                                                                                                                                                                                                                         | PUB                  | 1                    | \$000            |  |
| Maganda Magazine                                                                                                                                                                                                               | PUB                  | 20                   | \$10             |  |
| Morning Slip Out                                                                                                                                                                                                               | PUB                  | 1                    | \$300            |  |
| Parasitica Magazine                                                                                                                                                                                                            | PUB                  | 22                   | Sponsorship Only |  |
| Policy Review at Berkeley                                                                                                                                                                                                      | PUB                  | 1                    | \$700            |  |
| Public Health Advocate                                                                                                                                                                                                         | PUB                  | 10                   | \$1,000          |  |
| Review of International Conflict and Security                                                                                                                                                                                  | PUB                  | 1                    | \$700            |  |
| Small Arts, The                                                                                                                                                                                                                | PUB                  | 16                   | \$3,000          |  |
| Spoken University at Berkeley                                                                                                                                                                                                  | PUB                  | 6                    | \$1,200          |  |
| Synapse                                                                                                                                                                                                                        | PUB                  | 3                    | \$840            |  |
| The Healthie Spirit                                                                                                                                                                                                            | PUB                  | 20                   | \$7,000          |  |
| Insights (Formerly known as Al-Bayan)                                                                                                                                                                                          | PUB                  | 10                   | \$11,000         |  |
| Tu An Unleashed Goal                                                                                                                                                                                                           | PUB                  | 20                   | \$2,000          |  |
| Undergraduate Journal of Classics at Berkeley                                                                                                                                                                                  | PUB                  | 5                    | \$1,600          |  |
| <b>PUB SUBTOTAL</b>                                                                                                                                                                                                            |                      |                      | <b>\$68,934</b>  |  |
| Student Activity Groups (SAG)                                                                                                                                                                                                  |                      |                      |                  |  |
| Organization                                                                                                                                                                                                                   | Sponsorship Category | Years of Sponsorship | Allocation       |  |
| Yeshiva Jewish Fellowship                                                                                                                                                                                                      | SAG                  | 3                    | \$000            |  |
| 180 Degree Consulting at Berkeley                                                                                                                                                                                              | SAG                  | 4                    | \$000            |  |
| SD Housing and Admission at Berkeley                                                                                                                                                                                           | SAG                  | 1                    | \$900            |  |
| A.S.T.C. - Astronomer's Society for Teaching Recreation and Outreach                                                                                                                                                           | SAG                  | 3                    | Sponsorship Only |  |
| ABA                                                                                                                                                                                                                            | SAG                  | 3                    | \$000            |  |
| Abba Modern                                                                                                                                                                                                                    | SAG                  | 3                    | \$000            |  |
| Abolitionists                                                                                                                                                                                                                  | SAG                  | 18                   | \$4,500          |  |
| Alghan Student Association                                                                                                                                                                                                     | SAG                  | 12                   | \$3,000          |  |
| AFPA Direct                                                                                                                                                                                                                    | SAG                  | 7                    | Sponsorship Only |  |
| Alpha Eta Phi Fraternity, Inc.                                                                                                                                                                                                 | SAG                  | 14                   | \$2,800          |  |
| Alpha Kappa Psi                                                                                                                                                                                                                | SAG                  | 9                    | \$1,000          |  |
| Alpha Phi Omega                                                                                                                                                                                                                | SAG                  | 24                   | \$4,000          |  |
| Alpha Rho Chi                                                                                                                                                                                                                  | SAG                  | 1                    | \$400            |  |
| American Advertising Federation                                                                                                                                                                                                | SAG                  | 4                    | \$400            |  |
| American Chemical Society at Berkeley Student Chapter                                                                                                                                                                          | SAG                  | 4                    | \$000            |  |
| American Institute of Architecture Students - UC Berkeley Chapter                                                                                                                                                              | SAG                  | 9                    | \$000            |  |
| American Medical Student Association - Berkeley Pre-medical Chapter                                                                                                                                                            | SAG                  | 21                   | \$1,000          |  |
| American Medical Women's Association at Berkeley                                                                                                                                                                               | SAG                  | 4                    | \$000            |  |
| American Physician Scientists Association at UC Berkeley                                                                                                                                                                       | SAG                  | 1                    | \$400            |  |
| Anthropology Undergraduate Association                                                                                                                                                                                         | SAG                  | 1                    | Sponsorship Only |  |
| Arab Student Union                                                                                                                                                                                                             | SAG                  | 8                    | \$1,200          |  |
| ARF Respiratory Therapy                                                                                                                                                                                                        | SAG                  | 1                    | \$700            |  |
| American Student Association                                                                                                                                                                                                   | SAG                  | 37                   | \$2,400          |  |
| Arroyo ROTC Cadet Club                                                                                                                                                                                                         | SAG                  | 1                    | \$400            |  |
| Armed Air Society                                                                                                                                                                                                              | SAG                  | 2                    | \$400            |  |
| Arts and Mind                                                                                                                                                                                                                  | SAG                  | 2                    | \$400            |  |
| Arts in Residence A Cappella                                                                                                                                                                                                   | SAG                  | 5                    | \$700            |  |
| Asend                                                                                                                                                                                                                          | SAG                  | 11                   | \$000            |  |
| Asian for Education, Berkeley                                                                                                                                                                                                  | SAG                  | 15                   | \$1,400          |  |
| Asian American Association                                                                                                                                                                                                     | SAG                  | 22                   | \$4,400          |  |
| Asian American Law Journal Undergraduate Fellows                                                                                                                                                                               | SAG                  | 1                    | \$400            |  |
| Assistants, Therapists, and Practitioners at Berkeley                                                                                                                                                                          | SAG                  | 1                    | \$400            |  |
| Association for Health Professional Development                                                                                                                                                                                | SAG                  | 10                   | \$1,672          |  |
| Association for Socially Responsible Business                                                                                                                                                                                  | SAG                  | 2                    | \$128            |  |
| Association of Chinese Entrepreneurs at Berkeley                                                                                                                                                                               | SAG                  | 1                    | \$400            |  |
| Association of Korean Artists                                                                                                                                                                                                  | SAG                  | 1                    | \$400            |  |
| Austin Cosmetics (Formerly known as Kappa Cosmetics Team)                                                                                                                                                                      | SAG                  | 1                    | \$775            |  |
| Autonomous Underwater Vehicle Team at Berkeley                                                                                                                                                                                 | SAG                  | 3                    | Sponsorship Only |  |
| Awail                                                                                                                                                                                                                          | SAG                  | 7                    | Sponsorship Only |  |
| Babel Company at Berkeley                                                                                                                                                                                                      | SAG                  | 8                    | \$700            |  |
| Babel Politécnico Bellas Artes de México                                                                                                                                                                                       | SAG                  | 7                    | \$800            |  |
| Bangor Student Association at Berkeley                                                                                                                                                                                         | SAG                  | 3                    | \$000            |  |
| Bay Area Values Research Day                                                                                                                                                                                                   | SAG                  | 1                    | Sponsorship Only |  |
| BerkWal                                                                                                                                                                                                                        | SAG                  | 4                    | \$000            |  |
| Berkeley Behr Club                                                                                                                                                                                                             | SAG                  | 24                   | \$700            |  |
| Berkeley Ballroom Dancers                                                                                                                                                                                                      | SAG                  | 5                    | \$000            |  |
| Berkeley Business Club                                                                                                                                                                                                         | SAG                  | 3                    | \$000            |  |
| Berkeley Cellophane Guild                                                                                                                                                                                                      | SAG                  | 16                   | \$800            |  |
| Berkeley Chinese Students and Scholars Association                                                                                                                                                                             | SAG                  | 13                   | \$2,000          |  |
| Berkeley College Republicans                                                                                                                                                                                                   | SAG                  | 24                   | \$0,000          |  |
| Berkeley Consulting                                                                                                                                                                                                            | SAG                  | 2                    | Sponsorship only |  |
| Berkeley Energy and Resources Collaborative Undergraduate                                                                                                                                                                      | SAG                  | 1                    | \$000            |  |
| Berkeley Indonesian Student Association                                                                                                                                                                                        | SAG                  | 5                    | Sponsorship Only |  |
| Berkeley Innovation                                                                                                                                                                                                            | SAG                  | 3                    | Sponsorship Only |  |
| Berkeley Investment Group                                                                                                                                                                                                      | SAG                  | 1                    | Sponsorship Only |  |
| Berkeley Legal Studies Organization                                                                                                                                                                                            | SAG                  | 3                    | \$000            |  |
| Berkeley Model United Nations Conference                                                                                                                                                                                       | SAG                  | 1                    | Sponsorship Only |  |
| Berkeley Olympian                                                                                                                                                                                                              | SAG                  | 6                    | \$1,200          |  |
| Berkeley Organization for Animal Advocacy                                                                                                                                                                                      | SAG                  | 1                    | Sponsorship Only |  |
| Berkeley Tennis Association                                                                                                                                                                                                    | SAG                  | 3                    | \$400            |  |
| Berkeley Women in Business                                                                                                                                                                                                     | SAG                  | 16                   | \$800            |  |
| Black Left Theory Project                                                                                                                                                                                                      | SAG                  | 3                    | \$400            |  |
| Reynold Academics                                                                                                                                                                                                              | SAG                  | 3                    | \$300            |  |
| Big Data at Berkeley                                                                                                                                                                                                           | SAG                  | 1                    | \$200            |  |
| Biotech Technology Club                                                                                                                                                                                                        | SAG                  | 1                    | Sponsorship Only |  |
| Engineering at Berkeley                                                                                                                                                                                                        | SAG                  | 2                    | \$000            |  |
| Black Engineering and Science Student Association                                                                                                                                                                              | SAG                  | 5                    | Sponsorship Only |  |
| Black Graduate Student Association                                                                                                                                                                                             | SAG                  | 1                    | \$400            |  |
| Black History Association at Berkeley                                                                                                                                                                                          | SAG                  | 3                    | \$200            |  |
| Black Recruitment and Retention Center                                                                                                                                                                                         | SAG                  | 37                   | Sponsorship Only |  |
| Black Grievance at Berkeley                                                                                                                                                                                                    | SAG                  | 3                    | \$000            |  |
| Boat Ventures Partners                                                                                                                                                                                                         | SAG                  | 1                    | \$400            |  |
| Brainerd Student Association at Berkeley                                                                                                                                                                                       | SAG                  | 1                    | \$400            |  |
| Bridge Multicultural Resource Center                                                                                                                                                                                           | SAG                  | 23                   | Sponsorship Only |  |
| BridgeUSA at Berkeley                                                                                                                                                                                                          | SAG                  | 3                    | \$000            |  |
| BUOP                                                                                                                                                                                                                           | SAG                  | 1                    | \$400            |  |
| Burma Association at Berkeley                                                                                                                                                                                                  | SAG                  | 1                    | \$395            |  |





| Organization                                                                  | Sponsorship Category | Years of Sponsorship | Allocation       |
|-------------------------------------------------------------------------------|----------------------|----------------------|------------------|
| Women in Computer Science and Electrical Engineering                          | SAG                  | 1                    | Sponsorship Only |
| Women in Mathematics at Berkeley                                              | SAG                  | 6                    | \$500            |
| Women in Politics at Berkeley                                                 | SAG                  | 2                    | \$400            |
| Young Americans for Liberty                                                   | SAG                  | 1                    | \$400            |
| Young Democratic Socialists of America at Berkeley                            | SAG                  | 2                    | \$400            |
| Zabotnik                                                                      | SAG                  | 3                    | \$500            |
| <b>SAG SUBTOTAL</b>                                                           |                      |                      | <b>\$174,472</b> |
| <b>Student-Initiated Service Group (SSG)</b>                                  |                      |                      |                  |
| 100 STRONG                                                                    | SSG                  | 6                    | \$1,000          |
| 7 Cups at Berkeley                                                            | SSG                  | 1                    | \$500            |
| Academic Culture Environment Coaches                                          | SSG                  | 4                    | \$500            |
| Adviser for Adviser's at Berkeley                                             | SSG                  | 1                    | \$500            |
| Alpha Kappa Alpha Sorority Inc. Phi Chapter                                   | SSG                  | 3                    | \$500            |
| Alpha Phi Alpha Fraternity, Inc.                                              | SSG                  | 17                   | \$1,420          |
| Alternative Breaks                                                            | SSG                  | 17                   | \$3,350          |
| American Red Cross at Cal                                                     | SSG                  | 19                   | \$6,500          |
| American Society for Biochemistry and Molecular Biology at Berkeley           | SSG                  | 1                    | \$500            |
| Alms                                                                          | SSG                  | 3                    | Sponsorship Only |
| Anti-Trafficking Coalition at Berkeley                                        | SSG                  | 11                   | \$2,000          |
| Asian American and Pacific Islander Health Research Group                     | SSG                  | 1                    | \$500            |
| ASUC Student Legal Clinic                                                     | SSG                  | 26                   | \$1,400          |
| Bay Area Environmentally Aware Consulting Network                             | SSG                  | 11                   | \$400            |
| Be The Match On Campus at Berkeley                                            | SSG                  | 3                    | \$500            |
| Beats for Beats                                                               | SSG                  | 7                    | \$400            |
| Beats for Palestine                                                           | SSG                  | 5                    | \$2,350          |
| Beats Without Borders                                                         | SSG                  | 1                    | \$500            |
| Berkeley Caribbean Students Association                                       | SSG                  | 5                    | \$500            |
| Berkeley Classics Team                                                        | SSG                  | 4                    | \$1,000          |
| Berkeley Medical Reserve Corps                                                | SSG                  | 6                    | \$1,500          |
| Best Bubbles at Berkeley                                                      | SSG                  | 13                   | \$500            |
| Bhagat Poon Singh Health Institute @ Berkeley                                 | SSG                  | 5                    | \$1,200          |
| Blue Banners                                                                  | SSG                  | 1                    | Sponsorship Only |
| Bo-Business Initiative                                                        | SSG                  | 1                    | \$500            |
| Broad Pressure Project                                                        | SSG                  | 6                    | \$500            |
| Brasport Technology for nonprofits                                            | SSG                  | 7                    | \$2,000          |
| Burns Health Initiative                                                       | SSG                  | 4                    | \$600            |
| Breads at Berkeley                                                            | SSG                  | 2                    | \$500            |
| BRIDGE Leadership Program                                                     | SSG                  | 1                    | \$500            |
| Cal Berkeley Habitat for Humanity                                             | SSG                  | 20                   | \$2,500          |
| Cal Community Music                                                           | SSG                  | 34                   | \$420            |
| Cal Retreat                                                                   | SSG                  | 16                   | \$2,000          |
| Cal Veterans Group                                                            | SSG                  | 11                   | \$3,000          |
| California Health Professional Student Alliance                               | SSG                  | 3                    | \$500            |
| Camp Keweenaw Berkeley                                                        | SSG                  | 11                   | \$1,000          |
| Chemical Engineers in Health Education                                        | SSG                  | 29                   | \$3,500          |
| College Against Cancer                                                        | SSG                  | 16                   | \$1,500          |
| Computer Science Mentors                                                      | SSG                  | 4                    | Sponsorship Only |
| Creative Residences for Emerging Artists Teaching Empowerment                 | SSG                  | 7                    | \$1,000          |
| Dance Marathon                                                                | SSG                  | 14                   | \$11,800         |
| Dance the Bay                                                                 | SSG                  | 6                    | \$600            |
| Delta Sigma Theta Sorority Incorporated-Kappa Chapter                         | SSG                  | 18                   | \$1,300          |
| Delaney With Design                                                           | SSG                  | 1                    | \$400            |
| Doctors Without Borders at Berkeley                                           | SSG                  | 1                    | Sponsorship Only |
| Down Syndrome Community Outreach                                              | SSG                  | 1                    | \$200            |
| Engineers and Mentors of Berkeley                                             | SSG                  | 8                    | \$1,500          |
| Engineers Without Borders at Berkeley                                         | SSG                  | 6                    | Sponsorship Only |
| ETHICAL Activist                                                              | SSG                  | 10                   | Sponsorship Only |
| Expanding Your Horizons at Berkeley                                           | SSG                  | 7                    | \$1,000          |
| Financial Literacy and Economic Justice Conference                            | SSG                  | 2                    | Sponsorship Only |
| GIANT Ferventale                                                              | SSG                  | 11                   | \$1,800          |
| Girl of Life at Berkeley                                                      | SSG                  | 1                    | \$500            |
| GirlUp at UC Berkeley                                                         | SSG                  | 1                    | \$500            |
| Global Medical Reserve Alliance at Berkeley                                   | SSG                  | 3                    | \$500            |
| GlobalMind at Berkeley                                                        | SSG                  | 3                    | \$400            |
| Grant A Walk at Berkeley                                                      | SSG                  | 7                    | \$1,000          |
| Growing the Grasses                                                           | SSG                  | 7                    | \$300            |
| Hands and Feet                                                                | SSG                  | 5                    | Sponsorship Only |
| Health and Medical Apprenticeship Program                                     | SSG                  | 26                   | \$10,700         |
| Health Leads at Berkeley                                                      | SSG                  | 1                    | \$500            |
| Helix@Berkeley                                                                | SSG                  | 1                    | \$500            |
| Hemlock Unidos                                                                | SSG                  | 2                    | \$500            |
| Hidden Road Initiative                                                        | SSG                  | 1                    | Sponsorship Only |
| History Student Association at Berkeley                                       | SSG                  | 12                   | \$3,000          |
| Indigenous and Native Coalition Recruitment and Retention Center              | SSG                  | 26                   | Sponsorship Only |
| Inventions at Berkeley                                                        | SSG                  | 8                    | \$1,000          |
| Inside the Living Room                                                        | SSG                  | 1                    | \$170            |
| Ivies Berkeley                                                                | SSG                  | 1                    | \$500            |
| Jaiwan Memorial Club at Berkeley                                              | SSG                  | 3                    | \$600            |
| Jaya Clinic                                                                   | SSG                  | 2                    | \$500            |
| Kalifornia at Berkeley                                                        | SSG                  | 1                    | \$500            |
| Kidney Disease Screening and Awareness Program                                | SSG                  | 3                    | \$600            |
| Kuwait Consulate Berkeley                                                     | SSG                  | 1                    | \$500            |
| Laker Coach Program                                                           | SSG                  | 9                    | \$1,000          |
| Lakes for Change                                                              | SSG                  | 3                    | \$500            |
| Laudian Theta Alpha Lahn Society, Incorporated                                | SSG                  | 11                   | \$1,500          |
| Laudian Theta Xi Society, Inc.                                                | SSG                  | 9                    | \$1,200          |
| Laudian Theta Phi Lahn Fraternity, Inc.                                       | SSG                  | 13                   | \$2,700          |
| Laudian American Student Representatives                                      | SSG                  | 21                   | \$3,700          |
| Laura Cassa at the University of California-Berkeley                          | SSG                  | 8                    | \$1,500          |
| Late Fee - Area Membership Program                                            | SSG                  | 14                   | \$1,200          |
| Lobby Day Coalition at Berkeley                                               | SSG                  | 3                    | \$500            |
| Medical Publication Initiative                                                | SSG                  | 1                    | \$500            |
| MEOLIFE                                                                       | SSG                  | 9                    | \$750            |
| Midwest Eastern North African Recruitment Retention Center                    | SSG                  | 6                    | Sponsorship Only |
| Migrant Advocacy Project                                                      | SSG                  | 2                    | \$500            |
| MOUSE: An Community Organizing Fellowship                                     | SSG                  | 3                    | \$500            |
| Multi-Cultural Greek Council                                                  | SSG                  | 4                    | Sponsorship Only |
| National Council of Negro Women                                               | SSG                  | 13                   | \$2,250          |
| Oakland Area Student Educational Services                                     | SSG                  | 17                   | \$3,000          |
| Orange Phi Beta Sorority, Incorporated                                        | SSG                  | 7                    | \$1,000          |
| Parent Advocacy Student Group                                                 | SSG                  | 8                    | \$2,000          |
| People's Text Preparation Service                                             | SSG                  | 23                   | \$8,250          |
| Pigma Academic Student Services                                               | SSG                  | 30                   | Sponsorship Only |
| Project Vision                                                                | SSG                  | 12                   | \$500            |
| Project WISE: The Berkeley Chapter                                            | SSG                  | 12                   | \$1,100          |
| Project XCFI                                                                  | SSG                  | 3                    | \$500            |
| Project Spreading Multiculturalism and Inspiring Leadership through Education | SSG                  | 11                   | \$4,000          |
| Public Service Internship                                                     | SSG                  | 1                    | \$500            |
| Queer Alliance & Resource Center                                              | SSG                  | 41                   | \$40,000         |
| Race Recruitment and Retention Center                                         | SSG                  | 62                   | Sponsorship Only |
| REACH: Asian Pacific American Recruitment and Retention Center                | SSG                  | 23                   | Sponsorship Only |
| Reform Legal Assistance                                                       | SSG                  | 37                   | \$500            |
| Reign Immigrant Scholars through Education                                    | SSG                  | 11                   | \$3,000          |
| Sigma Phi Alpha Sorority, Inc.                                                | SSG                  | 10                   | \$1,000          |
| Southeast Asian Mentors                                                       | SSG                  | 11                   | \$1,200          |
| Southeast Asian Prison Outreach Project                                       | SSG                  | 9                    | \$600            |
| Southeast Asian Student Coalition                                             | SSG                  | 13                   | \$10,000         |
| Speakers Bureau at Cal                                                        | SSG                  | 9                    | \$500            |
| Student Parent Association for Recruitment and Retention                      | SSG                  | 1                    | Sponsorship Only |
| Student Parent Food Distribution Program                                      | SSG                  | 2                    | Sponsorship Only |
| Student to Student Peer Counseling                                            | SSG                  | 27                   | \$500            |
| Substance Clinic                                                              | SSG                  | 21                   | \$12,000         |
| Support, Challenge and Develop for Children of Berkeley                       | SSG                  | 3                    | \$500            |
| T-Cat                                                                         | SSG                  | 1                    | \$116            |
| Teach in Prison                                                               | SSG                  | 10                   | \$1,440          |
| Team IRVY                                                                     | SSG                  | 13                   | \$500            |
| The Berkeley Group                                                            | SSG                  | 17                   | \$3,000          |
| The Berkeley Project                                                          | SSG                  | 13                   | \$1,200          |
| The Coalition for the Institutionalization of Free Menstrual Products         | SSG                  | 1                    | Sponsorship Only |
| The Music Connection                                                          | SSG                  | 3                    | \$500            |
| The PERIOD Project at Berkeley                                                | SSG                  | 1                    | \$500            |
| The Sage Mentorship Project                                                   | SSG                  | 7                    | \$500            |
| Thawer for Charity                                                            | SSG                  | 16                   | \$1,800          |
| Three Angels Lead (formerly known as Thai Angel Leadline)                     | SSG                  | 3                    | \$400            |
| Together Educating All Children in Hospitals                                  | SSG                  | 1                    | \$500            |
| TRINADA                                                                       | SSG                  | 8                    | \$2,500          |
| UNICAF at Berkeley                                                            | SSG                  | 17                   | \$500            |
| V-Clay at Cal                                                                 | SSG                  | 4                    | \$500            |
| VCHA Medical Volunteering at Berkeley                                         | SSG                  | 3                    | \$500            |
| Vietnamese Student Association                                                | SSG                  | 28                   | \$8,000          |
| Volunteer Health Innovators Organization                                      | SSG                  | 14                   | \$4,000          |
| Volunteer Income Tax Association Program                                      | SSG                  | 7                    | \$500            |
| Volunteers Around the World at Berkeley                                       | SSG                  | 6                    | \$500            |

|                                                                           |             |                             |    |                    |
|---------------------------------------------------------------------------|-------------|-----------------------------|----|--------------------|
| Volunteers for Medical Outreach                                           | SSSG        |                             | 6  | \$2,200            |
| Workshops                                                                 | SSSG        |                             | 9  | Sponsorship Only   |
| You Mean More                                                             | SSSG        |                             | 8  | \$1,500            |
| Youth Empowerment Program                                                 | SSSG        |                             | 6  | \$1,800            |
| Youth Support Program                                                     | SSSG        |                             | 24 | \$600              |
| <b>SSSG Total</b>                                                         |             |                             |    | <b>\$57,200</b>    |
| <b>STUDENT ORGANIZATION CONTINGENCY FUND</b>                              | <b>FUND</b> |                             |    | <b>\$51,540</b>    |
| <b>ASUC TOTAL W/O ASUC INTERNAL BUDGET</b>                                |             |                             |    | <b>\$1,081,304</b> |
| <b>ASUC Internal Budget</b>                                               |             |                             |    |                    |
| <b>Scholarships, Grants, and Funds</b>                                    |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| Academic Opportunity Fund                                                 | GRNT        |                             |    | \$50,000           |
| Ada and Creativity Grant                                                  | GRNT        |                             |    | \$2,000            |
| Grant Opportunity Fund                                                    | GRNT        |                             |    | \$2,000            |
| Intellectual Community Grant                                              | GRNT        |                             |    | \$2,000            |
| Multiethnic Grant                                                         | GRNT        |                             |    | \$4,000            |
| Outstanding Student Recognition Scholarship                               | SCLR        |                             |    | \$1,000            |
| Public Service Grant                                                      | GRNT        |                             |    | \$3,000            |
| RISE Scholarship                                                          | SCLR        |                             |    | \$7,500            |
| Student Connector Grant                                                   | GRNT        |                             |    | \$1,400            |
| Student Organization Travel Grant                                         | GRNT        |                             |    | \$2,000            |
| Techbook Scholarship                                                      | SCLR        |                             |    | \$5,000            |
| Unreserved and Uncommitted Fall Program for Freshmen (FPF) Scholarship    | SCLR        |                             |    | \$4,000            |
| Unreserved Student Equity Grant                                           | GRNT        |                             |    | \$1,000            |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$87,900</b>    |
| <b>Office of the President</b>                                            |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| Chief of Staff Stipend                                                    | CP          |                             |    | \$2,000            |
| President Discretionary Fund                                              | CP          |                             |    | \$5,000            |
| President Stipend                                                         | CP          |                             |    | \$4,000            |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$11,000</b>    |
| <b>Office of the Executive Vice President</b>                             |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| Chief of Staff Stipend                                                    | EVP         |                             |    | \$2,000            |
| EVP Discretionary Fund                                                    | EVP         |                             |    | \$3,000            |
| EVP Special Director Stipend                                              | EVP         |                             |    | \$2,000            |
| EVP Stipend                                                               | EVP         |                             |    | \$4,000            |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$11,000</b>    |
| <b>Office of External Affairs Vice President</b>                          |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| Campus Organizing Director Stipend                                        | EAVP        |                             |    | \$1,000            |
| Chief of Staff Stipend                                                    | EAVP        |                             |    | \$2,000            |
| EAVP Discretionary Fund                                                   | EAVP        |                             |    | \$13,000           |
| EAVP Stipend                                                              | EAVP        |                             |    | \$4,000            |
| Legislative Affairs Director Stipend                                      | EAVP        |                             |    | \$1,000            |
| Legislative Conference                                                    | EAVP        |                             |    | \$12,000           |
| Lobby Costs                                                               | EAVP        |                             |    | \$20,000           |
| UC Student Association Dues                                               | EAVP        |                             |    | \$5,145            |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$104,425</b>   |
| <b>Office of the Academic Affairs Vice President</b>                      |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| AAVP Discretionary Fund                                                   | AAVP        |                             |    | \$1,500            |
| AAVP Stipend                                                              | AAVP        |                             |    | \$4,000            |
| Chief of Staff Stipend                                                    | AAVP        |                             |    | \$2,000            |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$7,500</b>     |
| <b>Office of the Student Advocate</b>                                     |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| Chief of Staff Stipend                                                    | SAO         |                             |    | \$2,000            |
| SAO Discretionary Fund                                                    | SAO         |                             |    | \$2,000            |
| SAO Stipend                                                               | SAO         |                             |    | \$4,000            |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$8,000</b>     |
| <b>Seniors</b>                                                            |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| ASUC Bookcamp                                                             | SEN         |                             |    | \$500              |
| ASUC Conference                                                           | SEN         |                             |    | \$3,000            |
| Seniors Leadership Institute / Seniors Meetings                           | SEN         |                             |    | \$5,000            |
| Seniors' Discretionary Funds (\$200.00 each)                              | SEN         |                             |    | \$10,000           |
| Seniors' Stipend (\$200.00 each)                                          | SEN         |                             |    | \$10,000           |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$28,500</b>    |
| <b>Appointed Officials</b>                                                |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| 2 Student Union Board of Directors Stipend (\$100 each)                   | ACFR        |                             |    | \$200              |
| Chief Appointed Officials Support Staff Stipend                           | ACFR        |                             |    | \$2,000            |
| Chief Communication Officer Stipend                                       | ACFR        |                             |    | \$2,000            |
| Chief Financial Officer Stipend                                           | ACFR        |                             |    | \$2,000            |
| Chief Legal Officer Stipend                                               | ACFR        |                             |    | \$2,000            |
| Chief Personnel Officer Stipend                                           | ACFR        |                             |    | \$2,000            |
| Chief Technology Officer Stipend                                          | ACFR        |                             |    | \$2,000            |
| Judicial Council Office                                                   | ACFR        |                             |    | \$200              |
| Livelihoods Coordinator Stipend                                           | ACFR        |                             |    | \$500              |
| Marketing and Communications Office (Discretionary)                       | ACFR        |                             |    | \$5,500            |
| Public Defender Stipend                                                   | ACFR        |                             |    | \$100              |
| 2 Undergraduate Representative - Student Union Board of Directors Stipend | ACFR        |                             |    | \$400              |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$18,700</b>    |
| <b>Operations</b>                                                         |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| Address                                                                   | OPRS        |                             |    | \$0                |
| ASUC Administrative Office                                                | OPRS        |                             |    | \$67,000           |
| ASUC End of Year Banquet                                                  | OPRS        |                             |    | \$3,000            |
| Audit                                                                     | OPRS        |                             |    | \$20,000           |
| Bank Fee                                                                  | OPRS        |                             |    | \$1,000            |
| Big Ideas                                                                 | OPRS        |                             |    | \$13,000           |
| Capital Improvement Fund Allocation                                       | OPRS        |                             |    | \$4,655            |
| Emergency Legal Defense Fund                                              | OPRS        |                             |    | \$10,000           |
| Legal Fee                                                                 | OPRS        |                             |    | \$32,000           |
| Long Term Investment                                                      | OPRS        |                             |    | \$184              |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$119,639</b>   |
| <b>Electors</b>                                                           |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| Electors Council - 1 Tech Coordinator Stipend                             | ELECT       |                             |    | \$20               |
| Electors Council - 2 Auditor Stipend (\$100.00 each)                      | ELECT       |                             |    | \$200              |
| Electors Council - Assistant Chair Stipend                                | ELECT       |                             |    | \$300              |
| Electors Council - Chair Stipend                                          | ELECT       |                             |    | \$1,000            |
| Electors Council - Chief Auditor Stipend                                  | ELECT       |                             |    | \$200              |
| Electors Council - Prosecutor Stipend                                     | ELECT       |                             |    | \$300              |
| Electors Operations                                                       | ELECT       |                             |    | \$5,200            |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$8,720</b>     |
| <b>External Expenditures</b>                                              |             | <b>Sponsorship Category</b> |    | <b>Allocation</b>  |
| DMO Insurance                                                             | GEN         |                             |    | \$4,000            |
| G. Insurance                                                              | GEN         |                             |    | \$24,000           |
| <b>SUBTOTAL</b>                                                           |             |                             |    | <b>\$28,000</b>    |
| <b>ASUC Total Without Internal Budget</b>                                 |             |                             |    | <b>\$1,081,304</b> |
| <b>ASUC Internal Budget</b>                                               |             |                             |    | <b>\$599,685</b>   |
| <b>2019-2020 General Total Allocation</b>                                 |             |                             |    | <b>\$1,680,989</b> |



INFORMATION CALENDAR

September 15, 2020

**To:** Honorable Mayor and Members of the City Council

**From:** Jenny Wong, City Auditor *zw*

**Subject:** Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed

CURRENT SITUATION AND ITS EFFECTS

The Library's use of the tax fund for non-personnel expenditures was in line with the provisions of the tax measure during our audit period of fiscal year 2018. We did not find any indication of fraud, waste, or misuse of tax funds. However, we did find that some of the Library's internal controls can be improved to allow for better transparency in purchase approval, continued alignment with the tax measure, and fiscal accountability.

The Library does not have a policy specifying how and when the reserve can be used, or how it should be replenished after use. Without a reserve policy, there is a risk that the Library may not have enough reserve funds to be stable and functioning during periods of economic uncertainty.

While we did not find fraud or theft, the Tool Lending Library's internal controls system does pose a risk of misusing funds due to insufficient inventory controls and documentation of items added to and removed from the Library's collection catalog.

The Library has improved transparency about its collection management, but there are opportunities to increase public trust. Collection management is the process by which the Library ensures that their collections are relevant, engaging, and appealing by adding new items and removing items that are damaged or out-of-date. The Library has taken steps such as posting the collection management plan online and including updates on collection management in updates during public Board meetings.

Strategic planning and ongoing program evaluation are important tools in ensuring accountability for public funds. The Library currently does not have a strategic plan nor does it consistently evaluate its programs to measure progress towards its goals. Planning was on hold pending the hiring of a new library director and this position has recently been filled.

To mitigate the risks we found, we recommend the Library develop and implement a strong reserve policy and implement purchasing procedures with sufficient internal controls for the Tool Lending Library. To be transparent with the public about collection management using tax

funds, we recommend the Library incorporate it into the Library's developing outreach and communications strategies. We recommend the management and Board support the new director in developing a strategic plan, as well as develop and implement a program evaluation process.

At the meeting of the Board of Library Trustees (BOLT) on September 5, we recommended that the Board request that the Library Executive Director report back to BOLT by March 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Library.

#### BACKGROUND

The Library's main source of funding is the Library Tax Fund, created in 1980 when Berkeley voters passed the Library Relief Act to support library operations through a special tax on the square footage of taxable improvements, or residential and commercial buildings and units built in the City of Berkeley. In 1988, voters passed an amendment to make the tax permanent. However, every four years, voters must reauthorize the City to spend the Library Tax Fund.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

It is important that the Library continues to align with the purpose of the Library Tax Fund so Berkeley voters will continue to authorize use of the tax. While the Berkeley community generally supports the Library, there is some risk that voters may not reauthorize the taxes if there are significant concerns about how the Library manages public funds. This could reduce or eliminate this funding stream and impact service delivery. These funds may also come under greater scrutiny as the City faces multi-year revenue shortages due to the COVID-19 pandemic.

#### CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachment:

Audit Report: Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed



Audit Report  
August 27, 2020

# **Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed**



BERKELEY CITY AUDITOR



# Berkeley Public Library: Library Uses Tax Funds by the Book, But More Internal Controls Needed

## Report Highlights

August 27, 2020

### Findings

1. The Library's transactions aligned with the purpose of the Library Tax Fund in fiscal year 2018. Additionally, we did not find indicators of fraud, waste, or misuse in our review of transactions.
2. Some of the Library's internal controls can be improved to allow for better transparency in purchase approval, continued alignment with the tax measure, and fiscal accountability.
3. The Library currently does not have a strategic plan, though the Library has set some goals and developed budget priorities. The Library also does not consistently evaluate its programs to measure progress towards goals.

### Recommendations

To guide the Board of Library Trustees (Board) in authorizing use of the funding reserve, we recommend the Library develop and implement a reserve policy that clearly defines use of the reserve. To ensure the Board is informed about the budget in their governance role, we recommend the Library coordinate a public workshop on the Library budget. We also recommend the Library implement stronger controls to address control weaknesses in the Tool Lending Library's purchasing process. Finally, we recommend the Library formally adopt a practice of communicating with the public about how it uses the Library Tax Fund to develop its collection.

To address the need for strategic planning, we recommend the management and Board support the new permanent director in developing a strategic plan. To assess whether the Library's programs and activities meet community needs over time and align with its strategic plan, we recommend the Library develop and implement a program evaluation process.

### Objectives

1. Does the Library use the Library Tax Fund appropriately?
2. Are there any internal control risks that could affect appropriate use of the Library Tax Fund?
3. To what extent does the Library plan and evaluate its use of the Library Tax Fund?

### Why This Audit Is Important

Berkeley Public Library is a treasured public space and information resource for Berkeley's diverse community. We audited its use of the Library Tax Fund to ensure that the Library is spending its funding appropriately as it continues to meet evolving community needs. This audit is part of an effort to audit activities funded by special taxes. It is important to provide some assurance to the community that the Library is spending public funds in the manner Berkeley voters approved. Additionally, identifying recommendations for improvement can help the Library ensure it can weather financial uncertainty, be consistent in good internal control practices, plan how it will use the Library Tax Fund to meet community needs, and evaluate whether it has achieved those goals.



BERKELEY CITY AUDITOR

For the full report, visit:

<http://www.cityofberkeley.info/auditor>

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## Introduction

Berkeley Public Library (Library) is a treasured public space and information resource for Berkeley's diverse community. About 110,100 people had library cards in 2018. In 2019, the Library was also one of only 13 California libraries to earn a 4-star rating from Library Journal for high rate of circulation, visits to the library, and patron use of internet and computers.<sup>1</sup> Public support of the Library is evident in voters' ongoing support for a special tax on the square footage on taxable improvements of residential and commercial property that generated over \$19 million in revenue in fiscal year 2018 to fund Library operations.

To ensure that the Library continues to be able to meet community needs as they evolve, we audited its use of the Library Tax Fund. This audit is part of an ongoing effort to audit activities funded by special taxes. We found that the Library's use of the Library Tax Fund was in line with the provisions of the tax measure. We also did not find any indication of fraud, waste, or misuse of the Library Tax Fund. However, we did identify some areas of risk that the Library should address to ensure it continues to align with the Library Tax Fund into the future.

We completed work for this audit just before the onset of the COVID-19 pandemic. We revised our report to reflect impacts of the pandemic on our findings and recommendations.

## Objectives, Scope, and Methodology

The objectives of this audit were to address the following questions:

- 1. Does the Library use the Library Tax Fund appropriately?**
- 2. Are there any internal control risks that could affect appropriate use of the Library Tax Fund?**
- 3. To what extent does the Library plan and evaluate its use of the Library Tax Fund?**

<sup>1</sup> Library Journal is an American trade publication for librarians. The rating system ranks libraries into budget groups, and assigns up to a 5-star rating based on patron statistics including: circulation, e-circulation, in-person visits, program attendance, and public internet computer users.

We limited our evaluation of the Library's use of the Library Tax Fund to non-personnel expenditures in fiscal year 2018 (July 1, 2017 – June 30, 2018).

To address the objectives, we reviewed transactions for alignment with the provisions of the tax measure, and assessed the Library's internal controls for risk of fraud, waste, or misuse. We also interviewed Library management, staff, and the Board of Library Trustees. We reviewed the Library's evaluation activities. To understand how Berkeley Public Library compared to other libraries, we researched local and nationwide public library practices and trends. For more information on our methodology, see page 19.

This report contains some information about fiscal year 2020 and later because the City's response to the COVID-19 pandemic began shortly before our report was originally scheduled to be released. We did a high level assessment of the potential impacts of the pandemic on the Library's budget and operations, and updated our findings and recommendations to reflect any changes.

## Background

Berkeley Public Library (Library) is a public library system with a central branch, four branch locations in different neighborhoods, and a Tool Lending Library. The highest staff leadership position in the Library is the director, who reports to the Board of Library Trustees (Board). City Council appoints members to the Board, which is a body of five volunteers from the community—one of whom is a City Council member—who are responsible for the management of the Library. It is the Board's responsibility to create and enforce the Library's policies, regulations, and bylaws.

The Library's main source of funding is the Library Tax Fund, created in 1980 when Berkeley voters passed the Library Relief Act to support library operations through a special tax on the square footage of taxable improvements, or residential and commercial buildings and units built in the City of Berkeley. In 1988, voters passed an amendment to make the tax permanent. Article XIII B of the California Constitution establishes a spending limitation on government agencies within California. This means that voters must reauthorize the City to spend tax proceeds in excess of certain spending limits every four years, including the Library Tax.

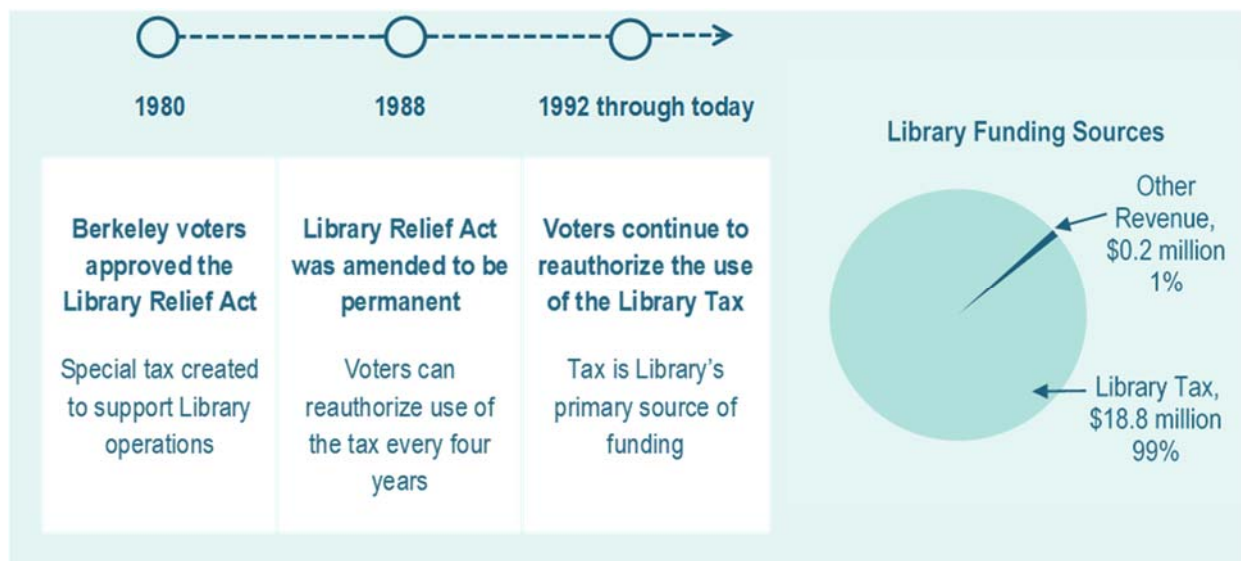
The Library Tax may be adjusted annually in proportion to either the Consumer Price Index for the immediate San Francisco Bay Area or the per capita Personal Income Growth factor in California, whichever is greater. In 2016, voters approved a single measure that reauthorized the City to spend all tax funds previously approved by voters, including the Library Tax Fund, through fiscal year 2020.

Today, the Library Tax is the Library's main source of funding and makes up 99 percent of its operating budget. Other sources of revenue make up less than one percent of the Library's funding and include some state funding as well as private funding from Berkeley Public Library Foundation and others (see Figure 1).

In Berkeley's municipal code, the Library Tax Fund is designated for maintaining the Library, and "paying all salaries and wages, and purchasing books, journals, periodicals and other supplies, and such other expenditures as are necessary to properly operate the libraries."

Provisions of the Library Tax allow exemptions for those with very low income. They also allow City Council to increase the tax rate based on cost of living in the immediate San Francisco Bay Area or personal income growth in California.

Figure 1. Overview of the Library Tax Fund



Sources: Library Relief Act ballot measures; City of Berkeley Fiscal Years 2018 & 2019 Adopted Biennial Budget

In March 2020, the COVID-19 pandemic began to cause devastating social and economic impacts in Berkeley and around the world. On March 16, the City’s Public Health Director issued an order for residents to shelter-in-place and many public spaces closed. Many Library staff were then assigned to the City’s Emergency Operations Center and assisted with contact tracing for COVID-19 testing locations among other essential duties. As of June 2020, Library management is anticipating that the pandemic will have the greatest impact on its ability to provide access to the community in the following areas:

- Physical spaces for studying, shelter, respite, quiet, etc.;
- Technology (free wireless, laptops, and public computers);
- Physical materials, especially reading materials for children;<sup>2</sup> and
- Public programming, particularly early literacy and adult literacy programs.

While assessing the full impacts from the pandemic fall outside the scope and timeframe of this audit, we acknowledge the significance of these impacts on the Library and the community as a whole. The recommendations in this audit promote internal controls and practices intended to strengthen the Library’s ability to navigate financial challenges and meet community needs during this difficult time and into the future.

## The Library spent the Library Tax Fund by the book.

The Library's transactions align with the purpose of the Library Tax Fund. In Berkeley's municipal code, the Library Tax Fund is designated for maintaining the Library, and "paying all salaries and wages, and purchasing books, journals, periodicals and other supplies, and such other expenditures as are necessary to properly operate the libraries." We reviewed a statistically significant number of transactions across a range of spending categories, including books and media, the Tool Lending Library, contracted services, staff travel, and technology. All transactions we reviewed align with the purpose of the Library Tax measure. Further, we assessed whether those transactions followed the provisions of the Library's purchasing policies. Additionally, we did not find indicators of fraud, waste, or misuse in our review of transactions.

This is especially notable given that the Library has experienced instability in its leadership. Since 2014, there have been three directors who served for a year or less and three instances of members of library management serving as interim directors. As of July 2020, the current deputy director has served as both deputy director and interim director for almost three years. Additionally, City Council replaced two Board members in 2017. High turnover in oversight positions and management can create a risk that an organization may not have the leadership needed to stay on track to fulfill its purpose. However, the Library's appropriate use of the Library Tax Fund suggests that it has stayed on track during the past few years of transition.

It is important that the Library continues to align with the purpose of the Library Tax Fund so Berkeley voters will continue to authorize expenditures funded by the tax. The 1980 Library Relief Act authorized the City to impose a special tax to raise the revenue necessary to operate the Library. Though the tax is permanent, it requires voter authorization every four years for expenditures. While the Berkeley community generally supports the Library, there is some risk that voters may not reauthorize tax funded expenditures if there are significant concerns about how the Library manages public funds. This could reduce this funding stream and impact service delivery. These funds may also come under greater scrutiny as the City faces multi-year revenue shortages due to the COVID-19 pandemic.

The Library recently hired a new director scheduled to start September 21, 2020.

The Library Tax includes exemptions for low income property owners and non-profit organizations. City Council can increase the tax rate to reflect cost of living.

## Internal control risks could affect the Library Tax Fund.

Some of the Library's internal controls can be improved to allow for better transparency in purchase approval, continued alignment with the tax measure, and fiscal accountability. First, the Library does not have a strong reserve policy at a time when the COVID-19 pandemic poses risks for Library revenues and the reserve. Second, there are some control risks in the Tool Lending Library purchasing process. Third, the Board needs more information about the budget. Fourth, though the Library has improved transparency about its collection management, there are opportunities to increase public trust. Finally, the Library could improve on a minor contract issue involving mixed funding.

### The COVID-19 pandemic poses challenges for Library revenues and the reserve.

One main challenge due to the COVID-19 pandemic is that Library revenue will be somewhat reduced while some expenditures will increase in fiscal year 2021. In March 2020, the COVID-19 pandemic caused Bay Area businesses and schools to close. Unemployment rates spiked and many in the Berkeley community experienced financial stress. The Board took these financial hardships into account when it approved a resolution in June 2020 to recommend that City Council not increase the Library Tax rate for fiscal year 2021. Instead, the tax rate will remain unchanged from fiscal year 2020. By not adopting a tax rate increase of 3.73 percent—the current per capita Personal Income Growth factor in California—the Library's projected library tax receipts for fiscal year 2021 will be reduced by an estimated \$760,000. Additionally, costs for two critical in-progress construction projects will in large part be deferred until fiscal year 2021 because work was delayed due to Berkeley's shelter-in-place orders. According to the interim director, overruns and change orders related to these delays will increase overall project costs.

Another challenge, according to the Library's June 2020 budget update for fiscal year 2021, is that the Library projects that it will be necessary to tap into its reserve as soon as fiscal year 2023 should no material actions be taken to reduce the usual ongoing operational costs. The Library's revenue loss in fiscal year 2021 will be offset by a citywide hiring freeze and salary savings from resignations and retirements, as well as a carried over fund

The Library Tax is adjusted annually in proportion to either the Consumer Price Index for the immediate San Francisco Bay Area or the per capita Personal Income Growth factor in California, whichever is greater. This has resulted in a tax rate increase that averaged 3.08 percent annually between 2014 and 2018.

balance from fiscal year 2020. However, the economic downturn and decreased revenue from taxes is expected to continue for several years. Library management plans to address this issue during its upcoming biennial budget process beginning in late 2020.

The unexpected pandemic and the uncertainty of economic impacts and recovery over the next several years highlight the importance of having a reserve to help weather such economic uncertainty. In 2017, the Board approved the current reserve amount of \$1.5 million for unanticipated emergencies, which is the estimated amount needed to maintain Library operations for 30 days. The reserve is a portion of funds within the Library Tax Fund that the Library commits to not spend unless the Board explicitly authorizes it. However, the Library does not have a policy specifying how and when the reserve can be used, or how it should be replenished after use.

Without a reserve policy, there is a risk that the Library may not have enough reserve funds to be stable and functioning during periods of economic uncertainty. A strong reserve policy mitigates this risk by defining appropriate use of the reserve. It also guides decision makers as they consider authorizing withdrawals. We can look to the City of Berkeley's reserve policy to illustrate to some features of a strong policy that are missing from the Library's reserve fund. In 2020, City Council amended the City's reserve policy to allow for its use to enhance fiscal stability and address some of the financial impacts caused by the COVID-19 pandemic. The list below are features from the City's strong reserve policy.

- **Defined situations in which use of the reserve may be considered.** The City's reserve policy defines two separate funds that may be used in different situations, though they may be concurrent. The Stability Reserve is intended to help the City mitigate loss of service delivery and financial risks associated with unexpected revenue shortfalls. The Catastrophic Reserve is intended to sustain core operations in the case of a public emergency such as a natural disaster. These criteria set boundaries around when Council should consider tapping into the reserve.
- **Plan for how the reserve will be funded or replenished if used.** The City's reserve policy specifies how it will reach its reserve goals when initially building the reserve and replenish it after withdrawals are made. This helps ensure that the City is prepared to maintain fiscal stability and rebuild its reserve to prepare for future situations that may require use of the reserve.



- **Commitment by Council to specify the exact purpose and timeline for any use of reserve funds, with some flexibility as needed.** Stating the specific use for any withdrawal from the reserve and the timeline for use of those funds allows the City to carefully plan how it will use the funds before withdrawing. It also compels the City to not overly rely on reserve funds, but rather use them only as needed and alongside other cost saving and revenue generating strategies to mitigate financial impacts.
- **Allowable amount to withdraw per incident.** The City adopted language to limit how much it can withdraw per incident in response to the multi-year fiscal impact of the pandemic. While there may be too much uncertainty to establish a specific limit, some language about limiting the amount that may be used per incident and/or fiscal year can help ensure that the reserve fund has a balance in the unfortunate event that multiple emergencies occur, such as an earthquake that interrupts service after the onset of a pandemic.

The Library's need and use of reserve funds may be fundamentally different from the City's, but it is still important for the Library to strengthen its reserve policy to ensure that it can weather financial storms and avoid unnecessary interruption of the services it provides to the community.

### Internal control weaknesses in the Tool Lending Library pose a risk of theft or misuse.

While we did not find fraud or theft, the Tool Lending Library's internal controls system does pose a risk of misusing funds. During fiscal year 2018, the tool lending specialists were assigned to receive newly purchased tools. They were also assigned to both add newly purchased tools to the Library's catalog system as well as delete damaged or worn out tools. While there is no indication that personal use took place during our review, this process created the risk that staff could either keep tools for personal use and not enter them into the catalog, or delete tools from the catalog for personal use. According to best practices of purchasing, the responsibility for purchasing tools and adding them to the catalog should be assigned to different staff. Separation of these duties is an important internal control to help prevent fraud, waste, and misuse.

Tool lending specialists work in the Tool Lending Library and provide tools, equipment, instructional manuals, and basic reference service regarding home maintenance and repair to patrons of the Berkeley Tool Lending Library. They also order, maintain, and repair tools and equipment.

After we learned about this risk, Library staff stated that they implemented a new catalog system and that Central Library staff, not Tool Lending staff, were now responsible for entering and deleting tool records from the catalog as needed. We have not been able to verify this at the time of this report. The Library still does not have a process to verify that staff enter new tools into the catalog or delete tools no longer in use. There is also no record for changes made to the catalog. As a result, there is still a risk that staff could remove tools from the collection for personal use.

It is important to note that the portion of the Tool Lending Library's expenditures funded by the Library Tax was in fiscal year 2018 was relatively low and makes up less 0.1 percent of the Library's total tax-funded expenditures of about \$19 million that year. Though the amount of Tool Lending Library funds at risk due to control weaknesses is relatively low, it is still good practice for the Library to maintain a consistent level of internal controls across all purchasing processes.

### The Board of Library Trustees does not always have the information it needs to make decisions about the budget.

Some members of the Board do not think they have information to be fully prepared to make budget decisions. The Board needs sufficient information about the budget and contracts to strengthen its oversight and ensure the Library is planning to spend the Library Tax Fund appropriately. During the budget process, Library management develops a draft budget and discusses it with the Board during at least two Board meetings to prepare them to approve the final budget. Library management also offers the Board a public budget workshop intended to allow the Board and patrons to learn about and discuss the draft budget. Library management provides quarterly budget reports to the Board throughout the fiscal year.

There is a disconnect between the information library management provides and some Board members' preparedness to oversee the budget. Although Library management provides budget information and opportunities for the Board and patrons to have input and ask questions, some Board members reported that they have different levels of knowledge about organizational budgets in general. Some also stated that they or their peers do not have the information they need to oversee the budget. The Board is composed of volunteers from the community with varying levels of experience in local government finance and budgeting.

## The Library has improved transparency about its collection management, but there are opportunities to increase public trust.

The Library has taken action to promote transparency regarding its collection management process. Collection management is the process by which the Library ensures that their collections are relevant, engaging, and appealing by adding new items and removing items that have excessive wear, are damaged, or contain outdated information in order to make room for new materials. Transparency in collection management can help inform the public about how the Library uses public funds and maintain public trust in the Library.

In past years, decisions about how the Library has managed its collection have caused concern among some Library staff and community members. That situation is beyond the scope of this audit and we therefore did not evaluate the specific processes and procedures associated with the Library's collection management plan or the extent to which librarians followed the plan. However, because the collection management plan influences the Library's use of the Library Tax Fund to purchase books and media, we did evaluate whether the Library is transparent about collection management.

We found that the Library has taken some steps to be more transparent about collection management. In 2017, the Library released a collection management plan which is posted on the Library's website. The plan was developed based on feedback from staff and the community as well as data on use of the collection. According to the plan, it is a "living document" intended to change as the Library identifies new strategies and opportunities to better respond to and serve the Berkeley community (see text box for more detail about the purpose of the plan).

An excerpt from the Library's collection management plan describes its purpose: "[This plan is] a comprehensive and flexible guide that informs and supports staff's collection management work, and clarifies how collection decisions are made. The plan presents an overarching description of what kind of content BPL will provide and how materials are selected, maintained, organized, and, when appropriate, removed. The plan details the role of staff; strategies for collaborative decision-making; selection guidelines; deselection criteria; and other operational elements, procedures, and practices related to collections and implementation of the Collection Management policy."

According to the interim director, in 2017, the Board updated its collection management policy to require the Library to create a plan for how it manages its collection with the goal of providing access to a collection that is relevant, engaging, and appealing.

In addition to publicly posting the collection management plan, Library staff have given presentations describing the collection management process at public Board meetings. The interim library director has also regularly reported to the Board at public meetings about collection management, such as describing new additions to the collection, e-book resources, and the process of purchasing high quality materials for collection areas in which the community has expressed an interest.

The Library also began including some information about the collections into its newsletter, website, and social media posts. Over the past year, the Library has begun emphasizing information about the collection in its newsletter. Examples include newsletters that highlighted electronic resources available and in high demand, LGBTQ-focused collections, and refreshed anti-racism materials in response to community interest and a nationwide anti-racism movement. The supervising librarian of collection services has begun an ongoing process to improve collection access through the catalog in various ways, including creating many more catalog records for electronic materials and organizing genres content. The Library has also updated its website to center electronic media in response to greater demand during the Library's closure during the COVID-19 pandemic. Additionally, the Library has recently made some effort to promote its collections through social media posts.

While these steps improve transparency, to strengthen public trust, it will be beneficial to continue to provide the public information about how the collection grows and changes over time to reflect community interests. One way to accomplish this is by formally incorporating collection management into the Library's policies or plans for public outreach and communications strategies.

### The Library agreed to address a minor issue in contract transparency.

There is some risk in the Library's use of contracts with mixed funding sources. We found that a contract for a laptop borrowing kiosk paid for with funds from the Berkeley Public Library Foundation, a private funding source, did not specify that maintenance costs and other fees would be paid with the Library Tax Fund. Consequently, this contract did not go through the City's competitive contract process. We found that the Library would use the Library Tax Fund to pay almost \$23,000 for the kiosk's installation, maintenance, and license and service fees during the three-year contract term. Though this

contract did include a waiver of the requirement for competitive bidding due to the manufacturer's exclusive right to service maintenance in regards to preserving the product's warranty, it did not specify that the Library would use the Library Tax Fund to cover the \$23,000 in miscellaneous fees and other ongoing servicing costs. As a result, this contract was not completely transparent in identifying the use of the Library Tax Fund for these other costs. We determined that this did not demonstrate a significant risk to the Library because we only found one example of this. Management agreed to mitigate this risk by including information about multiple funding sources in future contracts.

## Recommendations

- 2.1** To guide the Board of Library Trustees in authorizing use of the reserve, we recommend the Library develop and implement a reserve policy. We recommend that the policy:
- Define situations in which use of the reserve may be considered;
  - Include a plan for how the reserve will be funded or replenished if used;
  - Specify the exact purpose and timeline for any use of reserve funds, with some flexibility as needed; and
  - Specify the allowable amount to withdraw per incident and/or fiscal year.
- 2.2** To strengthen controls at the Tool Lending Library, we recommend the Library develop and implement purchasing procedures that require staff to:
- Document that all purchased items are entered into the catalog;
  - Document that all tools are removed from the catalog at the end of their useful life and are properly disposed of; and
  - Implement and document oversight of the new procedures.
- 2.3** To strengthen Board governance over the budget and ensure that they have a shared baseline of budget knowledge, we recommend Library management provide a public budget overview session that is separate from regular Board meetings or refer the Board to budget training opportunities hosted by another agency.
- 2.4** To be transparent with the public about collection management using the Library Tax Fund, we recommend the Library continue to proactively communicate about how the collection is growing and changing to meet community needs, and formally incorporate collection management into any outreach and communications policies and/or plans.

## There are opportunities for the Library to develop a strategic plan and evaluate its progress in implementing the plan.

Strategic planning and ongoing program evaluation are important tools in ensuring accountability for public funds. The Library currently does not have a strategic plan, through which the Library could plan how to use the Library Tax Fund to achieve its goals. The Board has, however, recently developed priorities, and stated its intent to pursue development of a strategic plan once a permanent director was in place. The Library also does not consistently evaluate its programs.

### The Library lacks a strategic plan.

Although a strategic plan could serve as an important internal control to help the Library continue to make budget decisions that align with the purpose of the Library Tax Fund, the Library does not have a current strategic plan. A strategic plan documents an organization's core priorities and strategic goals to fulfill its mission. When public service providers such as the Library align their budget priorities with their strategic plan, they demonstrate accountability to fulfill their mission and be transparent in how they use public funds. This can be especially beneficial for the Library because Berkeley's municipal code is relatively vague and open-ended about how the Library Tax Fund can be used. A strategic plan can help the Library define its purpose and be accountable to that purpose. To ensure that a strategic plan is flexible enough to allow the Library to pivot as needed to meet changing community needs, a strategic plan can also be adaptable and cover a time period that is most feasible to implement.

Without a strategic plan that sets priorities for how the Library should serve the community, there is some risk that the Library could potentially spend public funds in ways that do not align with the purpose. We determined that this risk is currently low, but could increase in the future due to changes in leadership or other unforeseen changes.

According to the interim director, the Library Board has postponed developing a strategic plan until a new permanent director was in place to lead the implementation. The Library had a three-year strategic plan that was expected to cover fiscal years 2016-2018, but the director at the time resigned

in late 2015 and interim directors after that did not continue implementing the plan. Since then, the position has either been filled on an interim basis or by someone who served for a year or less. At the time of writing, the Board recently hired a new director scheduled to start September 21.

The Library has taken steps to mitigate the risks of postponing the strategic planning process. One of those steps is that the Library developed strategic activities related to the City's strategic plan. A Library Council of roughly 25 Library staff in lead roles identified three key goals from the City's strategic plan that significantly relate to the Library's mission:

- Provide state-of-the art, well maintained infrastructure, amenities, and facilities;
- Champion and demonstrate social and racial equity; and
- Provide excellent, timely, easily-accessible services and information to the community.

In addition to these three goals, the Board has identified the priority of supporting community safety and wellness. The Library also added another goal to continually improve internal communications. These priorities have served as an interim guide for spending decisions in lieu of a more developed strategic plan.

In July 2020, the Board also approved a resolution to formally accept and adopt a mission and vision statement for the Library. Mission and vision statements document the aspirations of an organization and they serve as a foundation for a strategic plan. According to the interim director, engaging in this process before the new director was hired will help them "hit the ground running" in terms of developing a strategic plan for the Library.

## Definitions

**Mission statement:** The reason an organization exists, the need it is meeting in the community. An effective mission statement is concise, realistic, operational, inspirational, motivational, informative, and even emotional. It is not too abstract. The mission reflects the values and clearly states the purpose of the organization.

**Vision statement:** What the future holds for the community if the organization succeeds at its mission. The vision inspires action: planning, fundraising, marketing, good governance, sound management. It stimulates organizational goals.

Source: BoardSource, <https://boardsource.org/mission-vs-vision-3/>

Library lead roles included supervisors, senior librarians, and managers.

Additionally, the Board has adopted budget priorities in the absence of a strategic plan. Since the Library's previous strategic plan, which expired at the end of 2018, the Board has approved budget priorities to inform the budget for fiscal years 2020 and 2021.

1. Provide excellent, timely, easily-accessible services and information to the community.
2. Champion and demonstrate social and racial equity.
3. Provide state-of-the-art, well maintained infrastructure, amenities, and facilities.
4. Develop and enhance policies, practices, services, and assignments that promote community wellness and the safety and comfort of staff and all library users.
5. Harmonize efforts of the board, management, and staff to improve library services by beginning the process of implementation of the recommendations of the November 2018 Organizational Evaluation report.
6. Maintain the stability of the operating budget and plan for future operational needs – including establishing/maintaining a balanced budget.

While these priorities serve a somewhat different purpose than the long-term organizational priorities stated in a strategic plan, we determined that they are a reasonable approach to maintain transparency and accountability during this transitional time.

**The Library asks for community input about how best to meet their needs, but is not yet evaluating its progress towards goals.**

Although the Library has surveyed patrons to learn about how it could better serve them, it does not have a practice of regularly evaluating whether it is making progress towards improvement goals over time. A recent organizational assessment by Moss Adams, a consulting firm, found that the Library lacks a consistent method to evaluate programs and ensure they adequately address community needs and priorities. As a result, the Library may miss opportunities to better meet community needs. Program evaluations would also provide opportunities for the Library to communicate to the public about how it has met or is meeting various recommendations



from community surveys. Program evaluation is especially important to determine if new service models introduced in response to the COVID-19 pandemic effectively meet community needs.

The Library has taken some steps to identify community needs and progress towards goals. The Library recently began using community surveys to identify how it could better serve community members. As an example, the Library used information from a 2019 survey of 4,000 respondents to shape future budgetary priorities and operational practices. Based on responses that expressed interest in expanded hours and collections at the Tool Lending Library, the Library expanded hours and will soon add culinary tools to the collection. The Library also gathers community input through public comment at Board meetings and other community meetings, one-on-one interactions with librarians, and an emailed newsletter. To continue building on the benefit of the community surveys, it is important that the Library continue this practice of regular community surveys and meetings. This is especially important if the way the community accesses Library services and spaces changes as a result of COVID-19.

To ensure the Library's services align with strategic goals, Moss Adams recommended that the Library adopt a formal program evaluation process. Once the Library develops a strategic plan, Library officials can also incorporate goals from the plan into evaluation. We concur with Moss Adams' assessment and recommendation as specified below.

*“To support continuous program improvement, the Library should adopt a formal program evaluation process that combines anecdotal and qualitative evidence with data and other quantitative evidence. Program evaluation activities should integrate into the regular workflow for all programs and services by developing an evaluation framework that includes:*

- **Program Logic Models:** *The Library is currently training staff on the use of logic models. They should continue this work to develop program logic models to clarify goals, resources, activities, outputs, and outcomes.*
- **Evaluation Measures:** *Identify and collect relevant output and outcome indicators for each program.*
- **Related Processes:** *Develop processes to support the evaluative work, including how data will be collected, managed, analyzed, shared, and acted upon.*

- **Success Standards:** *Determine which standards should be adopted to assess program success. For example, does a program need to serve a minimum number of patrons? Does the program need to have a specific cost to participant ratio? Does the program need to actively reduce inequity? A weighted assessment framework that takes multiple dimensions into account.”*

We recognize that there is a need to find a balance between implementing new programs and service delivery models and ensuring that they are effective, equitable, and accessible. The evaluation framework Moss Adams proposed is helpful to consider as a model for a program evaluation process.

## Recommendations

- 3.1 To continue to develop the Library’s work on strategic priorities, we recommend Library management and the Board support the new director in developing a strategic plan.
- 3.2 To assess whether the Library’s programs and activities meet community needs over time and align with its strategic plan, we recommend the Library develop and implement a program evaluation process. We recommend that the Library make a reasonable effort to follow the guidance in the Moss Adams report to the extent feasible: program logic models, evaluation measures, related processes, and success standards. To the extent that existing program delivery models change in response to COVID-19, evaluate whether those changes result in programs that are equitable, accessible, and meet program goals.

## Appendix I: Methodology and Statement of Compliance

### Methodology

We audited Berkeley Public Library's non-personnel expenditures of the Library Tax Fund during fiscal year 2018 (July 1, 2017 – June 30, 2018). We focused on non-personnel expenditures as a result of a risk assessment that determined the highest risk was among those expenditures. Specifically, we examined accounts payable and contracts. We assessed the appropriateness of the transactions we examined by comparing them to the Berkeley Municipal Code defining the use of Library Tax revenue. We also assessed whether the purchasing process followed the Library's purchasing manual and applicable city Administrative Regulations. We communicated with Library management and staff to gain an understanding of the department's practices for processing, approving, and monitoring its expenditures of the Library Tax Fund. We performed a risk assessment of internal controls to identify potential weaknesses, including fraud risks, in relation to Library Tax, non-personnel expenditures. We reviewed:

- City of Berkeley Fiscal Year 2018 Adopted Biennial Budget
- Library Relief Act (Measure D) ballot language and results
- Berkeley Municipal Code Chapter 3.04 (section 3.04.060) and 7.56 (section 7.56.010)
- Berkeley Public Library's Purchasing Policy and Purchasing Manual Administrative Regulation 3.4 and Board of Library Trustees resolution R07-74
- Library Tax Fund expenditure data (non-personnel)
- Scope and services of 23 City expenditure contracts using the Library Tax in fiscal year 2018. We also included one contract from 2019 for a service that was relevant to the scope of our audit.
- Interviews with Library management and staff, as well as Board of Library Trustees
- Board of Library Trustees meeting agendas for fiscal year 2018
- Changes in budget projections and operations due to the COVID-19 pandemic

We reviewed the Library's collection management plan for the purpose of evaluating whether the Library is transparent about the plan as it relates to the Library's use of the Library Tax Fund to purchase books and media. We did not evaluate the specific processes and procedures associated with the Library's collection management plan or the extent to which librarians followed the plan.

### Data Population and Sample Selection

We extracted expenditure data from the City's financial system, FUNDS. We separated the data into the main spending categories that include high risk expenditure types as well as expenditures related to the Library's core services: contracts, library materials, professional services, technology devices, tools for the Tool Lending Library, programming, and staff travel. We used a sample size calculator and input a confidence level of 95 percent and a confidence interval of 10 percent to determine a sample size for each subset. Then, we

judgmentally distributed the sample between the spending categories based on our perception of risk level and the most material impact related to our audit objective. We used the Excel random function to randomly select the transactions to review. In all, we examined 164 transactions totaling over \$881,000.

### Data Reliability

We assessed the reliability of FUNDS data by tracing to source documents; interviewing Library personnel; and gaining an understanding of Finance’s regular FUNDS access review process. We determined that the data were sufficiently reliable for the purposes of this report.

### Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Appendix II: Recommendations and Management Response

We provided a draft of this report to Library management for review and comment. Library management provided comments, which are reproduced in full below.

### Library management views on audit findings, conclusions, and recommendations:

It is with great interest that the Berkeley Public Library (BPL) receives and responds to the audit of the Library Tax Fund *Library Uses Tax Funds by the Book, But More Internal Controls Needed*. The Berkeley Public Library is an important and treasured local resource, is amongst the busiest libraries in the state of California, and has received accolades for its innovative policies and services. In 2020, Library Journal identified BPL as a Four Star Library due to its ability to provide access to Library resources widely and effectively. The Library welcomes recommendations from this audit that are intended to reinforce proper use of tax funds, develop improved internal controls, and ensure effective evaluation of services to sustain success and identify new opportunities for improved services and service models.

The report's findings reinforce and promote practices intended to support important Library initiatives and ensure their ongoing success through transparency and clarity. The findings focus upon a few sets of practices related to planning, budgeting, communications, public programming, and collection management. In each case, the Library can and will integrate the audit's recommendations into its practices. In many cases, those recommendations perfectly complement the Library's intended practices for the next year, including the need to institutionalize evaluative practices for public programming, develop a comprehensive strategic plan, communicate about its changing collection practices--including for those of the Tool Lending Library which will soon offer a culinary tools lending service, and continue to develop a responsive and effective social media plan.

2020 has been a difficult year for the country and the local community due to the Covid-19 pandemic, which has forced the Library to close its facilities to the public and develop new methods for service delivery. This spring, the Library nimbly transformed practices related to public communications and collections. This was made possible, in large part, due to a clear set of documented organizational priorities, as well as social media & collections plans that, although not explicitly written for pandemic conditions, defined guiding principles based upon community needs.

Although the Library has developed a rudimentary programming plan to guide evaluation and design of programs, developing a comprehensive plan will facilitate effective, community-driven programming practices both during and after the Covid-19 pandemic. In fact, doing so had been identified in the Library's 2020 priorities, and the audit reinforces the likely value of completing this work.

The Library is prepared to perform a strategic planning process and develop a strategic plan that defines operational goals and objectives. With a new Director coming aboard this fall and who can shepherd that process, the Library finds itself in a good position to take on this work.

Lastly, the recommendations related to developing a budget reserve policy and ensuring the board has sufficient background and knowledge to perform effective fiscal oversight are well timed for the development of the FY 2022/2023 budget which will take place this coming winter and spring.

## 2.1

To guide the Board of Library Trustees in authorizing use of the reserve, we recommend the Library develop and implement a reserve policy. We recommend that the policy:

- Define situations in which use of the reserve may be considered;
- Include a plan for how the reserve will be funded or replenished if used;
- Specify the exact purpose and timeline for any use of reserve funds, with some flexibility as needed; and
- Specify the allowable amount to withdraw per incident and/or fiscal year.

**Management Response:** Concur

**Proposed Implementation Plan:** Library Administration will develop and present a Reserve Policy to Board in 2021 (February/March/April) concurrent with the FY 2022/FY 2023 Biennial Budget process with the goal of adoption at time of Biennial Budget adoption.

**Proposed Implementation Date:** May/June, 2021, to run concurrent with FY 2022/FY 2023 Biennial Budget adoption.

## 2.2

To strengthen controls at the Tool Lending Library, we recommend the Library develop and implement purchasing procedures that require staff to:

- Document that all purchased items are entered into the catalog;
- Document that all tools are removed from the catalog at the end of their useful life and are properly disposed of; and
- Implement and document oversight of the new procedures.

**Management Response:** Concur

**Proposed Implementation Plan:** The Library's current practices with the purchase, cataloging, and deaccessioning of tools reflects the above recommendations. The Library is updating its Collection Management Plan and will update the Tool Lending Library element of the plan to document the Library's practices which are reflective of the recommendations.

**Proposed Implementation Date:** December 1, 2020

**2.3** To strengthen Board governance over the budget and ensure that they have a shared baseline of budget knowledge, we recommend Library management provide a public budget overview session that is separate from regular Board meetings or refer the Board to budget training opportunities hosted by another agency.

**Management Response:** Concur

**Proposed Implementation Plan:** Library will identify and refer local agency training(s) on the topic of public agency budgeting and/or those that are presented by the City of Berkeley. Additionally, the Library Director and the Library's Fiscal Services Manager, will host one-on-one budget training overview sessions with each Trustee.

**Proposed Implementation Date:** February to April, 2021

**2.4** To be transparent with the public about collection management using the Library Tax Fund, we recommend the Library continue to proactively communicate about how the collection is growing and changing to meet community needs, and formally incorporate collection management into any outreach and communications policies and/or plans.

**Management Response:** Concur

**Proposed Implementation Plan:** As indicated in the community response to the Library's 2019 community survey, access to the Library's collections is the primary reason patrons use the Library. The Library has devoted significant resources to improve patrons' experiences of the Library and to improve access to the collections via an equity-based approach with the removal of daily overdue fines and the liberalization of rules for obtaining library cards.

Communicating about the collections has been an important element of the Library's marketing and social media practices, including via monthly newsletters and social media posts that highlight newly arrived materials, and, especially since Covid-19, the Library's e-collections, such as Kanopy, Hoopla, Overdrive, and Enki.

To better institutionalize these practices, the Library's Social Media Plan will be updated to emphasize the need to consistently clarify and accentuate the Library's collection management practices and the value of an ever-changing and responsive collection. Secondly, the Collection Management Plan will be updated to include an area on the marketing of and communications about the Library's collections, focusing on the need to ensure adequate communications about new practices, resources, and collection management methods.

**Proposed Implementation Date:** December 1, 2020

**3.1** To continue to develop the Library's work on strategic priorities, we recommend Library management and the Board support the new director in developing a strategic plan.

**Management Response:** Concur

**Proposed Implementation Plan:** To prepare for the launch of a new strategic plan, in early 2020 the Board of Library Trustees and Library staff underwent an inclusive mission and vision clarification process to develop a new mission and vision statement that was adopted by the Board by BOLT Resolution No.: R20-040 on July 1, 2020. To enhance the value and efficacy of a new strategic plan, the Library and Board will launch a comprehensive strategic planning initiative at the discretion of a new permanent Director.

Due to Covid-19 and the continuing emergency conditions confronting the City of Berkeley, the Library is faced with several challenges for developing a *longer* term plan; services in response to Covid-19 have required a radically different approach than under standard service conditions. It is unknown how long these conditions will last.

Lastly, strategic planning will likely require a solicitation of a Request for Proposals for an outside facilitator of the community input process, thus adding to the likely timeline.

**Proposed Implementation Date:** February, 2021

**3.2** To assess whether the Library's programs and activities meet community needs over time and align with its strategic plan, we recommend the Library develop and implement a program evaluation process. We recommend that the Library make a reasonable effort to follow the guidance in the Moss Adams report to the extent feasible: program logic models, evaluation measures, related processes, and success standards. To the extent that existing program delivery models change in response to COVID-19, evaluate whether those changes result in programs that are equitable, accessible, and meet program goals.

**Management Response:** Concur

**Proposed Implementation Plan:** This recommendation aligns with the Library's operational goals and practices. The Library is developing a formal public programming plan to incorporate and institutionalize success standards, logic models, and the use of community surveys to ensure that public programming offerings are aligned around community needs. Due to Covid-19 and social distancing requirements, many new factors need to be incorporated into the plan.

Since FY 2019, the Library has devoted significant resources to support the effective evaluation of public programming with a focus upon designing programming around community and individual outcomes sought, including staff's use of logic models and evaluative surveys being conducted with a large percentage of programs. This has resulted in programming offerings that focus upon such community interests as developing DIY,



English language, and STEM skills. The Plan will document these current practices and will institutionalize evaluative practices and the setting of annual programming goals into the future.

**Proposed Implementation Date:** January 1, 2021

**Mission Statement**

Promoting transparency and accountability in Berkeley government.

**Audit Team**

Caitlin Palmer, Auditor-in-Charge  
Tracy Yarlott-Davis, Audit Team Member

**City Auditor**

Jenny Wong

**Office of the City Auditor**

**Phone:** (510) 981-6750

**Email:** [auditor@cityofberkeley.info](mailto:auditor@cityofberkeley.info)

**Website:** [www.cityofberkeley.info/auditor](http://www.cityofberkeley.info/auditor)

Copies of our audit reports are available at  
[www.cityofberkeley.info/Auditor/Home/Audit\\_Reports.aspx](http://www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx)



BERKELEY CITY AUDITOR

|                                                                               |                                                                                                                                |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i> |                                                                                                                                |
| Scheduled Dates                                                               |                                                                                                                                |
| Sept. 29                                                                      | <ol style="list-style-type: none"> <li>1. Update: Zero Waste Priorities</li> <li>2. Vision 2050</li> </ol>                     |
| Oct. 20                                                                       | <ol style="list-style-type: none"> <li>1. Update: Berkeley's 2020 Vision</li> <li>2. BMASP/Berkeley Pier-WETA Ferry</li> </ol> |

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| <p><b>Unscheduled Workshops</b></p> <ol style="list-style-type: none"> <li>1. Cannabis Health Considerations</li> <li>2. Presentation from StopWaste on SB 1383</li> <li>3. Berkeley Police Department Hiring Practices (referred by the Public Safety Committee)</li> </ol> |
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| <p><b>Unscheduled Presentations (City Manager)</b></p> <ol style="list-style-type: none"> <li>1. Systems Realignment</li> <li>2. Digital Strategic Plan/FUND\$ Replacement/Website Update</li> </ol> |
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|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 1. | <p><b>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</b> (<i>Referred from the July 24, 2018 agenda. Agenda Committee to revisit in April 2019.</i>) <b>March 18, 2019 Action:</b> <i>Item to be agendized at future Agenda and Rules Committee Meeting pending scheduling confirmation from City Manager.</i></p> <p><b>From: Councilmember Worthington</b></p> <p><b>Recommendation:</b> 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.</p> <p><b>Financial Implications:</b> Minimal</p> <p>Contact: Kriss Worthington, Councilmember, District 7, 981-7170</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2. | <p><b>47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow</b> (<i>Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee</i>) (<i>Referred from the January 21, 2020 agenda</i>)</p> <p><b>From: Councilmember Harrison</b></p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units prior to execution of a contract for sale or close of escrow.</li> <li>2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.</li> </ol> <p><b>Financial Implications:</b> See report</p> <p>Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140</p> <p><i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>                                                                                                                                                                                                                                                                                                                                                                                        |
| 3. | <p><b>7. Adopt a Resolution to Upgrade Residential and Commercial Customers to 100% Greenhouse Gas Emissions-Free Electricity Plan and Municipal Accounts to 100% Renewable Plan</b> (<i>Reviewed by the Facilities, Infrastructure, Transportation, Environment &amp; Sustainability Committee</i>) (<i>Referred from the April 21, 2020 agenda</i>)</p> <p><b>From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)</b></p> <p><b>Recommendation:</b> Adopt a Resolution to: a. Opt up Berkeley's municipal accounts to Renewable 100 (100% renewable and 100% greenhouse gas-free) electricity service, and refer the estimated increased cost of \$100,040 to the June 2020 budget process. b. Upgrade current and new Berkeley residential and commercial customer accounts from Bright Choice (&gt;85% GHG-free) to Brilliant 100 (100% GHG-free), except for residential customers in low income assistance programs. The transition would be effective October 1, 2020 for residential customers and January 1, 2021 for commercial customers. c. Provide for yearly Council review of the City's default municipal, residential, and commercial plans.</p> <p><b>Financial Implications:</b> See report</p> <p>Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140</p> <p><i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p> |

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| 4. | <p><b>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers</b> <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i></p> <p><b>From: City Manager</b></p> <p><b>Recommendation:</b> Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.</p> <p><b>Financial Implications:</b> None</p> <p>Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000</p> <p><i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>                                                         |
| 5. | <p><b>Referral to Schedule a Special City Council Meeting on Ohlone History and Culture</b></p> <p><b>From: Councilmembers Hahn and Davila</b> <i>(referred from February 25, 2020)</i></p> <p><b>Recommendation:</b> Refer to the Agenda &amp; Rules Policy Committee to schedule a Special City Council Meeting of at least one hour in duration immediately prior to a Regular City Council Meeting for representatives of the Ohlone community to present on Ohlone history and culture to provide additional context for the placement of signs stating "Welcome to the City of Berkeley Ohlone Territory" at entrances to our City.</p> <p><b>Financial Implications:</b> None</p> <p>Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150</p> <p><i>Note: moved from the Upcoming Worksessions list to this list for scheduling purposes on June 15, 2020.</i></p> |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                                         |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-----------------------------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                                         |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Determination<br>on Appeal<br>Submitted | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                                         |                   |
| 2716-2718 Durant Ave (expand/add dwellings)                                 | ZAB                  | 9/1/2020              |                                         |                   |
| 3116 Ellis St, Unit C (single-family dwelling)                              | ZAB                  | 9/1/2020              |                                         |                   |
| 2956 Hillegass Ave (single-family dwelling)                                 | ZAB                  | 9/1/2020              |                                         |                   |
| 1531 Summit Rd (single-family dwelling)                                     | ZAB                  | 9/1/2020              |                                         |                   |
| 2870 Webster St (single-family dwelling)                                    | ZAB                  | 9/1/2020              |                                         |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                                         |                   |
| 1346 Ordway St (legalize additions)                                         | ZAB                  |                       |                                         | 10/13/2020        |
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| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                                         |                   |
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| <b>Notes</b>                                                                |                      |                       |                                         |                   |
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8/27/2020



Office of the City Manager

May 6, 2020

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Subject: **Resumption of certain Board and Commission meetings**

As you are aware, on March 12, 2020, I directed that most board and commission meetings be suspended for at least 60 days in order to help minimize the spread of COVID-19. Exceptions can be made if a board or commission has time-sensitive, legally mandated business to complete, subject to approval by the City Manager and Health Officer. On April 13, 2020, the City Council Agenda & Rules Committee recommended that this action remain in effect until it is determined by the City Manager, as the Director of Emergency Services, and the Health Officer that conditions are appropriate to resume meetings, while maintaining the health and safety of the community.

The purpose of this memo is to notify you that as of today, the Health Officer and I are authorizing certain board and commission meetings to resume with a virtual meeting format. In-person board/commission meetings are not authorized until further notice. Board/commission meetings will be held via Zoom, similar to the format being used by the City Council and City Council policy committees that have resumed meetings during the Shelter-in-Place Order.

Resuming certain board/commission meetings is necessary at this time to enable action on a range of time-sensitive issues. Examples include pending land use permit applications (some of which carry legal mandates for action within set time frames), land use policy efforts which are time-sensitive to address the acute housing crisis, and input required for pending tax decisions, such as to the Disaster and Fire Safety Commission regarding tax rates under Measure GG.

Board and commission meetings will be scheduled with enough lead time to allow agendas to be finalized, applicants and interested parties to be contacted, and public hearing notices to be posted. Staff are contacting board members/commissioners to let them know that certain boards/commissions are resuming. Members of the public may also reach out to commission secretaries (contact information is included on each commission webpage) to inquire about dates of future board/commission meetings.

Depending on the board/commission, initial virtual meetings will be scheduled in late May and June. Some commission meetings will take longer than others to schedule, as some of the same staff who are responsible for preparing commission meeting packets and notices are also serving as Disaster Service Workers. We appreciate everyone's patience as we move forward with next steps.

Boards/commissions that are authorized to resume meeting remotely are:

- Ashby and North Berkeley BART Station Zoning Standards Community Advisory Group
- Design Review Committee
- Disaster & Fire Safety Commission
- Fair Campaign Practices Commission
- Homeless Services Panel of Experts
- Housing Advisory Commission (limited to quasi-judicial activities)
- Joint Subcommittee on the Implementation of State Housing Laws
- Landmarks Preservation Commission
- Open Government Commission
- Personnel Board
- Planning Commission
- Police Review Commission
- Zoning Adjustments Board

I will consider authorizing additional boards/commissions to resume meeting on a case-by-case basis.

Web-based platforms allow board members/commissioners, staff, applicants, and members of the public to participate from their respective shelter-in-place locations. Commissioners who do not have access to a computer or internet will be provided with hard copies of all materials and can participate via phone.

Departments are organizing training on online meeting facilitation for staff and commission chairs, and we will hold practice runs to test out the technology.

Please contact me directly with any questions or concerns.

cc: Senior Leadership Team



RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
Joint Subcommittee on the Implementation of State Housing Laws  
Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

### Category B

Animal Care Commission  
Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council

For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

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

Noes: None.

Absent: None.



\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:

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





Homeless Commission

## ACTION CALENDAR

July 14, 2020

To: Honorable Mayor and Members of the City Council  
 From: Homeless Commission  
 Submitted by: Carole Marasovic, Chairperson, Homeless Commission  
 Subject: Compiling Commission Recommendations in a Reference Manual

### RECOMMENDATION

The Homeless Commission recommends that Council refer to staff to develop a procedure for staff secretaries to all City of Berkeley commissions to compile all commission recommendations, whether in report or letter form, in a binder. Such binder shall also track the outcomes of all commission recommendations including action taken by Council and subsequent implementation of Council action. One copy of the binder shall remain with the staff secretary; another copy of the binder shall be available as a resource in the City Clerk's office. The City Clerk shall index all subject matters of commission proposals so that there is cross-referencing of all subjects that commissions have addressed. This reference manual shall be available for use by commissions to share information, the Mayor and Council, staff and members of the public. The City Clerk shall also provide this information online.

### SUMMARY

This recommendation would create a reference manual which would track the work of City advisory commissions and the outcomes and implementation of their recommendations. It would serve to provide information-sharing between commissions when they work on similar or overlapping issues. It would provide a reference manual for all City commissioners, Mayor and Council, staff and members of the public.

### FISCAL IMPACTS OF RECOMMENDATION

Staff would have to assess the cost, and staff time, of providing this manual and maintaining it. The cost would seem to be outweighed by the benefits of information sharing and coordination between commissions and providing easily accessible information to all including the public.

### CURRENT SITUATION AND ITS EFFECTS

Currently, commissions often operate without knowledge of how other commissions are approaching similar or overlapping issues. There is no single resource to go to view information other than reviewing individual commissions' minutes. Recommendations occasionally have not been tracked and have fallen by the wayside. The work output of commissions, producing recommendations, cannot always be evaluated or reviewed in

detail because there is no reference manual for commission recommendations. At a recent strategic plan session conducted by the City Manager's office educating commissioners, across all commissions, of the strategic plan, when receiving input from commissioners in attendance, several commissioners, from multiple commissions, indicated that they wanted to access additional knowledge how other commissions are addressing the same or similar, related issues. In addition, some commissions have placed information sharing between commissions on their agendas and/or addressed the need for information sharing, between commissions, on their agendas

### BACKGROUND

The Homeless Commission voted on March 11, 2020 as follows:

**Action:** M/S/C Hirpara/ Hill to approve and send the recommendation to Council as written.

**Vote:** Ayes: Hill, Marasovic, Kealoha-Blake, Hirpara, Behm-Steinberg  
Noes: None. *Abstain:* Andrew. *Absent:* Mulligan.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects except the use of a nominal amount of additional paper.

### RATIONALE FOR RECOMMENDATION

Binders, and online access, as described in the recommendation would provide for better tracking of recommendations and outcomes including Council action and subsequent implementation of outcomes. This reference manual would provide better coordination between commissions when they are addressing similar or overlapping subject matters. This reference manual would also provide easily accessible information for not only commissioners but also Mayor and Council, staff and members of the public.

### ALTERNATIVE ACTIONS CONSIDERED

An alternative would be for no action to be taken.

### CITY MANAGER

See companion report.

### CONTACT PERSON

Brittany Carnegie, Homeless Commission Secretary, HHCS, 510-981-5415



Homeless Commission

ACTION CALENDAR

July 14, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk  
Brittany Carnegie, Homeless Commission Secretary

Subject: Companion Report: Compiling Commission Recommendations in a Reference Manual

RECOMMENDATION

Refer the commission recommendation to the City Manager to 1) consider the impacts on staffing levels, approved Strategic Plan projects, and existing baseline services in the context of the projected budget shortfall for FY 2021 and the hiring freeze currently in effect; and 2) work within existing resources to facilitate information sharing among commissions on items referred from the City Council.

FISCAL IMPACTS OF RECOMMENDATION

No direct fiscal impact.

CURRENT SITUATION AND ITS EFFECTS

The City is facing an unprecedented \$28.5 million shortfall in the FY 2021 budget. As a part of the measures taken to close the gap, all departments are facing 15% reductions in personnel and non-personnel expenditures. In addition, a hiring freeze has been implemented by the City Manager and vacant positions are not being filled.

Commission secretaries have a full time employee's regular duties and the additional responsibilities of supporting a commission. The City Clerk Department is also newly affected by several new additions to baseline responsibilities including the Citizens Redistricting Commission, the Lobbyist Registration Ordinance, the Public Financing Program for Candidates, and support of the City Council Policy Committees.

The tracking and reporting as described in the commission recommendation is a significant new task added to the baseline responsibilities of the City Clerk Department and commission secretaries. The commission item extends the tracking requirement beyond agenda items to also include letters from a commission to the Council, which are more difficult to track.

Currently, the City does log commission referrals in the ServiceNow program to keep track of the adopted referrals. Some expansion of the tracking and reporting in

ServiceNow could be a possible method to meet some of the commission's request, but this would require purchasing new software licenses for commission secretaries. The estimated cost for 40 licenses at \$242 each is \$9,680 annually. This additional cost is not currently funded in the FY 2021 budget.

Under the current guidelines in the Commissioners' Manual, commission secretaries are tasked with keeping the commission informed of the referrals adopted by Council for their commission and also to notify other commissions of items that may be of overlapping jurisdiction among multiple commissions. The City Manager and the City Clerk Department can reach out to all secretaries to highlight this responsibility and inquire about ways in which the City Clerk Department can support secretaries with information sharing among commissions.

#### BACKGROUND

On March 11, 2020 by a 5-0-1-1 vote, the Homeless Commission adopted a recommendation that Council refer to staff to develop a procedure for staff secretaries to all City of Berkeley commissions to compile all commission recommendations, whether in report or letter form, in a binder. Such binder shall also track the outcomes of all commission recommendations including action taken by Council and subsequent implementation of Council action. One copy of the binder shall remain with the staff secretary; another copy of the binder shall be available as a resource in the City Clerk's office. The City Clerk shall index all subject matters of commission proposals so that there is cross-referencing of all subjects that commissions have addressed. This reference manual shall be available for use by commissions to share information, the Mayor and Council, staff and members of the public. The City Clerk shall also provide this information online.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects except the use of a nominal amount of additional paper.

#### RATIONALE FOR RECOMMENDATION

Due to current budgetary and staffing limitations, there are not adequate staffing resources to implement the full measure of the commission's request.

#### CONTACT PERSON

Mark Numainville, City Clerk, 510-981-6900  
Brittany Carnegie, Homeless Commission Secretary, HHCS, 510-981-5415





Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
July 14, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Amending Council Rules of Procedures such that items submitted by the Mayor or Councilmembers be placed directly on the City Council Agenda to allow the whole City Council to review and take action on the submitted item to ensure equity in the process.

#### RECOMMENDATION

Adopt a Resolution to amend Council Rules of Procedures Section C-1 and G-1 such that items submitted by the Mayor or Councilmembers be placed directly on the City Council agenda rather than beginning with submission to commissions or Council Policy Committees to ensure equity in the process.

#### BACKGROUND

Section C-1 of the Council Rules and Procedures states, "All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council." This section should be amended to state: "all submitted items by the Mayor or a Councilmember shall be placed on the requested Council Meeting Agenda, and have the whole City Council review the submitted items, take action, and/r or refer to a commission or Council Policy Committee."

Section G-1 of the Council Rules and Procedures states, "All agenda items begin with submission to the Agenda & Rules Committee." Instead, it shall be amended to state: "All agenda items shall go straight to the full City Council for review and action." The Agenda & Rules Committee should not determine the placement of an item in the first place.

Section G-1 furthers that, "Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council agenda." Items submitted by the Mayor or Councilmembers should be placed directly onto the City Council agenda since many items are urgent and cannot be held up in individuals committees. It shall be amended to state: "Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts shall be placed on the requested Council meeting date, be place on the Council meeting agenda, and have the whole City Council review the item and take necessary action."

Most cities across California do not follow the procedure of deferring council items to commissions or committees, rather all policy items are brought before the Council at meetings and are considered for approval in one single action. If needed, the City Councilmembers have the opportunity to remove an item from the consent calendar for purposes of discussion and further amendment. It is imperative that the City of Berkeley also adopt similar procedures in order to maintain the momentum of policymaking. The full Council should have an opportunity to discuss each item and choose to refer to a commission or Council Policy Committee. Currently, the Agenda & Rules committee sends items which doesn't allow the full Council to be aware or even know about the item prior to being sent to a committee or commission where it may be for 120 days. The current process is not just and should be changed to ensure equity in the decision to refer to a commission or Council Policy Committee.

This process for items can take months to even hear back about their status. Council should refer Council items to commissions and Council Policy Committees.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSONS

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

Sanjita Pamidimukkala  
District 2 Intern  
925.984.9435  
[dh.spamidimukkala@students.srvusd.net](mailto:dh.spamidimukkala@students.srvusd.net)

Eshal Sandhu  
District 2 Intern  
925.255.6608  
[dh.esandhu@students.srvusd.net](mailto:dh.esandhu@students.srvusd.net)

ATTACHMENTS:

1. Resolution

REFERENCES:

1. The Berkeley City Council Rules of Procedure and Order:  
[https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20June%202020%20-%20FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20June%202020%20-%20FINAL.pdf)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA, AMENDING THE COUNCIL RULES OF PROCEDURES SUCH THAT ITEMS SUBMITTED BY THE MAYOR OR COUNCILMEMBERS BE PLACED DIRECTLY ON THE CITY COUNCIL AGENDA TO ALLOW THE WHOLE CITY COUNCIL TO REVIEW AND TAKE ACTION ON THE SUBMITTED ITEM TO ENSURE EQUITY IN THE PROCESS.

WHEREAS, Section C-1 of the Council Rules and Procedures states, "All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council." This section should be amended to state: "all submitted items by the Mayor or a Councilmember shall be placed on the requested Council Meeting Agenda, and have the whole City Council review the submitted items, take action, and/r or refer to a commission or Council Policy Committee."; and

WHEREAS, Section G-1 of the Council Rules and Procedures states, "All agenda items begin with submission to the Agenda & Rules Committee." Instead, it shall be amended to state: "All agenda items shall go straight to the full City Council for review and action." The Agenda & Rules Committee should not determine the placement of an item in the first place; and

WHEREAS, Section G-1 furthers that, "Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council agenda." Items submitted by the Mayor or Councilmembers should be placed directly onto the City Council agenda since many items are urgent and cannot be held up in individuals committees. It shall be amended to state: "Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts shall be placed on the requested Council meeting date, be place on the Council meeting agenda, and have the whole City Council review the item and take necessary action."; and

WHEREAS, Most cities across California do not follow the procedure of deferring council items to commissions or committees, rather all policy items are brought before the Council at meetings and are considered for approval in one single action. If needed, the City Councilmembers have the opportunity to remove an item from the consent calendar for purposes of discussion and further amendment. It is imperative that the City of Berkeley also adopt similar procedures in order to maintain the momentum of policymaking. The full Council should have an opportunity to discuss each item and choose to refer to a commission or Council Policy Committee. Currently, the Agenda & Rules committee sends items which doesn't allow the full Council to be aware or even know about the item prior to being sent to a committee or commission where it may be for 120 days. The current process is not just and should be changed to ensure equity in the decision to refer to a commission or Council Policy Committee; and

WHEREAS, This process for items can take months to even hear back about their status. Council should refer Council items to commissions and Council Policy Committee; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Berkeley, California hereby amend Council Rules of Procedures Section C-1 and G-1 such that items submitted by

the Mayor or Councilmembers be placed directly on the City Council agenda rather than beginning with submission to commissions or Council Policy Committees to ensure equity in the process.



Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
June 30, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila (Author)

Subject: Resolution to Incorporate the Practice of 1 Minute and 46 seconds of Mindfulness into City Council Meetings

#### RECOMMENDATION

Adopt a resolution to amend the City Council Meeting Agendas and Council Rules of Procedures to include one minute and forty-six seconds of silence to adopt mindfulness into Council meetings to remember the loss of lives due to police violence.

#### BACKGROUND

According to the University of California at Berkeley's Greater Good Magazine, mindfulness means "maintaining a moment-by-moment awareness of your thoughts, feelings, bodily sensations, and surrounding environment, through a gentle, nurturing lens." Mindfulness involves acceptance without judgment of our thoughts and feelings and tuning into what we are sensing in the present moment rather than rehashing the past or imaging the future.<sup>1</sup>

While mindfulness and meditation has its roots in the religion of Buddhism, mindfulness as a secular practice was popularized by Jon Kabat-Zinn, who launched the Mindfulness-Based Stress Reduction program at the University of Massachusetts Medical School in 1979. Mindfulness is noted to improve well-being, physical health, and mental health.<sup>2</sup> The adoption of mindfulness practices are specifically beneficial for strengthening the immune system, reducing stress, and enhancing attentiveness.

Particularly relevant to the role of city governance, mindfulness has been found to increase altruism and compassion,<sup>3</sup> reduce implicit bias,<sup>4</sup> increase emotional resilience when confronted with negative feedback,<sup>5</sup> and to help leaders be more confident and act in line with their values.<sup>6</sup> Due to its benefits, mindfulness has been deployed in a multitude of institutions such as

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<sup>1</sup> <https://greatergood.berkeley.edu/topic/mindfulness/definition>

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3679190/>

<sup>3</sup> [https://greatergood.berkeley.edu/article/item/meditation\\_causes\\_compassionate\\_action](https://greatergood.berkeley.edu/article/item/meditation_causes_compassionate_action)

<sup>4</sup> [https://greatergood.berkeley.edu/article/item/can\\_mindfulness\\_help\\_reduce\\_racism](https://greatergood.berkeley.edu/article/item/can_mindfulness_help_reduce_racism)

<sup>5</sup> [https://greatergood.berkeley.edu/article/item/can\\_mindfulness\\_help\\_students\\_cope\\_with\\_failure](https://greatergood.berkeley.edu/article/item/can_mindfulness_help_students_cope_with_failure)

<sup>6</sup> [https://greatergood.berkeley.edu/article/item/can\\_mindfulness\\_help\\_you\\_be\\_more\\_authentic](https://greatergood.berkeley.edu/article/item/can_mindfulness_help_you_be_more_authentic)

schools,<sup>7</sup> prisons,<sup>8</sup> sports,<sup>9</sup> hospitals,<sup>10</sup> and even municipal governments, like San Jose, where Mindful Mondays has been promoted by the city.<sup>11</sup>

Currently, the Berkeley City Council meetings run continuously for five hours or more on Tuesday evenings, with only a brief 10-minute pause for captioning. Incorporating mindfulness practices into the City Council meeting may increase Councilmember's ability to focus on the topics brought before them, alleviate stress or anxiety over decision-making, facilitate Councilmembers being more fully present and emotionally available to the public, and allow for greater creativity when generating solutions for how best to serve the constituency.

The adoption of mindfulness practices has the potential to improve the overall experience and efficacy of governing by reducing the physiological impacts of stress on members of City staff, elected officials, and the community. By reducing the physiological impairments of stress and cognitive fatigue better decision-making might occur. Given these potential benefits, a change to the structure and order of City Council meetings are proposed to include two-minutes of mindfulness at the beginning of the meeting and following ceremonial items, two minutes of mindfulness after reconvening from the captioner's break, and the ability of any Councilmember to request taking a mindfulness pause during the Consent or Action Calendar.

Section II. Meetings, Part D of the Berkeley City Council Rules of Procedure and Order<sup>12</sup> would be amended to read as follow:

"D. Council Meeting Conduct of Business: The agenda for the regular business meetings shall include the following: **One minute and forty-six seconds of silence and mindfulness**; Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) will be heard with the consent of Council."

Section III. Agenda, Part E Agenda Sequence and Order of Business of the Berkeley City Council Rules of Procedure and Order would be amended to read as follow:

"E. The Council agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, **One minute and forty-six seconds of silence and mindfulness**, Comments from the City Manager, Comments from the City Auditor, Non-Agenda Public Comment)
2. Consent Calendar
3. Action Calendar
  - a) Appeals

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<sup>7</sup> <https://www.mindfulschools.org/>

<sup>8</sup> <https://www.prisonmindfulness.org/about-us/>

<sup>9</sup> <https://www.apa.org/news/press/releases/2017/08/mindfulness-method>

<sup>10</sup> <https://hospitalnews.com/mindfulness-quiet-revolution/>

<sup>11</sup> <https://www.sanjoseca.gov/Home/Components/Calendar/Event/1760/4738>

<sup>12</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf)

- b) Public Hearings
- c) Continued Business
- d) Old Business
- e) New Business
- 4. Information Reports
- 5. Non-Agenda Public Comment
- 6. Adjournment

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Cheryl Davila  
Councilmember District 2  
510.981.7120  
cdavila@cityofberkeley.info

ATTACHMENTS:

- 1. Resolution

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

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BERKELEY TO INCORPORATE THE PRACTICE OF 1 MINUTE AND 46 SECONDS OF MINDFULNESS INTO CITY COUNCIL MEETINGS

WHEREAS, Mindfulness is a secular practice of focusing attention onto your thoughts, emotions, and bodily sensations in a moment-to-moment methodology that allows for greater awareness of yourself and your surroundings; and

WHEREAS, The practice of mindfulness has many noted benefits, including boosting the immune system, reducing stress, and enhancing attentiveness; and

WHEREAS, Due to the efficacy of mindfulness, its practices have been adopted in a wide array of institutions that serve impacted populations, such as schools, hospitals, and prisons; and

WHEREAS, Physiological impacts of stress have the ability to diminish the City Staff and Council's ability to effectively carry out the tasks associated with complex decision making; and

WHEREAS, Mindfulness practices have been shown to be an effective method to reduce stress levels in other workplaces; and

WHEREAS, Mindfulness might improve the working conditions during Berkeley City Council meetings by allowing Councilmembers and City Staff to become fully present and attentive at the beginnings of meetings, and more compassionate and self-aware when engaging with the public; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Berkeley will incorporate two minutes of mindfulness practice into the agenda of City Council meetings, wherein Councilmembers and members of the public are invited to hold a moment of silence to check in with their bodies and mind before embarking on the often arduous work of city governance; and

BE IT FURTHER RESOLVED, Section II. Meetings, Part D of the Berkeley City Council Rules of Procedure and Order is amended to read:

"D. Council Meeting Conduct of Business: The agenda for the regular business meetings shall include the following: **One minute and forty-six seconds of silence and mindfulness**; Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) will be heard with the consent of Council."

BE IT FURTHER RESOLVED, Section III. Agenda, Part E Agenda Sequence and Order of Business of the Berkeley City Council Rules of Procedure and Order IS amended to read:

"E. The Council agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, **One minute and forty-six seconds of silence and mindfulness**, Comments from the City Manager, Comments from the City Auditor, Non-Agenda Public Comment)
2. Consent Calendar
3. Action Calendar
  - a) Appeals



- b) Public Hearings
- c) Continued Business
- d) Old Business
- e) New Business
- 4. Information Reports
- 5. Non-Agenda Public Comment
- 6. Adjournment

BE IT FINALLY RESOLVED, These changes to the Agenda will begin at the next scheduled Council meeting and the City Council will include one minute and forty-six seconds of silence and mindfulness as part of the City Council Agenda.





Lori Droste  
Councilmember, District 8

## **ACTION CALENDAR**

June 30, 2020

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Lori Droste (Author) and Councilmembers Rigel Robinson (Co-Sponsor) and Rashi Kesarwani (Co-Sponsor)

**Subject:** Commission Reorganization for Post-COVID19 Budget Recovery

### **RECOMMENDATION**

- 1) Reorganize existing commissions with the goal of achieving 20 total commissions.
- 2) Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions.
- 3) Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions.
- 4) Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.

## **PROBLEM/SUMMARY STATEMENT**

Demand for city workers staffing commissions is larger than the City's ability to supply it at an acceptable financial and public health cost. Thirty-seven commissions require valuable city staff time and funding that could be better spent providing essential services. The COVID-19 pandemic has impacted the City of Berkeley in a myriad of ways, resulting in enormous once-in-a-lifetime socioeconomic and public health impacts. While the City Manager and department heads are addressing how to best prepare and protect our residents, particularly our most vulnerable, they are also required to oversee an inordinate amount of commissions for a medium-sized city at a significant cost.

The City of Berkeley faces many challenges, including the COVID-19 pandemic and its resultant budget and staffing impacts. Prior to the onset of COVID-19, the City Council and staff spent significant Council time on items originating with the City's advisory commissions. As the Shelter in Place is gradually lifted, critical city staff will resume staffing these 37 commissions. As a result, too much valuable staff time will continue to be spent on supporting an excessive amount of commissions in Berkeley rather than addressing the basic needs of the City.

## **BACKGROUND**

### **Review of Existing Plans, Programs, Policies, and Laws**

The City of Berkeley has approximately thirty-seven commissions overseen by city administration, most of which have at least nine members and who are appointed by individual councilmembers. These commissions were intended to be a forum for public participation beyond what is feasible at the City Council, so that issues that come before the City Council can be adequately vetted.

Some commissions are required by charter or mandated by voter approval or state/federal mandate. Those commissions are the following:

1. Board of Library Trustees (charter)
2. Business Improvement Districts (state mandate)
3. Civic Arts Commission (charter)
4. Community Environmental Advisory Commission (state/federal mandate--CUPA)
5. Fair Campaign Practices Commission/Open Government (ballot measure)
6. Homeless Services Panel of Experts (ballot measure)
7. Housing Advisory Commission (state/federal mandate)
8. Human Welfare and Community Action (state/federal mandate)
9. Measure O Bond Oversight Committee (ballot measure)
10. Mental Health Commission (state/federal mandate)
11. Personnel (charter)

- 12. Police Review Commission (ballot measure)
- 13. Sugar-Sweetened Beverages (ballot measure)

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley’s Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California’s Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated commissions do not need to stand independently and can be combined to meet mandated goals.

In comparison to neighboring jurisdictions of similar size, Berkeley has significantly more commissions. The median number of commissions for these cities is 12 and the average is 15.

| Comparable Bay Area City | Population (est.) | Number of Commissions | Links                                                                                                                                                                                                         |
|--------------------------|-------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Berkeley                 | 121,000           | 37                    | <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3 - Commissions/External%20Roster.pdf</a> |
| Antioch                  | 112,000           | 6                     | <a href="https://www.antiochca.gov/government/boards-commissions/">https://www.antiochca.gov/government/boards-commissions/</a>                                                                               |
| Concord                  | 130,000           | 14                    | <a href="https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Comm">https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Comm</a>                                             |
| Daly City                | 107,000           | 7                     | <a href="http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm">http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm</a>         |
| Fairfield                | 117,000           | 7                     | <a href="https://www.fairfield.ca.gov/gov/comms/default.asp">https://www.fairfield.ca.gov/gov/comms/default.asp</a>                                                                                           |
| Fremont                  | 238,000           | 15                    | <a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>                                                                               |
| Hayward                  | 160,000           | 12                    | <a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>                                                                     |
| Richmond                 | 110,000           | 29                    | <a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>                                                                               |
| San Mateo                | 105,000           | 7                     | <a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>                                                                                       |

|           |         |    |                                                                                                                                                           |
|-----------|---------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sunnyvale | 153,000 | 10 | <a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a> |
| Vallejo   | 122,000 | 17 | <a href="http://www.ci.vallejo.ca.us/cms/one.aspx?pageId=22192">http://www.ci.vallejo.ca.us/cms/one.aspx?pageId=22192</a>                                 |

### Consultation and Outreach

To understand the impact on various departments and staffing capacity, the following table shows which departments are responsible for overseeing various commissions.

| Commission Name                                                | Overseeing Department<br>(Total Commissions in<br>Department) |
|----------------------------------------------------------------|---------------------------------------------------------------|
| Animal Care Commission                                         | City Manager (7)                                              |
| Civic Arts Commission                                          | City Manager (7)                                              |
| Commission on the Status of Women                              | City Manager (7)                                              |
| Elmwood BID Advisory Board                                     | City Manager (7)                                              |
| Loan Administration Board                                      | City Manager (7)                                              |
| Peace and Justice Commission                                   | City Manager (7)                                              |
| Solano Ave BID Advisory Board                                  | City Manager (7)                                              |
|                                                                |                                                               |
| Cannabis Commission                                            | Planning (8)                                                  |
| Community Environmental Advisory Commission                    | Planning (8)                                                  |
| Design Review Committee                                        | Planning (8)                                                  |
| Energy Commission                                              | Planning (8)                                                  |
| Joint Subcommittee on the Implementation of State Housing Laws | Planning (8)                                                  |
| Landmarks Preservation Commission                              | Planning (8)                                                  |
| Planning Commission                                            | Planning (8)                                                  |
| Zoning Adjustments Board                                       | Planning (8)                                                  |
|                                                                |                                                               |
| Children, Youth, and Recreation Commission                     | Parks (3)                                                     |
| Parks and Waterfront Commission                                | Parks (3)                                                     |
| Youth Commission                                               | Parks (3)                                                     |
|                                                                |                                                               |
| Commission on Aging                                            | Health, Housing, and<br>Community Services<br>(HHCS) (10)     |
| Commission on Labor                                            | HHCS (10)                                                     |
| Community Health Commission                                    | HHCS (10)                                                     |

|                                                               |                     |
|---------------------------------------------------------------|---------------------|
| Homeless Commission                                           | HHCS (10)           |
| Homeless Services Panel of Experts                            | HHCS(10)            |
| Housing Advisory Commission                                   | HHCS (10)           |
| Human Welfare & Community Action Commission                   | HHCS (10)           |
| Measure O Bond Oversight Committee                            | HHCS (10)           |
| Mental Health Commission                                      | HHCS (10)           |
| Sugar-Sweetened Beverage Product Panel of Experts             | HHCS (10)           |
|                                                               |                     |
| Disaster and Fire Safety Commission                           | Fire (1)            |
|                                                               |                     |
| Commission on Disability                                      | Public Works (5)    |
| Public Works Commission                                       | Public Works (5)    |
| Traffic Circle Task Force                                     | Public Works (5)    |
| Transportation Commission                                     | Public Works (5)    |
| Zero Waste Commission                                         | Public Works (5)    |
|                                                               |                     |
| Fair Campaign Practices Commission/Open Government Commission | City Attorney (1)   |
|                                                               |                     |
| Personnel Board                                               | Human Resources (1) |
|                                                               |                     |
| Police Review Commission                                      | Police (1)          |
|                                                               |                     |
| Board of Library Trustees                                     | Library (1)         |

Gray=charter  
 Red=state/federal mandate  
 Yellow=quasi-judicial  
 Blue=ballot initiative  
 Orange=state/federal mandate and quasi-judicial  
 Green=quasi-judicial and ballot initiative

The departments that staff more than five commissions are Health, Housing, and Community Services (10 commissions), Planning (8 commissions), and the City Manager’s department (7 commissions). At the same time, some smaller departments (e.g. the City Attorney’s office) may be impacted just as meaningfully if they have fewer staff and larger individual commission workloads.

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular

content area aligned with the City of Berkeley's strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

### **Department and Policy Committee alignment**

1. **Agenda and Rules**—all departments
2. **Budget and Finance**—City Manager, Clerk, Budget, and Finance
3. **Land Use and Economic Development**—Clerk, Planning, HHCS, City Attorney, and City Manager (OED)
4. **Public Safety**—Clerk, City Manager, Police, and Fire
5. **Facilities, Infrastructure, Transportation, Environment and Sustainability** (Clerk, City Manager, Planning, Public Works, and Parks)
6. **Health, Equity, Life Enrichment, and Community** (Clerk, City Manager, HHCS)

### **CRITERIA CONSIDERED**

#### **Effectiveness**

*How does this proposal maximize public interest?* For this analysis, the effectiveness criterion includes analysis of the *benefits* to the entire community equitably with specific emphasis on public health, racial justice and safety.

#### **Fiscal Impacts/Staffing Costs**

*What are the costs?* The fiscal impact of the proposed recommendation and various alternatives considered includes direct costs of commissions.

#### **Administrative Burden/Productivity Loss**

*What are the operational requirements or productivity gains or losses from this proposal?*

The administrative burden criterion guides the analysis in considering operational considerations and productivity gains and losses. While operational considerations and tradeoffs are difficult to quantify in dollar amounts, productivity losses were considered in its absence.

#### **Environmental Sustainability**

The environmental sustainability criterion guides legislation in order to avoid depletion or degradation of the natural resources and allow for long-term environmental quality.



## **ALTERNATIVES**

### **Alternative #1–The Current Situation**

The current situation is the status quo. The City of Berkeley would retain all commissions and no changes would be made.

### **Alternative #2–Collaborative Approach with Quantity Parameters**

This approach would specify a specific number (20) of commissions the City of Berkeley should manage and set parameters around individual department responsibilities. Furthermore, it requires a collaborative approach and outreach to address specific policy areas by referring it to the Council policy committees for further analysis and specific recommendations.

### **Alternative #3–Committee Alignment, Mandated and Quasi-Judicial Commissions**

This alternative would consist of five commissions aligned directly with the policy committees in addition to quasi-judicial bodies and ones required by charter, ballot measure or law.

- *Budget and Finance Commission*
- *Facilities, Infrastructure, Transportation, Environment and Sustainability Commission (state/federal mandate--CUPA)*
- *Health, Equity, and Life Enrichment*
- *Land Use and Economic Development*
- *Public Safety*
- Board of Library Trustees (charter)
- Civic Arts Commission (charter)
- Community Environmental Advisory Commission (state/federal mandate--CUPA)
- Fair Campaign Practices Commission/Open Government (ballot measure)
- Homeless Services Panel of Experts (ballot measure)
- Housing Advisory Commission (state/federal mandate)
- Human Welfare and Community Action (state/federal mandate)
- Landmarks Commission (quasi-judicial)
- Measure O Bond Oversight Committee (ballot measure)
- Mental Health Commission (state/federal mandate)
- Planning (quasi-judicial)
- Personnel (charter)
- Police Review Commission (ballot measure)
- Sugar-Sweetened Beverages (ballot measure)
- Zoning Adjustments Board (quasi-judicial)

**Alternative #4: Extreme Consolidation**

This alternative represents a prescriptive approach with maximum consolidation in content area and mandated commissions, absent charter amendments.

- Board of Library Trustees (charter)
- Business Improvement District (state/federal mandate)
- Civic Arts Commission (charter)
- Community Environmental Advisory Commission/Energy/Zero Waste (state/federal--CUPA)
- Fair Campaign Practices Commission/Open Government (ballot measure)
- Homeless Services Panel of Experts (ballot measure)
- Human Welfare and Community Action (state/federal mandate)
- Measure O Bond Oversight Committee (ballot measure)/Housing Advisory Commission (state/federal mandate)
- Mental Health Commission (state/federal mandate)
- Personnel (charter)
- Planning Commission (quasi-judicial and appeals)
- Board of Appeals (land use appeals)
- Police Review Commission (ballot measure)
- Health and Sugar-Sweetened Beverages (ballot measure)

**PROJECTED OUTCOMES (CRITERIA X ALTERNATIVES)**

|                                       | <b>Current Situation</b> | <b>Collaborative Approach</b> | <b>Policy Committee Alignment</b> | <b>Extreme Consolidation</b> |
|---------------------------------------|--------------------------|-------------------------------|-----------------------------------|------------------------------|
| <b>Benefit/ Effectiveness</b>         | medium                   | high                          | medium                            | low                          |
| <b>Cost</b>                           | high                     | medium                        | low                               | low                          |
| <b>Administrative Burden</b>          | high                     | low                           | low                               | medium                       |
| <b>Relative Environmental Benefit</b> | low                      | medium                        | medium                            | high                         |

**Current Situation and Its Effects (Alternative #1)**

*Effectiveness of the Current Situation*

Commissions serve a vital role in the City of Berkeley’s rich process of resident engagement. An analysis of agendas over the past several years shows that the

commissions have created policy that have benefited the community in meaningful and important ways. In 2019, approximately two-thirds of commission items submitted to Council passed. From 2016-2019, an average of 39 items were submitted by commissions to Council for consideration. Every year roughly 15-18 (~40-45%) commissions do not submit any items for Council policy consideration in any given year. The reason for this varies. Some commissions don't submit policy recommendations (BIDs) and some commissions recommendations may not rise to Council level at all or come to Council as a staff recommendation (e.g. ZAB and DRC). Additionally, a few commissions struggle to reach monthly quorum as there are currently 64 vacancies on the various commissions, excluding alternative commissioners.

It is also important to consider equitable outcomes and the beneficiaries as well. For example, the City's Health, Housing and Community Development department serves an important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, and other important community programs. Additionally, Health, Housing, and Community Development also staffs ten commissions, more than many cities of Berkeley's size. Council needs to wrestle with these tradeoffs to ensure that we seek the maximum benefit for *all* of the Berkeley community, particularly our most vulnerable.

*Staffing Costs*

Based upon preliminary calculations of staff titles and salary classifications, the average staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

| Commission                        | Step 5 Rate of Pay | Reported Hours a Month | Total <b>Direct</b> Cost of Commission <b>per Month</b> |
|-----------------------------------|--------------------|------------------------|---------------------------------------------------------|
| Animal Care                       | \$70.90            | 8                      | \$567.20                                                |
| Landmarks Preservation Commission | \$57.96            | 80                     | \$4,636.80                                              |
| Design Review Commission          | \$52.76            | 60                     | \$3,165.60                                              |
| Peace and Justice                 | \$60.82            | 32                     | \$1946.24                                               |

It is extremely challenging to estimate a specific cost of commissions in the aggregate because of the varying workload but a safe estimate of salary costs dedicated to commissions would be in the six-figure range.

Many commissions--particularly quasi-judicial and land use commissions-- require more than one staff member to be present and prepare reports for commissions. For example, Zoning Adjustment Board meetings often last five hours or more and multiple staff members spend hours preparing for hearings. The Planning Department indicates that *in addition* to direct hours, additional commission-related staff time adds an extra 33% staff time. Using the previous examples, this means that the Landmarks Preservation Commission would cost the city over \$6,000 in productivity while the Design Review Commission would cost the City over \$4,000 a month.

#### *Productivity Losses and Administrative Burden*

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley's main homeless outreach workers staffed a commission within the City Manager's department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach. The Joint Subcommittee on the Interpretation of State Housing Laws is another example. Planners dedicate 50 hours a month to that commission. Meanwhile, this commission has limited ability in affecting state law and the City Attorney's office is responsible for interpreting state law. While this commission does important work on other issues, there is little nexus in interpreting state housing laws and could be disbanded and consolidated with an existing commission. If this commission were disbanded, the current planner could dedicate significant hours to Council's top priorities in Planning. This year's top Council priority is the displacement of Berkeley's residents of color and African Americans (Davila).

#### *Environmental Sustainability*

The current commission structure doesn't have a large impact on the environment but, in relative terms, is the most burdensome because of the potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs associated with a large number of commissions.

## **ALTERNATIVES CONSIDERED**

### **Effectiveness**

#### *Alternative #2--Collaborative approach*

While the outcome is unknown, a collaborative approach with a specified target quantity of commissions and departmental responsibility would likely yield significant benefit to the community. Due to the projected budget cuts, city staff will need to have more bandwidth to deliver baseline services and priority projects. Civic engagement will still be retained due to a myriad of ways to provide public input but more importantly, current commissioners and civic partners are invited to provide feedback to the policy committees for consideration. Additionally, this approach is a less prescriptive approach which allows Council to acknowledge that the current number of commissions is unsustainable and impacts baseline services. Instead of recommending specific commission cuts at this moment, this approach simply allows Council to state an appropriate number of commissions (20) and acknowledge the severe staffing impacts of the current configuration. Furthermore, twenty commissions is a reasonable starting point, especially when considering that most area cities that are approximately Berkeley's size have seven commissions.

#### *Alternative 3--Policy Committee Alignment*

This approach would yield some benefit in that commissions would reflect current policy committees and would directly advise those bodies. This is beneficial because commissions directly aligned with policy committees would be an independent civic replica of the appointed policy committee bodies. It further retains mandated commissions. However, this prescriptive approach doesn't allow for flexibility in retaining historically important commissions and it does not address the benefit of potentially consolidating two commissions that address the same policy content area. For instance, it may be possible to combine the sugar-sweetened beverage oversight panel with the Health, Life, and Equity commission or the CEAC with the Facilities, Infrastructure, Transportation, Environment and Sustainability.

#### *Alternative 4--Extreme Consolidation--*

This approach is the most drastic alternative and the overall effectiveness is likely low, mainly due to potential community backlash due to Berkeley's long history of civic engagement. Furthermore, the Planning Commission would likely become overburdened and less effective because land use appeals would have to be routed through the Planning Commission.

## **Costs/Fiscal Impact**

### *Alternative 2--Collaborative Approach*

The fiscal impact of the Collaborative Approach is unknown at this time because this recommendation does not prescribe specific commission consolidations or cuts. However, if commissions are reorganized such that Berkeley will have 20 instead of 38, there will be significant direct cost savings. One can reasonably assume that the direct financial cost could reduce to almost half the current amount.

### *Alternative 3--Policy Committee Alignment*

The fiscal impact of Policy Committee Alignment would yield significant savings due to commission consolidation. One can reasonably assume that the direct financial cost could reduce to more than half the current amount.

### *Alternative 4--Extreme Consolidation*

Extreme Consolidation would yield the most savings due to commission consolidation. One can reasonably assume that the direct financial cost would reduce to 25%-30% of the current amount spent on commission work.

## **Productivity**

### *Alternative 2--Collaborative Approach*

The most glaring impact on the current commission structure is administrative impacts and productivity. Whether City Council consolidates commissions or not, attributable salary costs will still exist. The primary benefit of pursuing the Collaborative Approach would center on productivity. The City of Berkeley is likely to garner significant productivity gains by specifying a target number of commissions overall and within departments. Using the Peace and Justice and Joint Subcommittee on the Interpretation of State Housing Laws examples above, more staff will be able to focus on core services and priority programs. Thousands of hours may be regained by dedicated staff to tackle the tough issues our community faces, especially in light of COVID-19 and concerns around racial equity.

### *Alternative 3--Policy Committee Alignment*

This alternative likely will yield the same productivity benefits as the collaborative approach, if not more. The City of Berkeley would likely garner significant productivity gains by specifying less than twenty commissions. Thousands of hours may be regained by dedicated staff to tackle the tough issues our community faces, especially in light of COVID-19 and concerns around racial equity.

*Alternative 4–Extreme Consolidation*

This alternative would likely provide the most productivity gains and lessen administrative burdens overall. However, there could be unintended consequences of productivity within the planning department absent additional policy changes. For example, the quasi-judicial Zoning Adjustments Board and Planning Commission agendas are packed year round. It is unclear whether eliminating one of these commissions would lessen the administrative burden and increase productivity in the Planning Department or whether those responsibilities would merely shift commissions. At the same time, the Planning Department could benefit from reducing commissions to increase productivity within the planning department.

**Environmental Sustainability**

*Alternative 2–Collaborative approach*

This alternative doesn't have a large impact on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs. However, these environmental impacts could be cut in half with commission reorganization.

*Alternative 3--Policy Committee Alignment*

This alternative doesn't have a large impact on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs. However, these environmental impacts could be cut in half with commission reorganization.

*Alternative 4–Extreme Consolidation*

This alternative would have negligible impacts on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs.

**RATIONALE FOR RECOMMENDATION**

The Collaborative Approach is the best path forward in order to pursue Berkeley's commitment to

- Create affordable housing and housing support services for our most vulnerable community members
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment
- Champion and demonstrate social and racial equity
- Provide an efficient and financially-healthy City government
- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities
- Foster a dynamic, sustainable, and locally-based economy
- Create a resilient, safe, connected, and prepared City

- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community
- Attract and retain a talented and diverse City government workforce

The status quo—37 commissions— is too costly and unproductive. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.





Office of the City Manager

CONSENT CALENDAR  
July 21, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Timothy Burroughs, Director, Planning and Community Development  
 Subject: Referral Response: Expanding community engagement within work to address Climate Impacts

RECOMMENDATION

1. Refer to the City Manager to continually advance engagement around community-driven, equitable climate solutions, and to seek external resources to enable increased community engagement of impacted communities around equitable climate solutions; and
2. Refer to the Agenda Committee a revision to the Council Rules of Procedures to update the Environmental Sustainability section of City Council items and staff reports as "*Environmental Sustainability and Climate Impacts*."

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts for the first recommendation to continue engagement around equitable climate solutions and to seek external funding. The Office of Energy and Sustainable Development will continue to center equity within existing programs, using existing staff resources.

The second recommendation to update to City Council reports to include consideration of climate impacts would require additional time from existing staff to develop guidelines and provide training for all Departments on how to analyze and respond to the revised *Environmental Sustainability and Climate Impacts* section. These tasks would need to be integrated into staff's current work plan and would impact other projects.

CURRENT SITUATION AND ITS EFFECTS

This referral response builds on the momentum of the Climate Emergency Declaration, adopted by the City Council on June 12, 2018, by augmenting current efforts to reduce community-wide greenhouse gas emissions, raise awareness of climate impacts, and help the community adapt to a changing climate.

The Office of Energy and Sustainable Development is committed to equitable community engagement and policies. Recent and current activities include:

- In 2018 Berkeley received a grant to host a training on **Equitable Community-driven Climate Solutions with Movement Strategies** that focused on the continuum of Community Engagement, through collaboration and shared decision-making between local government staff and the community, with the aim of co-creating equitable climate preparedness solutions. See Attachment 3 for Continuum of Community Engagement adapted from King County, Washington and the International Association of Public Participation.
- Berkeley was chosen as one of eight leading cities to receive free technical assistance valued at more than \$50,000, with an additional \$2,000 for community engagement stipends through the **Building Electrification Initiative**. That effort analyzed opportunities and barriers to building electrification with an equity analysis, including spatial analysis of social vulnerabilities and environmental risk factors, and interviews with organizations serving low-income communities, limited English-speakers, people of color, and people with disabilities. Current work includes research on ways to support both affordable housing and building electrification strategies, local workforce development, and economic inclusion for marginalized communities. This work is being used to supplement the Existing Building Electrification Strategy.
- In 2018 Council provided funding for consultants to develop a **Berkeley Existing Building Electrification Strategy** which will provide recommendations for the highest value short- and long-term strategies to electrify all of Berkeley's existing buildings, in an equitable way, as soon as possible. Staff included requirements for equity expertise and deliverables as part of the Request for Proposals and in the scope of work. The consultant team developing the Strategy consists of Rincon Associates, Rocky Mountain Institute and the Ecology Center, with the latter serving as the lead on equity. The team is evaluating policy options that address all buildings in Berkeley in an inclusive approach that advances equity and prioritizes multiple benefit solutions to improve health, comfort and affordability.
- The **Electric Mobility Roadmap** included the Greenlining Institute as a paid strategic equity advisor throughout its development. Community organizations who work with underserved communities, including low-income populations, communities of color, and people with disabilities, were interviewed as part of the early needs assessment phase, and became partners in the development of draft strategies and actions, and implementation. This work led to "Equity in Access to Electric Mobility" being one of the four goals of the Roadmap with recommendations that includes collaboration on an equity pilot project and workforce development to support opportunities for people with barriers to employment.

Although communities of color, renters, seniors, students, people with disabilities, and low-income residents are disproportionately impacted by climate change, they are often marginalized in the development of climate solutions. These impacted communities may face multiple competing priorities and other barriers, such as language and lack of access to resources, which can limit their ability to meaningfully participate in creating and implementing climate solutions. Community-driven engagement aims to strengthen the capacity of individuals and organizations to self-advocate and identify needs, priorities and solutions. It also emphasizes meaningful participation in the decision-making process of policies and programs.

Prior to the COVID-19 pandemic, staff developed a scope of work and budget for enhancing community capacity for engagement. A draft Scope of Work and a 2-year budget of \$236,000 was developed to support dedicated staffing for the Berkeley Climate Action Coalition (BCAC), co-convened by the Ecology Center and the City of Berkeley Office of Energy & Sustainable Development, to coordinate an engagement plan (see Attachment 2). However, given the uncertainty surrounding the local economy, impacts on the City's budget, and safety implications of in-person community engagement due to COVID-19, staff is not recommending allocating funding for this proposal at this time.

In lieu of a funding request to enhance the work of BCAC, staff will continue to apply an equity lens to policy development and implementation and support a wide range of community engagement efforts with existing staff resources. Staff will seek additional resources and apply for external grant funding to more deeply engage with communities most negatively affected by increasingly frequent climate-related events, such as extreme heat, exposure to wildfire smoke, public safety power shutoffs, and flooding, and by the health and economic impacts of COVID-19. OESD staff will also leverage partnerships with East Bay Community Energy (EBCE) and the Bay Area Regional Energy Network (BayREN) to enhance outreach on issues such as electricity rate changes and programs targeted to reduce energy costs for low-income community members.

Meaningful engagement is also critical to the creation of community-driven solutions that are a core principle for the equity programs being recommended through the Electric Mobility Roadmap, and other programs for building electrification as recommended in the Existing Building Electrification Strategy. Due to the unknown future prospects of public gatherings, it is challenging to effectively engage with frontline communities in traditional ways (e.g., in-person convenings and workshops). Remote or virtual engagement can heighten the digital divide and may only be available to those who are not dealing with urgent health and economic challenges. To overcome these challenges, staff will explore innovative, safe and accessible engagement strategies to reach impacted communities while limits on public gatherings persist, and will plan for opportunities for innovative, safe in-person community engagement when that approach can safely resume.

### **Environmental Sustainability and Climate Impacts Section of Council Reports**

A revision to the current “Environmental Sustainability” section of City Council reports to include “*Environmental Sustainability and Climate Impacts*” would enhance efforts started in 2014, when the current “Environmental Sustainability” section was added to Council report templates. The “Environmental Sustainability” section was implemented through the development of guidelines, instructional materials, staff training throughout the City, and a six-month period of review of all Council reports by staff in the Office of Energy & Sustainable Development. These guidelines and training are now integrated into Council Report Writing Training provided to staff by the City Clerk’s Office. Staff would want to update and augment that training to ensure that a newly revised Council report template is effective and meaningful.

Equity-focused, climate-driven community engagement and increasing consideration of climate impacts in Council reports supports a number of Strategic Plan goals, including: creating a resilient, safe, connected, and prepared city; championing and demonstrating social and racial equity; and being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

### **BACKGROUND**

On January 21, 2020, City Council approved a referral sponsored by Councilmembers Davila and Bartlett, which referred to the City Manager:

- To look at how to improve and increase External Community Engagement – including funding for regular on-going town halls or neighborhood assemblies for external community engagement, and collaboration to engage the community and allow for input on new policies and programs which affect marginalized and front-line communities.
- To report back and identify funding resources and funding needed to adequately implement the increased engagement efforts, including different organizational structure options, and to make recommendations for funding.
- To require that all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability.

Since 2012, BCAC has been the City’s main vehicle for climate engagement. Its membership of nearly 1,000 people includes residents, nonprofits, neighborhood groups, faith-based organizations, schools, businesses, and UC Berkeley. From 2012-2016, BCAC received funding from the San Francisco Foundation and the City of Berkeley that supported quarterly convenings and workshops on a variety of topics such as climate change and health, intergenerational climate change, clean transportation and energy, and climate justice. Over the years, BCAC has supported a variety of volunteer-led working groups on topics including land use, water, transportation, community choice energy, electrification, and environmental health, and BCAC

continues to play an active role in large public events such as the annual Ride Electric event and 2019 East Bay Electrification Expo.

#### ENVIRONMENTAL SUSTAINABILITY

The development of community-driven equitable climate solutions is critical to the success of the Climate Action Plan and the City's Resilience Strategy, and responds to the Climate Emergency Declaration. The engagement of marginalized and frontline communities advances the goals of climate mitigation and adaptation, as well as resilience by advancing racial equity and accelerating access to reliable and clean energy and transportation.

#### RATIONALE FOR RECOMMENDATION

Engagement with marginalized communities addresses historical and structural racism and economic inequality. This work requires an approach that allows community members to explore how climate change impacts them and to collaborate in the creation of solutions to meet their needs. Deep and authentic community engagement is best accomplished through in-person meetings and events. Until such events can resume, staff are working to engage with stakeholders from impacted communities through virtual means, with a focus on equity and inclusion.

#### ALTERNATIVE ACTIONS CONSIDERED

City Council could choose to fund all or part of the attached Scope of Work to create non-virtual community engagement strategies while limits on public gatherings persist, and move to interactive, in-person events when they are deemed safe. By partnering with trusted external organizations like BCAC and the Ecology Center, the City could build on existing community relationships, strengthen capacity of community members and organizations to engage on climate issues, and leverage outreach efforts.

#### CONTACT PERSON

Billi Romain, Sustainability Manager, Planning Department – Office of Energy & Sustainable Development, (510) 981-7432

#### Attachments:

- 1 Original Referral Report from January 21, 2020:
- 2 Ecology Center Berkeley Climate Action Coalition Draft Scope of Work
- 3 Continuum of Community Engagement



Cheryl Davila  
Councilmember  
District 2

## REVISED AGENDA MATERIAL

**Meeting Date:** January 21, 2020

**Item Description:** Short Term Referral to the City Manager: 1. Improve and increase External Community Engagement; 2. Identify the funding resources needed to adequately implement number 1; and 3. Implement and require all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability

**Submitted by:** Councilmember Cheryl Davila

Updated agenda report and resolution to reflect the actions from December 5, 2019 Council Facilities, Infrastructure, Transportation, Environment and Sustainability Committee meeting:

Send the item, as amended, back to the City Council with a Positive Recommendation and to keep the first recommendation, the establishment of a new department, in the committee as a discussion item. Also, the committee took action to amend the recommendations:

1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities.”
2. Short Term Referral to the City Manager to report back and identify funding resources and funding needed to adequately implement number 1, including different organizational structure options; and recommendations for funding.
3. Implement and require all City Council items, and staff reports include Climate Impacts in addition to Environmental Sustainability.



Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
January 21, 2020  
~~December 3, 2019~~

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila and Ben Bartlett

Subject: Short Term Referral to the City Manager: 1. Improve and increase External Community Engagement; 2. Identify the funding resources needed to adequately implement number 1; and 3. Implement and require all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability

~~Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 day~~

**RECOMMENDATION**

Adopt the following amended actions with a positive recommendation from the Council Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Committee:

1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities.”

~~Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 days with the following actions:~~

- ~~1. Establishment of a new department - Create a Climate Emergency Mobilization Department (CEMD) and transition existing city staff (current Chief Sustainability and Resilience Officers) into the new department. The CEMD is proposed to have oversight authority of existing departments and boards regarding planning and coordination of the City’s response to climate change, including public education and outreach. In addition, the CEMD would measure and track ongoing greenhouse gas emissions and pollutants, develop an annual climate emissions budget and identify grant funding.~~
- ~~2. Short Term Referral to the City Manager to report back and identify funding resources and funding needed to adequately implement number 1, including different organizational structure options; and recommendations for funding.~~
- ~~2. External Community Engagement - Provide a timeline for regular on-going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities.” As part of this process, the proposal further recommends that community capacity building in the form of training and education be provided, and that potential pilot projects be considered which could be tested in these communities.~~
- ~~3. Implement and require all City Council items, and staff reports include Climate Impacts in addition to Environmental Sustainability.~~

~~3. A Report from the City Manager within 90 days regarding: The number of positions to adequately implement and operate the CEM department; and recommendations for funding in the upcoming fiscal year budget.~~

### POLICY COMMITTEE RECOMMENDATION

On December 5, 2019, the Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee adopted the following action: M/S/C (Harrison/Robinson) to send the item, as amended, back to the City Council with a Positive Recommendation and to keep the first recommendation, the establishment of a new department, in the committee as a discussion item.

Amend the recommendation to read as follows:

1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on-going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities”.
2. A Report from the City Manager within 90 days regarding: The resources needed to adequately implement these efforts, including different organizational structure options; and recommendations for funding.
3. Recommend that all staff reports address climate change in addition to environmental sustainability.

Vote: All Ayes.

### BACKGROUND

The Berkeley City Council unanimously passed the Climate Emergency Declaration June 12, 2018. Since then, Richmond, Oakland, Hayward, Alameda, El Cerrito, Chico, Fairfax, Healdsburg, Davis, Arcata, Cloverdale, Malibu, Petaluma, San Jose, San Mateo County, Santa Cruz City & County, Sonoma County and Windsor have also passed Climate Emergency Declarations. There are over 48 cities throughout the United States who have declared, as well as over 1,146 governments and 22 countries throughout the world. The declaration is the first step.

As unprecedented winter wildfires are impacting our City with fierce urgency, we must begin to prepare for our future in these times of climate disruption. Without an immediate and drastic change from the status quo, humans will cause irreversible and ever-worsening damage to the Earth’s climate. To act too late, or to be too cautious in our vision and do too little, carries the risk of condemning the City and its residents to an increasingly uninhabitable climate and potentially catastrophic economic losses caused by worsening disasters.

While the wildfires and mudslides demonstrate that the climate emergency threatens everyone, the disasters wrought by an abruptly destabilizing climate have so far most devastatingly impact lower-income communities of color first and worst. Drought, famine, and instability have devastated countries in the Global South. Millions of climate refugees have already left their homes in search of a safe place to live. In the United States, we have seen this after hurricanes Katrina, Sandy, Harvey, Irma and Maria how environmentally and economically vulnerable people have been left to fend for themselves.

The City must therefore aggressively move to reduce and remove greenhouse gas emissions, adapt and restore ecosystems by rapidly adopting legislation to mandate such efforts Citywide and by doing so in such a way that lower-income and frontline communities of color benefit first from mitigation and adaptation funds. The City can thereby create a model for other cities to follow and use its global climate leadership standing to lead the way. By doing so, Berkeleyans can trigger a global mobilization to restore a safe climate, thereby creating the conditions for a future, not of chaos and misery, but of community and dignity.



At the December 5, 2019 meeting of the Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Council Committee, the committee requested to send this item, as amended, back to the City Council with a Positive Recommendation and to keep the first recommendation “the establishment of a new department” in the FITES committee as a discussion item. Also, the committee took action to amend the recommendations: (1) Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities”. (2) Short Term Referral to the City Manager to report back and identify the resources and funding needed to adequately implement these efforts, including different organizational structure options; and recommendations for funding. (3) Implement and require all City Council reports/items, and staff reports include Climate Impacts in addition to Environmental Sustainability.

#### FISCAL IMPACTS OF RECOMMENDATION

To be determined.

#### ENVIRONMENTAL SUSTAINABILITY

The Berkeley City Council unanimously passed the Climate Emergency Declaration in June 2018, it is important, now more than ever to take the next step to insure that we are prepared and ready for the climate crisis we will face.

#### CONTACT PERSON

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

#### ATTACHMENTS:

1. Resolution
2. Track changes from original Council item

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY TO ESTABLISH A  
NEW CITY DEPARTMENT CALLED CLIMATE EMERGENCY MOBILIZATION DEPARTMENT

WHEREAS, The Berkeley City Council unanimously passed the Climate Emergency Declaration  
on June 12, 2018; and

WHEREAS, the cities of Richmond, Oakland, Hayward, Alameda, El Cerrito, Chico, Fairfax,  
Healdsburg, Davis, Arcata, Cloverdale, Malibu, Petaluma, San Jose, San Mateo County, Santa

Cruz City & County, Sonoma County and Windsor have also passed Climate Emergency Declarations; and

WHEREAS, There are over 48 cities throughout the United States who have declared, as well as over 1,146 governments and 22 countries throughout the world. The declaration is the first step; and

WHEREAS, The Climate Emergency Declaration was the first step, and creating the Climate Emergency Mobilization Department is the next step; and

WHEREAS, As unprecedented winter wildfires and ensuing mudslides destroyed parts of our City and region, a climate emergency mobilization of our City has never been more fiercely urgent; and

WHEREAS, Such an effort must end to the maximum extent technically feasible city-wide greenhouse gas emissions in every sector by 2025 and begin a large-scale effort to safely and justly remove carbon from the atmosphere; and

WHEREAS, Without an immediate and drastic change from the status quo, humans will cause irreversible and ever-worsening damage to the Earth's climate; and

WHEREAS, To act too late, or to be too cautious in our vision and do too little, carries the risk of condemning the City and its residents to an increasingly uninhabitable climate and potentially catastrophic economic losses caused by worsening disasters; and

WHEREAS, abnormal wildfires, tornadoes, mudslides and other demonstrate that the climate emergency threatens everyone, the disasters wrought by an abruptly destabilizing climate have so far most devastatingly impacted lower-income communities of color first and worst. Drought, famine, and instability have devastated countries in the Global South; and

WHEREAS, Millions of climate refugees have already left their homes in search of a safe place to live. In the United States, we have seen after Hurricanes Katrina, Sandy, Harvey, Irma and Maria how environmentally and economically vulnerable have been generally left to fend for themselves; and

WHEREAS, The City must therefore aggressively move to reduce and remove greenhouse gas emissions and adapt and restore ecosystems by rapidly adopting legislation to mandate such efforts Citywide and by doing so in such a way that lower-income and frontline communities of color benefit first from mitigation and adaptation funds. The City can thereby create a model for other cities to follow and use its global climate leadership standing to lead the way. By doing so, Berkeleyan can trigger a global mobilization to restore a safe climate, thereby creating the conditions for a future, not of chaos and misery, but of community and dignity; and

At the December 5, 2019 meeting of the Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Council Committee, the committee requested to send this item, as amended, back to the City Council with a Positive Recommendation and to keep the first recommendation "the establishment of a new department" in the FITES committee as a discussion item. Also, the committee took action to amend the recommendations: (1) Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect "marginalized and front-line communities". (2) Short Term Referral to the City Manager to report back and identify the resources and funding needed to adequately implement these efforts, including different organizational structure options; and recommendations for funding. (3) Implement and require all City Council

reports/items, and staff reports include Climate Impacts in addition to Environmental Sustainability.

NOW, THEREFORE IT BE RESOLVED, that the Berkeley City Council directs a Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 days with the following actions:

Adopt the following amended actions with a positive recommendation from the Council Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Committee:  
1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities.”

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~~2. External Community Engagement – Provide a timeline for regular on-going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities.” As part of this process, the proposal further recommends that community capacity building in the form of training and education be provided, and that potential pilot projects be considered which could be tested in these communities.~~

~~3. Implement and require all City Council items, and staff reports include Climate Impacts in addition to Environmental Sustainability.~~

~~3. A Report from the City Manager within 90 days regarding: The number of positions to adequately implement and operate the CEM department; and recommendations for funding in the upcoming fiscal year budget.~~

BE IT FURTHER RESOLVED, that the City Council directs the City Planning Department to report back on opportunities for radical greenhouse gas emissions reductions and carbon drawdown and removal opportunities through the City’s General Plan and Community Plan Updates, including on metrics which can prioritize climate-adaptive land use planning.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager or Designee to report back on opportunities and funding to address climate emergencies and mitigation through existing hazard mitigation programs.

BE IT FURTHER RESOLVED, that the City Council direct the City Clerk to work with the City Manager to include greenhouse gas impact statements and greenhouse gas removal or reduction statements in all relevant Council motions, much as it currently includes fiscal impact statements.



Cheryl Davila  
Councilmember  
District 2

## REVISED AGENDA MATERIAL

**Meeting Date:** January 21, 2020

**Item Description:** Short Term Referral to the City Manager: 1. Improve and increase External Community Engagement; 2. Identify the funding resources needed to adequately implement number 1; and 3. Implement and require all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability

**Submitted by:** Councilmember Cheryl Davila

Updated agenda report and resolution to reflect the actions from December 5, 2019 Council Facilities, Infrastructure, Transportation, Environment and Sustainability Committee meeting:

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Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
January 21, 2020  
~~December 3, 2019~~

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila and Ben Bartlett

Subject: Short Term Referral to the City Manager: 1. Improve and increase External Community Engagement; 2. Identify the funding resources needed to adequately implement number 1; and 3. Implement and require all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability

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**RECOMMENDATION**

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The City must therefore aggressively move to reduce and remove greenhouse gas emissions, adapt and restore ecosystems by rapidly adopting legislation to mandate such efforts Citywide and by doing so in such a way that lower-income and frontline communities of color benefit first from mitigation and adaptation funds. The City can thereby create a model for other cities to follow and use its global climate leadership standing to lead the way. By doing so, Berkeleyans can trigger a global mobilization to restore a safe climate, thereby creating the conditions for a future, not of chaos and misery, but of community and dignity.

At the December 5, 2019 meeting of the Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Council Committee, the committee requested to send this item, as amended, back to the City Council with a Positive Recommendation and to keep the first recommendation "the establishment of a new department" in the FITES committee as a discussion item. Also, the committee took action to amend the recommendations: (1) Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect "marginalized and front-line communities". (2) Short Term Referral to the City Manager to report back and identify the resources and funding needed to adequately implement these efforts, including different organizational structure options; and recommendations for funding. (3) Implement and require all City Council reports/items, and staff reports include Climate Impacts in addition to Environmental Sustainability.

## FISCAL IMPACTS OF RECOMMENDATION

To be determined.

## ENVIRONMENTAL SUSTAINABILITY

The Berkeley City Council unanimously passed the Climate Emergency Declaration in June 2018, it is important, now more than ever to take the next step to insure that we are prepared and ready for the climate crisis we will face.

CONTACT PERSON

Cheryl Davila  
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510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

ATTACHMENTS:

1. Resolution
2. [Track changes from original Council item](#)



RESOLUTION NO. XXXX

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WHEREAS, the cities of Richmond, Oakland, Hayward, Alameda, El Cerrito, Chico, Fairfax, Healdsburg, Davis, Arcata, Cloverdale, Malibu, Petaluma, San Jose, San Mateo County, Santa Cruz City & County, Sonoma County and Windsor have also passed Climate Emergency Declarations; and

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NOW, THEREFORE IT BE RESOLVED, that the Berkeley City Council directs a Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 days with the following actions:

Adopt the following amended actions with a positive recommendation from the Council Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Committee: 1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities.”

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~~CEMD would measure and track ongoing greenhouse gas emissions and pollutants, develop an annual climate emissions budget and identify grant funding.~~

~~2. Short Term Referral to the City Manager to report back and identify funding resources and funding needed to adequately implement number 1, including different organizational structure options; and recommendations for funding.~~

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BE IT FURTHER RESOLVED, that the City Council directs the City Planning Department to report back on opportunities for radical greenhouse gas emissions reductions and carbon drawdown and removal opportunities through the City's General Plan and Community Plan Updates, including on metrics which can prioritize climate-adaptive land use planning.

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BE IT FURTHER RESOLVED, that the City Council direct the City Clerk to work with the City Manager to include greenhouse gas impact statements and greenhouse gas removal or reduction statements in all relevant Council motions, much as it currently includes fiscal impact statements.

## **The Ecology Center Community Engagement Proposed Scope of Work for the Berkeley Climate Action Coalition**

**Program Summary:** The success of the City of Berkeley’s Climate Action Plan, Resilience Strategy, and response to the Climate Emergency Declaration is dependent on input from and engagement with Berkeley’s most vulnerable and climate-impacted communities. Citywide interventions must work for all, and without adequate feedback, the City’s responses to the climate threat can exacerbate impacts on the communities least able to bear them. These communities are often the most negatively affected by pollution and climate change impacts, yet rarely have a voice in how to create policies to mitigate and adapt to such adversities. The Ecology Center co-convenes the Berkeley Climate Action Coalition along with the Office of Energy and Sustainable Development, and has long-standing relationships with a diverse array of community organizations.

This program seeks to strengthen the capacity of individuals and organizations from vulnerable, impacted, underserved and low-income communities to identify their own needs, priorities and solutions and to self-advocate for appropriate outcomes within a climate action framework. Equitable outreach is collaborative in nature, and aims to:

- Support leadership development of people from impacted communities to engage on issues of concern related to climate action resilience.
- Create opportunities for community members to explore how climate change impacts them and to generate solution to meet their needs.
- Ensure community members understand City processes and decision points.
- Support partners to be able to engage in City processes in an ongoing fashion.
- Ensure resources for culturally appropriate meeting spaces, facilitation, food, childcare, and translation necessary to achieve these goals.

**Target Population:** People of color, renters, seniors, students, people with disabilities, low-income residents, and other “harder-to-reach” communities most vulnerable to the impacts of climate change and/or historically excluded in the development of climate change and resiliency solutions.

### **Draft Scope of Work:**

- Ongoing community engagement (minimum of 20 activities per year) on topics of concern (see below) that may include meetings with key stakeholders and community organizations’ staff members; outreach at facilities serving frontline communities such as senior centers, or onsite at local agencies; and topic-specific working groups.

- At least two public convenings or town hall meetings per year that utilize hands-on, interactive learning components.
  - Public meetings will include, as needed, culturally appropriate meeting spaces, facilitation, food, childcare, and translation
  - Public meetings will be planned in partnership with community organizations serving frontline communities

Engagement and outreach will focus on the intersection of climate **topics of concern** to frontline communities and City climate initiatives:

- Changes in electricity rates from Time of Use (TOU), potential opt-up to more expensive East Bay Community Energy (EBCE) electricity product, and any other potential rate increases and savings opportunities
- Preparing for climate-related heat and smoke events
- Energy assurance during Public Safety Power Shutoff (PSPS) events
- Access to clean, electric mobility options
- Incentive programs for income-qualified residents
- Building electrification: 1) understanding barriers and promoting health benefits and incentive programs; 2) creation of a proposed Resilient Homes Equity Pilot Program for building electrification and efficiency to complement the transfer tax rebate program for low-income home owners and/or renters

**Timeline:** The program will be delivered over a two-year period as follows:

- 1-3 months: relationship, coalition and capacity building
- 3-6 months: identifying priorities, program planning and coordination
- 6-24 months: program implementation

**Provider:** The Ecology Center, a 50-year-old Berkeley organization, deeply rooted in the community, is ideally situated to deliver this outreach program. The Ecology Center, which co-convenes the Berkeley Climate Action Coalition (BCAC) with the City, has long-standing relationships with a variety of local climate organizations. Additionally, through its farmers' markets and food access programs (i.e. Farmers' Market EBT and Market Match), and successful soda tax campaign, the Ecology Center has developed strong alliances with health and human services organizations serving many of Berkeley's frontline communities. Partnering with these organizations is critical as

adverse health impacts are often associated with climate change, and health issues can be an entry point for meaningful engagement.

**Proposed Ecology Center Budget: \$236,000 over 2 years, (\$118,000 per year)**

Annual Breakdown:

- \$75,000 1 FTE Lead Staff (including taxes and benefits)
- \$10,000: Support for partnering community organizations to build capacity to co-host convenings
- \$10,000: Public meeting resources such as childcare, translation, food, etc.
- \$23,000: Administrative overhead

## CONTINUUM OF COMMUNITY ENGAGEMENT

Community engagement is often depicted as a continuum increasing in the level of engagement and partnership from left to right, as shown in the figure below. Within any given planning process, various strategies for community engagement may be employed at different points in time.

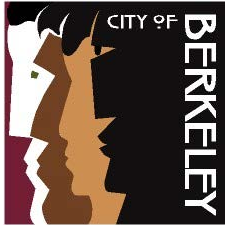
| INFORM                                                                                                                                                                                                       | CONSULT                                                                                                                                                                                                                | INVOLVE                                                                                                                                                                                               | SHARED LEADERSHIP                                                                                                                                                                                     | COMMUNITY-DRIVEN                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local government initiates an effort, coordinates with departments, and uses a variety of channels to inform the community to take action                                                                    | Local government gathers information from the community to inform local government-led interventions                                                                                                                   | Local government engages community members to shape government priorities and plans                                                                                                                   | Community and local government share in decision-making to co-create solutions together                                                                                                               | Community initiates and directs strategy and action with participation and technical assistance from local government                                                                                |
| CHARACTERISTICS OF ENGAGEMENT                                                                                                                                                                                |                                                                                                                                                                                                                        |                                                                                                                                                                                                       |                                                                                                                                                                                                       |                                                                                                                                                                                                      |
| <ul style="list-style-type: none"> <li>Primarily one-way channel of communication</li> <li>One interaction</li> <li>Term-limited to project</li> <li>Addresses immediate need of local government</li> </ul> | <ul style="list-style-type: none"> <li>Primarily one-way channel of communication</li> <li>One to multiple interactions</li> <li>Short to medium-term</li> <li>Shapes and informs local government programs</li> </ul> | <ul style="list-style-type: none"> <li>Two-way channel of communication</li> <li>Multiple interactions</li> <li>Medium- to long-term</li> <li>Advancement of solutions to complex problems</li> </ul> | <ul style="list-style-type: none"> <li>Two-way channel of communication</li> <li>Multiple interactions</li> <li>Medium- to long-term</li> <li>Advancement of solutions to complex problems</li> </ul> | <ul style="list-style-type: none"> <li>Two-way channel of communication</li> <li>Multiple interactions</li> <li>Medium to long-term</li> <li>Advancement of solutions to complex problems</li> </ul> |
| STRATEGIES                                                                                                                                                                                                   |                                                                                                                                                                                                                        |                                                                                                                                                                                                       |                                                                                                                                                                                                       |                                                                                                                                                                                                      |
| Media releases, brochures, pamphlets, outreach to population groups, translated information, new and social media                                                                                            | Focus groups, interviews, community surveys, public hearings, public comment periods                                                                                                                                   | Forums, advisory boards, stakeholder involvement, coalitions, policy development and advocacy, including legislative briefings, and testimony, workshops, community-wide events                       | Co-led community meetings, advisory boards, coalitions, and partnerships, policy development and advocacy, including legislative briefings and testimony                                              | Community-led planning efforts, community-hosted forums, collaborative partnerships, coalitions, policy development and advocacy including legislative briefings and testimony                       |

*Adapted from King County, Washington and IAP2*

A community-driven equitable climate preparedness planning process involves collaboration and shared decision-making between local government staff and the community with the aim of co-creating an equitable climate preparedness plan. In terms of the levels of engagement continuum depicted above, this approach most aligns with shared leadership and community-driven, where there is an emphasis on a shared decision-making and co-ownership over the development of the plan.







[First Last name]  
Councilmember District [District No.]

## SUPPLEMENTAL REVISED AGENDA MATERIAL for Supplemental Packet 2

**Meeting Date:** February 4, 2020

**Item Number:** 2

**Item Description:** Statement on Item 2 - Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

**Submitted by:** Councilmember Hahn

This item seeks to outlaw Officeholder Accounts in Berkeley. I would like to offer an alternative: to allow Officeholder Accounts but establish regulations to limit them in ways that reflect Berkeley's limitations on campaign donations and consider narrowing the uses for which Officeholder Account funds can be used.

The action I advocate for Council to take is to refer a discussion of Officeholder accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.



**SOPHIE HAHN**  
Berkeley City Council, District 5  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704  
(510) 981-7150  
shahn@cityofberkeley.info

ACTION CALENDAR  
February 4, 2020

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Sophie Hahn  
Subject: Statement on Item 2 - Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

RECOMMENDATION

This item seeks to outlaw Officeholder Accounts in Berkeley. I would like to offer an alternative: to allow Officeholder Accounts but establish regulations to limit them in ways that reflect Berkeley's limitations on campaign donations and consider narrowing the uses for which Officeholder Account funds can be used.

The action I advocate for Council to take is to refer a discussion of Officeholder accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.

Officeholder accounts are accounts an elected official can open, and raise funds for, to pay for expenses related to the office they hold.<sup>1</sup> They are not campaign accounts, and cannot be used for campaign purposes. The types of expenses Officeholder Accounts can be used for include research, conferences, events attended in the performance of government duties, printed newsletters, office supplies, travel related to official duties, etc. Cities can place limits on Officeholder Accounts, as Oakland has done.<sup>2</sup> Officeholder Accounts must be registered as official "Committees" and adhere to strict public reporting requirements, like campaign accounts. They provide full transparency to the public about sources and uses of funds.

The FCPC bases its recommendation to prohibit Officeholder Accounts on arguments about "equity" and potential "corruption" in elections. The report refers repeatedly to "challengers" and "incumbents," suggesting that Officeholder Accounts are vehicles for unfairness in the election context.

I believe that the FCPC's recommendations reflect a misunderstanding of the purpose and uses of Officeholder Accounts, equating them with campaign accounts and suggesting that they create an imbalance between community members who apparently have already decided to run against an incumbent (so-called "challengers") and elected officials who are presumed to be

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<sup>1</sup> <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter5/18531.62.pdf>

<sup>2</sup> <http://www2.oaklandnet.com/w/OAK052051>

always running for office. The recommendations do not take into account some important framing: the question of what funds are otherwise available to pay for Officeholder-type expenses for Officeholders or members of the public. Contrary to the conclusions of the FCPC, I believe Officeholder accounts are an important vehicle to redress a significant disadvantage for elected officials, whose ability to exercise free speech in the community and participate in conferences and events related to their profession is constrained by virtue of holding public office, as compared to community members, whose speech rights are unrestricted in any manner whatsoever, and who can raise money to use for whatever purposes they desire.

Outlawing Officeholder Accounts is also posited as a means to create equity between more and less wealthy Officeholders, on the theory that less affluent Officeholders will have less access to fundraising for Officeholder Accounts than more affluent Officeholders. Because there are no prohibition on using personal funds for many of the purposes for which Officeholder Account funds can be used, prohibiting Officeholder Accounts I believe has the opposite effect; it leaves more affluent Officeholders with the ability to pay for Officeholder expenses from personal funds, without providing an avenue for less affluent Officeholders, who may not have available personal funds, to raise money from their supporters to pay for such Officeholder expenses.

The question of whether Officeholder Accounts should be allowed in Berkeley plays out in the context of a number of rules and realities that are important to framing any analysis.

First, by State Law, elected officials are prohibited from using public funds for a variety of communications that many constituents nevertheless expect. For example, an elected official may not use public funds to send a mailing announcing municipal information to constituents, “such as a newsletter or brochure, [...] delivered, by any means [...] to a person’s residence, place of employment or business, or post office box.”<sup>3</sup> Nor may an elected official mail an item using public funds that features a reference to the elected official affiliated with their public position.<sup>4</sup> Note that Electronic newsletters are not covered by these rules, and can and do include all of these features, even if the newsletter service is paid for by the public entity. That said, while technically not required, many elected officials prefer to use email newsletter distribution services (Constant Contact, MailChimp, Nationbuilder, etc.) paid for with personal (or “Officeholder”) funds, to operate in the spirit of the original rules against using public funds for communications that include a photo of, or references to, the elected official.

Without the ability to raise funds for an Officeholder Account, for an elected official to send a paper newsletter to constituents or to use an email newsletter service that is not paid for with public funds, they must use personal funds. A printed newsletter mailed to 5-6,000 households (a typical number of households in a Berkeley City Council District) can easily cost \$5,000+, and an electronic mail service subscription typically costs \$10 (for the most basic service) to \$45 per month, a cost of \$120.00 to over \$500 per year - in personal funds.

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<sup>3</sup> <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/communications-sent-using-public-funds/campaign-related-communications.html>

<sup>4</sup> <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/communications-sent-using-public-funds/campaign-related-communications.html>

Second, Berkeley City Councilmembers and the Mayor of Berkeley are not paid enough for there to be any reasonable expectation that personal funds should be used for these types of expenses.<sup>5</sup> For many Councilmembers and/or the Mayor, work hours are full time - or more - and there is no other source of income.

Finally, and most importantly, local elected officials are restricted from accepting money or gifts. An elected official cannot under any circumstances raise money to pay for Officeholder expenses such as printed communications, email newsletter services, travel and admission to industry conferences for which the elected official is not an official delegate (e.g., conferences on City Planning, Green Cities, Municipal Finance, etc.), and other expenses related to holding office that are not covered by public funds. Again, without the possibility of an Officeholder Account, an elected official generally must use personal funds for these expenses, allowing more affluent elected officials to participate while placing a hardship or in some cases a prohibition on the ability of less affluent elected officials to undertake these Officeholder-type activities - which support expected communications with constituents and participation in industry activities that improve the elected official's effectiveness.

The elected official's inability to raise funds from others must be contrasted with the ability of a community member - a potential "challenger" who has not yet declared themselves to be an actual candidate - or perhaps a neighborhood association, business or corporation (Chevron, for example) - to engage in similar activities. Nothing restricts any community member or organization from using their own funds - or funds obtained from anyone - a wealthy friend, a corporation, a local business, a community organization or their neighbors - for any purpose whatsoever.

Someone who doesn't like the job an elected official is doing could raise money from family or connections anywhere in the community - or the world - and mail a letter to every person in the District or City criticizing the elected official, or buy up every billboard or banner ad on Facebook or Berkeleyside to broadcast their point of view. By contrast, the elected official, without access to an Officeholder Account, could only use personal funds to "speak" with their own printed letter, billboard or advertisement. Community members (including future "challengers") can also attend any and all conferences they want, engage in travel to visit interesting cities and projects that might inform their thoughts on how a city should be run, and pay for those things with money raised from friends, colleagues, businesses, corporations, foreign governments - *anyone*. They are private citizens with full first amendment rights and have no limitations, no reporting requirements, no requirements of transparency or accountability whatsoever.

The imbalance is significant. Outside of the campaign setting, where all declared candidates can raise funds and must abide by the same rules of spending and communications, *elected officials cannot raise money for any expenses whatsoever, from any source, while community*

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<sup>5</sup> Councilmembers receive annual compensation of approximately \$36,000, while the Mayor receives annual compensation of approximately \$55,000.<sup>5</sup>

*members, including organizations and private companies, can raise as much money as they want from any sources, and use that money for anything they choose.*

Without the ability to establish and fund an Officeholder Account, the only option an elected official has is to use personal funds, which exacerbates the potential imbalance between elected officials with more and less personal funds to spend. Elected officials work within a highly regulated system, which can limit their ability to “speak” and engage in other activities members of the public are able to undertake without restriction. Officeholder Accounts restore some flexibility by allowing elected officials to raise money for expenses related to holding office, so long as the sources and uses of those funds is made transparent.

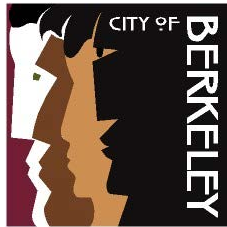
By allowing Officeholder Accounts and regulating them, Berkeley can place limits on amounts that can be raised, and on the individuals/entities from whom funds can be accepted, similar (or identical) to the limits Berkeley places on sources of campaign funds. Similarly, Berkeley can restrict uses of funds beyond the State’s restrictions, to ensure funds are not used for things like family members’ travel, as is currently allowed by the State. Oakland has taken this approach, and has a set of Officeholder Account regulations that provide a good starting point for Berkeley to consider.<sup>6</sup>

I respectfully ask for a vote to send the question of potential allowance for, and regulation of, Officeholder Accounts to the Agenda and Rules Committee for further consideration.

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

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<sup>6</sup> <http://www2.oaklandnet.com/w/OAK052051>



Fair Campaign Practices Commission

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** February 4, 2020

**Item Number:** 2

**Item Description:** Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

**Submitted by:** Samuel Harvey; Deputy City Attorney / Secretary, Fair Campaign Practices Commission

Attachment 4 to the report (“Memorandum signed by City Attorney Manuela Albuquerque”) included an attachment which was erroneously omitted from the Council item. Attached is Attachment 4 (for context) along with the additional pages which should be included to appear as pages 16 -17 of the item.



Office of the City Attorney

**DATE:** December 28, 1999

**TO:** BARBARA GILBERT,  
Aide to Mayor Shirley Dean

**FROM:** MANUELA ALBUQUERQUE, City Attorney *MA*  
By: CAMILLE COUREY, Deputy City Attorney

**SUBJECT:** APPLICATION OF BERKELEY ELECTION REFORM ACT TO OFFICEHOLDER ACCOUNTS

ISSUE:

Does the Berkeley Election Reform Act (BERA) govern officeholder accounts?

CONCLUSION:

No. The BERA does not govern true officeholder accounts per se. However, the mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under the BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable local laws.

ANALYSIS:

Sarah Reynoso, former secretary and staff counsel to the Fair Campaign Practices Commission (FCPC), issued an opinion to the FCPC dated December 2, 1991, a copy of which is attached, stating that the BERA's contribution limit does not apply to contributions made to an officeholder account. The opinion reasons that the BERA's contribution limit applies only to "contributions" as defined in the BERA, i.e., which are made directly or indirectly in support of or in opposition to the nomination or election of one or more candidates to elective office. (See Berkeley Municipal Code (BMC) § 2.12.100.) Contributions to a true officeholder account are not made for the purpose of nominating or electing a candidate to office, but rather for the use of an officeholder in carrying out the duties of his or her office. Therefore, the contribution limit of the BERA is inapplicable to officeholder accounts.<sup>1</sup> For similar reasons, the BERA does not

<sup>1</sup> However, the opinion also provided that contributions to officeholder accounts still had to be reported on campaign statements because the State Fair Political Practices Commission (FPPC) Regulations broadly defined contributions as any contribution for "political purposes." Since officeholder expenses are for political purposes, they must be reported to the State.

Barbara Gilbert

Re: Application of Berkeley Election Reform Act To Officeholder Accounts

December 28, 1999

Page 2

apply to true officeholder accounts.

The BERA requires the filing of statements to report the amounts received and expended in municipal elections. (See BMC §§ 2.12.015, 2.12.030 through 2.12.050) Specifically, a "campaign statement" required to be filed under the BERA is an itemized report which provides the information required by Sections 2.12.245 through 2.12.325 of the BERA. (BMC § 2.12.080.) Sections 2.12.245 through 2.12.325 govern the reporting of contributions and expenditures. "Contributions" and "expenditures" are defined by the BERA as any amounts received or expended, respectively, in aid of or in opposition to the nomination or election of one or more candidates to elective office. (See BMC §§ 2.12.100 and 2.12.130.) Contributions to or expenditures from a true officeholder account are not subject to the BERA's reporting requirements because they are made for the purpose of carrying out the duties of elective office, and not for the purpose of aiding or opposing the nomination or election of one or more candidates to elective office.<sup>2</sup> Therefore, the BERA does not apply to true officeholder accounts.

However, the fact that an account may be designated as an officeholder account will not shield it from scrutiny under the BERA if the officeholder account is, in fact, being used for the receipt of contributions or the making of expenditures in aid of the nomination or election of a candidate for local elective office. Nor will BERA requirements, such as the \$250 contribution limit or the prohibition against contributions from businesses to candidates, be held inapplicable if contributions made initially to an officeholder account are transferred subsequently to a campaign account. Where the actions taken with respect to an officeholder account implicate campaign contributions and expenditures in municipal elections, the officeholder account will be scrutinized under the BERA and other applicable local law.

Attachment

cc: Fair Campaign Practices Commission  
Sherry Kelly, City Clerk

City Attorney Opinion Index: ILE 1. and IILG.

CCM

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<sup>2</sup> Again, however, the State FPPC still requires the reporting of activity relating to an officeholder account. (See footnote 1.)



CITY OF BERKELEY

DATE: December 9, 1991

Memorandum

TO: FCPC COMMISSIONERS

FROM: Sarah Reynoso,  Secretary & Staff Counsel

SUBJECT: APPLICABILITY OF BERA'S CONTRIBUTION LIMIT TO FUNDS RAISED FOR OFFICEHOLDER EXPENSES

BACKGROUND AND ISSUE

I received the attached letter from Richard N. Lerner, treasurer of Friends of Loni Hancock Committee ("Committee"), regarding the applicability of BERA's (Berkeley Election Reform Act) \$250 contribution limit to funds raised to cover officeholder expenses. The Committee would like to raise money to cover activities by the Mayor for which the City has not allocated funds, for example, distribution of a newsletter and international travel to visit Berkeley Sister Cities.

Thus, the issue presented to the Commission is as follows: Is BERA's \$250 contribution limit applicable to funds raised for officeholder expenses?

CONCLUSION

No. The BERA's contribution limitation is only applicable to money raised "in aid of or in opposition to the nomination or election" of a candidate. Since the Committee intends to raise these funds for activities unrelated to the nomination or election of the Mayor, they are not subject to the BERA's \$250 contribution limitation. However, such funds must be reported as contributions under the State Political Reform Act and their expenditure itemized on the disclosure forms.

ANALYSIS

The BERA prohibits candidates for elective office from soliciting or accepting a contribution of more than \$250 from any one contributor. (BERA section 2.12.415.) Thus, funds which fall within BERA's definition of a contribution, are subject to the \$250 limit. In order to determine whether funds raised for officeholder expenses are subject to the contribution limitation, BERA's definition of contribution must be reviewed.

The BERA defines contribution, in part, as follows:

"Contribution" means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or

FCPC COMMISSIONERS  
December 9, 1991  
Page 2

in opposition to the nomination or election of one or more candidates . . . . (Emphasis added.)

Thus, the plain language of the BERA requires that a contribution be solicited for purposes related to the nomination or election of a candidate for office to be subject to its contribution limitation. Since the Committee intends to raise funds for purposes unrelated to the Mayor's nomination or election for elective office, such funds do not fall within the BERA's definition and are therefore not subject to its \$250 limitation.

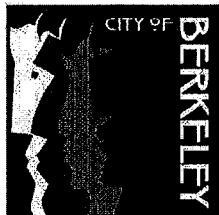
However, because the state Political Reform Act defines contribution to include any funds raised for political purposes, funds raised for officeholder expenses are considered contributions and must be reported on campaign disclosure forms.<sup>1/</sup> (Government Code section 82015.) Additionally, since the court's ruling in SEIU v. FPPC invalidated the state's \$1,000 contribution limit, funds raised for officeholder expenses are not subject to any limitation.

As a final precaution, the Committee should be advised that the FPPC has issued regulations concerning officeholder expenses and it should review them with respect to their interaction with the BERA.

Attachment

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<sup>1/</sup>I spoke with the FPPC's legal staff and confirmed that funds raised for officeholder expenses must be reported as contributions on the campaign disclosure forms.



Office of the City Auditor  
Ann-Marie Hogan, City Auditor

## MEMORANDUM

**Date:** March 14, 2017  
**To:** Councilmember Harrison  
**From:** Ann-Marie Hogan, City Auditor  
**Re:** Council Expense Reimbursement Guidance

The purpose of this memo is to provide you with forms for, links to, and general guidance on Council expense and reimbursement policies. In some cases, the restrictions on expenses for Council Members are more restrictive and more complex than those for City employees, because of state law. You must contact my office prior to incurring expenses for attendance at a conference, seminar, or training, or making travel arrangements. The purchase of routine office supplies should be made using the City's standard procurement procedures and vendors, using a purchase order, but on those occasions when you must pay for something personally and then request reimbursement, you will also need to submit the request to my office. For information regarding the City's procurement procedures, see Administrative Regulation 3.4<sup>1</sup>. Once your City email is active, we'll send this memo to you via email, so you can click on the links to the City's intranet. Please feel free to contact me if you or your staff have questions.

In July 2006, the Berkeley City Council passed Resolution No. 63,412–N.S. to comply with state bill AB1234, which requires all cities to adopt an expense reimbursement policy for legislators in local government, and sets specific requirements for that policy. In September 2013, at the recommendation of the City Attorney, Council rescinded Resolution No. 63,412–N.S. and replaced it with Resolution No. 66,295–N.S. (See attached.) Council adopted the new resolution to incorporate a budget relinquishment and grant policy, and also to clarify the criteria and spending limitations associated with reimbursements for the Mayor and Council Members. Some of the spending limitations include:

- **Mileage and Transit**:- Mileage is reimbursed at the current year's IRS mileage rate and must be accompanied by supporting documentation, such as a Google Maps printout. Use the most economical mode of transportation practical.
- **Meals**: Meals are reimbursed at the per diem rates set forth in City Administrative Regulation 3.9, or the actual cost of the meal, whichever is *lower*.<sup>2</sup> The per diem rate covers the meal, tax,

<sup>1</sup> Administrative Regulation 3.4: <http://icobweb/AR/PDF/AR3-4.pdf>

<sup>2</sup> Administrative Regulation 3.9: [http://icobweb/AR/PDF/2016/Administrative Regulation 3.9.pdf](http://icobweb/AR/PDF/2016/Administrative%20Regulation%203.9.pdf)

tip, and nonalcoholic beverages (alcoholic beverages are not reimbursable). The per diem rate also applies when Council Members are requesting reimbursement for meals paid on behalf of individuals who are conducting city related business, such as Legislative Assistants. Council Members must submit original receipts, a list of attendees and the Statement of Municipal Purpose form (explaining how the expense benefits the City), as part of the reimbursement request. Any expense in excess of the individual meal allowance will not be reimbursed. The current per diem rates are:

- Breakfast \$10
  - Lunch \$15
  - Dinner \$26
- **Airfare:** Airfare is reimbursed based on the most economical mode and class of transportation reasonably consistent with scheduling needs. We suggest that you attach a printout of available fares with your request. Please note that the current language in Resolution No. 66,295–N.S. is out of date because it references a program that is no longer available. This will be corrected in Council’s next revision of that resolution.
  - **Lodging:** Lodging for conferences will be reimbursed at the available group rates. If lodging at the conference rate is not available, reimbursement will be based on either the published conference rate or the government rates published by the U.S. General Services Administration, whichever is greater. Where no conference rate is published, the reimbursement rate will be based on the government rate or the median rate listed on discount travel websites, whichever is greater. Trivago, Priceline, Kayak, Orbitz, Travelocity, and Expedia are examples of travel sites that provide discount rates and may be used to identify a reasonable median rate. Include a printout of the published conference rate, government rate, or travel site rates with the reimbursement request as applicable. Council Members can look up rates by using the U.S. General Services Administration’s Per Diem Rates Look-Up tool.<sup>3</sup> Council Members should select the specific location they are traveling to in the look-up tool.
  - **Registration:** Generally, Council Members should use a purchase order for conference, seminar, and training registrations as defined by Administrative Regulation 3.9. However, Council Members may use their credit card to register, if that is the vendor’s required form of payment. Council Members may not submit their reimbursement request until after the event has taken place, and must include proof of payment, and should include evidence of attendance with their request. Resolution No. 66,295–N.S. also requires that Council members provide a report to Council on training they attend, but we will be recommending that this requirement be deleted since it is not required by AB1234.

<sup>3</sup> Hotel fee tool: <http://www.gsa.gov/portal/category/100120>

When completing a reimbursement request, Council Members must complete and provide the following:

1. FN-024 payment voucher: available in Administration Regulation 3.14<sup>4</sup>, on the City's intranet<sup>5</sup>, or by contacting Accounts Payable at (510) 981-7310. All three sources provide guidance for completing this form.
2. Statement of municipal purpose form: available in City Auditor's Groupware section or by contacting the City Auditor's Office at (510) 981-6750 or auditor@cityofberkeley.info.
3. Supporting documentation: Council member original receipts, proof of payment, official per diem rates, etc.

Council Members must include account codes on the FN-024 payment voucher. The City's standard account codes are *14 digits* long and include both an element and an object code as the last four digits. The most commonly used element and object codes are:

- 4064: mileage/transportation (including taxi or ride-sharing service, such as Uber or Lyft)
- 4063: registration
- 4062: meals and lodging related to conferences, seminars, training, workshops, and similar
- 4061: airfare
- 5550: meals and food for city business, events, functions, and similar business meals

City Administrative Regulation (A.R.) 3.9 establishes the policies and procedures for reimbursing expenses incurred by City staff to attend conferences, meetings, seminars, trainings, and workshops. The regulation complements Resolution No. 66,295–N.S., which establishes the procedures for Council Members. A.R. 3.9 includes the following exceptions for Mayor and Council Members' expenses:

- **Attendance and travel request form:** The Mayor, Council Members, and Legislative Assistants are not required to submit an Attendance and Travel Request form. (A.R. 3.9, page two)
- **Paying for another employee's expenses:** The Mayor, Council Members, and Legislative Assistants may be reimbursed for paying for other legislative staff's or Council Members' expenses incurred for city related business. This is an exception to A.R. 3.9, noted on page three.
- **Business meals:** The Mayor and Council Members may be reimbursed for meals where the primary purpose of the meal is to conduct City-related business (other than simply meeting constituents). City Auditor review and approval is required. Council Members must describe the purpose of their business meal, e.g. issues discussed and how they relate to adopted priorities of Council, on the Statement of Municipal Purpose form and list the attendees. Meals are reimbursed at the per diem rates as listed above, or the actual cost of the meal, whichever is lower. (A.R. 3.9, page four) **Note that AB1234 requires that members of a legislative body shall**

<sup>4</sup> A.R. 3.14: <http://icobweb/AR/PDF/AR3-14.pdf>

<sup>5</sup> City Intranet: <http://icobweb/finance/GroupwareAP.FN-024&PettyCash.htm>

**provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.**

- **Receipts:** The Mayor, Council Members, and Legislative Assistants must submit meal receipts. Meals are reimbursed at the per diem rates as listed above, or the actual cost of the meal, whichever is lower. (A.R. 3.9, page four)

cc: Sheila Soo, Administrative Assistant, Auditor's Office

RESOLUTION NO. 66,295-N.S.

CITY COUNCIL EXPENDITURE AND REIMBURSEMENT POLICIES

WHEREAS, each fiscal year, the City Council appropriates funds in the Mayor and Councilmember's departmental budgets to cover the costs of Mayor and Council staff and non-personnel expenditures which are reasonable and necessary for the performance of the duties of Mayor and Councilmember; and

WHEREAS, the Council needs to ensure that the expenditures are incurred and paid in conformity with the requirements of the City Charter; and

WHEREAS, AB 1234, adopted in 2005 and codified as Government Code Sections 53232, et. seq., requires that all cities adopt an expense reimbursement policy for Mayor and Council expenses; and

WHEREAS, on July 25, 2006, the City Council adopted Resolution No. 63,412-N.S. to establish the expenditure and reimbursement policy required by state law; and

WHEREAS, the Councilmember Office Budget Relinquishment and Grant Policy generally falls under the purview of the existing City Expenditures and Expense Reimbursement for Mayor and Council.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Councilmember Office Budget Relinquishment and Grant Policy enumerated in Exhibit A is incorporated by reference into the policy for City Expenditures and Expense Reimbursement for Mayor and Council.

BE IT FURTHER RESOLVED that Resolution No. 63,412-N.S. and any amendments thereto are hereby rescinded.

BE IT FURTHER RESOLVED that the policy concerning City Expenditures and Expense Reimbursement for Mayor and Council departments is hereby adopted to read as follows:

**CITY EXPENDITURES AND EXPENSE REIMBURSEMENT FOR MAYOR AND COUNCIL DEPARTMENTS**

**I. City Expenditures for Mayor and Council**

The Mayor and Council members shall purchase all office supplies, office equipment, furniture, computers, or any other product, good, or service for the actual and necessary expense of their office in the manner normally applicable to all other purchases of goods and services by the City. Such expenses may include membership in organizations of elected officials and the purchase of newspapers and periodicals that provide information needed for the performance of official duties.

## II. Reimbursement of Actual and Necessary Expense of Office

The Mayor and Council members and their staff may be reimbursed for the actual and necessary expenses for the categories of activities set forth below under "Authorized Activities."

### A. Authorized Activities.

Travel, meals and/or other food, incidentals, and lodging incurred in connection with the following types of activities set forth below constitute authorized expenses, as long as the other requirements of this Resolution are fulfilled:

1. Communicating with representatives of local, regional, state and national government on City policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels, provided that a brief report of such seminar shall be made by the Mayor and Council at a subsequent Council meeting;
3. Participating in local, regional, state and national organizations of cities whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending City events; or events sponsored by organizations or entities whose activities affect the City's interests where the primary purpose of the event is to discuss subjects which relate to City business;
6. Implementing City approved policies;
7. Meals where the primary purpose of the meal is to conduct City-related business (other than simply meeting constituents) as long as the amount of such meal does not exceed the daily maximum as set forth in this Resolution and meets applicable federal and state standards as to when meal reimbursement may be allowed; and
8. Expenditures for these purposes approved in advance by a Mayor or Council member and undertaken by that person's staff.

Expenditures for all other activities require prior approval by the City Council and must meet an articulated municipal purpose that must be recited in the report proposing the expenditure and the resolution authorizing the expenditure. The policy for relinquishments and grants from Councilmember office budgets is enumerated in Exhibit A.

### B. Unauthorized Expenses

The following personal expenditures incurred by City officials shall not be reimbursed:

1. The personal portion of any trip, such as where the official is on his/her own vacation activities;
2. Political contributions or attendance at political or charitable events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related



- expenses), or other recreational and cultural events;
- 5. Alcoholic beverages;
- 6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- 7. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

**C. Particular Types of Authorized Expenditures Defined**

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

1. **Registration.** Registration fee charged for any authorized convention, conference, seminar or meeting is reimbursable.
2. **Transportation.** The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental-vehicles may be reimbursed under this provision if more than one City official is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.
3. **Airfare.** Airfares that are equal to or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities, the California State Association of Counties and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. Reimbursement for travel must not exceed the rates available through the League program as published by the California Department of General Services.
4. **Automobile.** Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
5. **Car Rental.** Rental rates that are equal or less than those published by the California Department of General Services shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
6. **Taxis/Shuttles.** Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than

the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

7. **Lodging.** Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rates. If lodging at the conference rate is not available, reimbursement will be based on either the published conference rate or government rates as published by the Federal General Services Agency, whichever is greater. Where no conference rate is published, the reimbursement will be based on the government rate or the median rate listed on priceline.com or similar service, whichever is greater.
8. **Meals.** Meal expenses and associated gratuities will be reimbursed at the rate set forth in Administrative Regulation 3.9.
9. **Telephone/Fax/Cellular.** Council members will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For calls made on an official's personal cell phone, the official may obtain reimbursement for business calls based on the following formula: minutes used on public business divided by the total minutes allowed under a monthly plan, plus long-distances charges for those calls.
10. **Airport Parking.** Airport parking must be used for travel exceeding 24-hours.
11. **Other Travel Related Expenses.** Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which City officials receive reimbursement from another agency are not reimbursable.
12. **Miscellaneous Office Products.** Notwithstanding the requirement in Section I, occasionally an elected officer or officer's staff may need to make an immediate small out of pocket purchase of office supplies that are normally ordered by the City for which payment is paid directly to the vendor. The City in accordance with the applicable City Manager Administrative Regulation concerning petty cash refunds may reimburse such purchases.

**D. Cash Advance Policy for Airfare and Hotel Only (per A.R, 3.9)**

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Auditor, and copied to the City Manager, ten (10) working days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. Whether the expenditure is for an authorized activity
3. The benefit to the residents of the City.
4. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
5. The dates of the expenditure(s).

Any unused advance must be returned to the City within five (5) working days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

**E. Expense Report Content and Submission Deadline**

1. A Statement of Expense must be completed, signed and submitted to the City Auditor for review and forwarding to the Finance Department for payment. The Statement of Expense must document that the expense in question met the requirements of this Resolution. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
2. Officials must submit their Statement of Expense reports to the Auditor's Office within 60 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.
3. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

**F. Audits of Expense Reports**

All expenses are subject to verification by the City Auditor of compliance with this policy.

**G. Reports**

At the following City Council meeting, each official shall briefly report on meetings attended at City expense. If multiple officials attended, a joint report may be made.

**H. Compliance with Laws**

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

**I. Violation of This Policy**

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. loss of reimbursement privileges;
2. a demand for restitution to the City;
3. the City's reporting the expenses as income to the elected official to state and federal tax authorities;
4. civil penalties of up to \$1,000 per day and three times the value of the resources used; and
5. prosecution for misuse of public resources.

\*\*\*\*\*


The foregoing Resolution was adopted by the Berkeley City Council on September 10, 2013 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Tom Bates, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, CMC, City Clerk

## Councilmember Office Budget Relinquishment and Grant Policy

### Introduction – Limitations on the Expenditure of Public Funds

The basic purpose of the City as an entity is to exist and function as a *municipality*. This is also reflected in the Charter, which limits the Council's powers only to those "municipal affairs adequate to a complete system of local government". (Section 38.)

Exercises of this power may not be used solely to further the interests of particular individuals, although they may incidentally benefit private interests:

The exercise of the police power is available only for the purpose of promoting the general welfare, the interests of the public as distinguished from those of individuals or persons. It cannot be used to promote private gain or advantage, except so far as the same may also promote the public interest and welfare, and it is the latter, and not the former, effect which forms the basis of the power and warrants its exercise.  
(*Binford v. Boyd* (1918) 178 Cal. 458, 461.)

The Council's basic powers circumscribe its ability to spend public funds. In other words, the Council cannot spend public funds for purposes that are beyond its authority in the first place. Thus the City may only use its funds for municipal purposes. In any given case the crucial inquiry is whether an expenditure serves such a purpose.

The determination of what constitutes a public purpose is primarily a matter for the legislature, and its discretion will not be disturbed by the courts so long as that determination has a reasonable basis.  
(*County of Alameda v. Carlson* (1971) 5 Cal.3d 730, 745-746.)

If the courts find that there is a valid public purpose, they next examine whether the government's actions are reasonably related to effectuating this purpose. (*Tip Top Foods, Inc. v. Lyng* (1972) 28 Cal.App.3d 533, 541.) Public appropriations granted to private interests will not be considered unlawful diversions of public funds when the transaction serves the public interest, merely granting an incidental benefit to the private individual. (*Cane v. City and County of San Francisco* (1978) 78 Cal.App.3d 654, 660.)

### Criteria for Grants of City Funds from Councilmember Office Budgets

Relinquishments and grants for purposes and recipients that fall within the categories listed in Table 1 may be "pre-approved" each fiscal year by Council resolution.

Table 1.

| Recipient                                                                                                                                       | Purpose                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The City (e.g., the Berkeley Public Library, the Berkeley Animal Shelter)                                                                       | Any purpose already being undertaken, because it already serves a public purpose. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                                                              |
| BUSD and other public agencies operating in Berkeley                                                                                            | Any purpose already being undertaken, because it already serves a public purpose, assuming the activity is in Berkeley. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                        |
| Entities with which the City is co-sponsoring a public event in Berkeley (e.g., Earth Day, Solano Stroll).                                      | City co-sponsorship suggests but is not conclusive of public purpose; public purpose would need to be stated, and all such events should be open to the public at no cost. Alternatively, a list of ongoing events that have been determined to serve a public purpose could be developed. |
| Entities in Berkeley to which the City already contributes funds for municipal purposes (e.g., affordable housing or social service nonprofits) | To advance the same public purposes for which the entities are funded. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                                                                         |

Proposed relinquishments and grants that do not meet the criteria for pre-approval, but that meet an appropriate municipal purpose, may be approved by resolution with a majority vote of the City Council.

# CITY OF BERKELEY ADMINISTRATIVE REGULATIONS

**A.R. NUMBER: 3.4**  
ORIGINAL DATE: 07/94  
POSTING DATE: 4/14/2009  
PAGE 1 of 5 PAGES

## **SUBJECT: Purchasing Policy & Purchasing Manual**

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### **PURPOSE**

To ensure that the City receives the most favorable price, quality, and/or service available for all purchases, while adhering to City Council directives. The Precautionary Principle (PP) and Environmentally Preferable Purchasing Policies (EP3) should be considered whenever feasible, and in accordance with the adopted budget. Furthermore, the complete AR provides City employees with appropriate procedures to knowledgeably participate in the procurement process. This is the Executive Summary of AR 3.4, with an introduction to procedures for the City's Purchasing Policy. The Purchasing Manual is the full AR 3.4, and includes the complete policy and procedures. The City Purchasing Manual can be found online at [Groupware – Finance: Purchasing Manual](#).

### **POLICY**

It is the policy of the City Manager that all City purchases, with only specified and approved exceptions, shall be made through a competitive process. Regardless of the value of the purchase, more than one documented quotation, bid, or proposal is strongly encouraged. The City Council periodically sets or adjusts cost levels of purchases for Council review and approval, and the parameters for the formally documented competitive processes.

Responsibility for City Purchases rests with designated positions for implementation of this policy:

1. The City maintains a centralized General Services office through which all purchases of goods and services are processed. Each Department originates requests for procurement.
2. Departments are responsible for requesting the type and quality of product or service required. Sole and single source contracts are discouraged, but may be utilized if approved as provided in the Purchasing Manual. The FUNDS system maintains lists of vendors cross-referenced to commodities and services.
3. The General Services Division is ultimately responsible for determining the means of purchase and the appropriate vendor. All purchases made will be of a quality consistent with the ultimate use intended and will be based on best value to the City of Berkeley, not necessarily on the lowest obtainable price.
4. Only the City Manager has the authority to enter into a contract/agreement, except purchase orders, with a vendor. The authority to enter into a Purchase Order has been delegated to the General Services Manager.
5. A comprehensive list of City restrictions on procurement are addressed in Section I of the manual. In addition to those restrictions prescribed by law the following are prohibitions requested by City Council.

- 
- A) On January 29, 2008 Council requested the City Manager prohibit purchases from Chevron Corporation whenever possible.
  - B) On October 28, 2008 Council requested the City Manager research limiting the purchase of bottled water. In response, the City Manager directed staff to eliminate as much as possible the purchasing of individual bottles of water. Bottled water can still be purchased for emergency preparedness and for field events where health and safety are a concern. For all other events, carafes and tap water should be used.

### PROCEDURE

See the current version of the City Purchasing Manual, available online at Groupware – Finance: Purchasing Manual, for complete information and procedures. The following is the table of contents for the Purchasing Manual:

- I. General Procedures, Responsibilities and Requirements
- II. Purchasing Requirements by Price
- III. Purchasing Procedures
- IV. Glossary of Terms
- V. Frequently Asked Questions (FAQs)
- VI. Requirement on Contracting with Certain Entities (Forms & Council Actions)
- VII. Council Guidelines on Purchasing Services and Goods
- VIII. How to Guide
- IX. Reports (In Development)
- X. Forms

### DEFINITIONS

1. Procurement: Procurement refers to the process of managing activities associated with an organization's need to obtain the goods and services required for its operation. To ensure that the correct amount of the product or service is received at the appropriate time, specific steps are taken in the procurement process, including: value assurance; determining which commodities or services are best; choosing the right suppliers and vendors; negotiating the best prices; and awarding contracts. For General Services to conduct the procurement process responsibly, its functions include spend analysis, sourcing, supplier implementation, transaction management, category management, and supplier performance management.
2. Purchasing: The processing of a purchase order. The key steps in the process are: departments place and approve requisitions; General Services or departments find the item (sourcing); General Services issues the purchase order (PO); and General Services sends PO to vendor. Upon fulfillment of the order, the City is invoiced and the vendor is paid.



3. Purchasing Requisition (PR): A purchasing requisition is a document that instructs General Services to spend a designated and approved amount from a specific department/division budget account for needed goods or services.
4. Purchase Order (PO): A purchase order is used for the purchase of goods. The PO represents a contractual agreement that is enforceable under law. To have an enforceable contract there must be agreement of the parties, which consists of an offer by one party, acceptance of that offer by the other party, and mutual consideration.
5. Blue-Backed Contract: A blue backed contract is used for the purchase of services. A blue-backed contract represents a contractual agreement that is enforceable under law. To have an enforceable contract there must be agreement of the parties, which consists of an offer by one party, acceptance of that offer by the other party, and mutual consideration.

**Attachments:**

1. Purchasing Thresholds: Ordinance No. 6,875 – N.S.
2. Purchasing Thresholds: Ordinance No. 7,035 – N.S.

|                                                                                                                   |                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <p><b>RESPONSIBLE DEPARTMENT:</b><br/>Finance Department</p> <p><b>TO BE REVIEWED/REVISED:</b><br/>Every year</p> | <p>Approved by:</p> <p><i>[Signature]</i><br/>_____<br/>Finance Director</p> <p><i>[Signature]</i><br/>_____<br/>City Manager</p> |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|

ATTACHMENT 1

ORDINANCE NO. 6,875-N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 7.18.010B REGARDING EXPENDITURES FOR SPECIFIC IMPROVEMENTS, INCLUDING PLAY AREA IMPROVEMENTS AND EQUIPMENT WHICH EXCEED \$200,000; AMENDING SECTION 7.18.010C REGARDING EXPENDITURES FOR THE PURCHASE OF SUPPLIES, EQUIPMENT, AND MATERIALS WHICH EXCEED \$100,000; AND AMENDING SECTION 7.18.020A REGARDING EXPENDITURE LIMITATIONS IN CASE OF EMERGENCY

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

Section 1. That Berkeley Municipal Code Section 7.18.010 is amended as follows:

**Section 7.18.010 Expenditures pursuant to Chapter Article XI, Sections 67 and 67.5.**

A. Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, which exceed the amount of \$25,000 shall require Council approval.

B. Expenditures for specific improvements (public projects), including play area improvements and equipment in public parks which exceed the amount of \$200,000 shall require Council approval pursuant to Article XI, Section 67 of the Charter of the City of Berkeley.

C. Expenditures for the purchase of supplies, equipment, and materials which exceed the amount of \$100,000 shall require Council approval.

Section 2. That Berkeley Municipal Code Section 7.18.020A is amended as follows:

**Section 7.18.020 Expenditures pursuant to Charter Article XI, Section 67.4 Emergencies.**

A. Expenditures pursuant to Article XI, Section 67.4 of the Charter of the City which exceed the amount of \$100,000 shall require Council approval; and expenditures for public construction projects and playground improvements and equipment which exceed the amount of \$200,000 shall require Council approval.

B. Notwithstanding subsection A of this section, in the event of a declared emergency under Chapter 2.88, the expenditure limitation under Article XI, Section 67.4 of the Charter of the City shall be an amount not exceeding the amount appropriated by the Council in the most recent appropriation ordinance for the fund from which an expenditure is made and for the purpose authorized for such fund.

C. Whenever purchases are made pursuant to this section, the City Manager shall promptly inform the Council as to the nature and amount.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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ATTACHMENT 2

ORDINANCE NO: 7,035-N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 7.18.010 REGARDING EXPENDITURES FOR SERVICE CONTRACTS TO INCREASE CITY MANAGER'S AUTHORITY

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

Section 1. That Berkeley Municipal Code Section 7.18.010 is amended to read as follows:

Section 7.18.010 Expenditures pursuant to Chapter Article XI, Sections 67 and 67.5.

A. Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, which exceed the amount of \$50,000 shall require Council approval.

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

At a regular meeting of the Council of the City of Berkeley held on April 22, 2008, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Capitelli, Maio, Moore, Olds, Wozniak and Bates.

Noes: Spring and Worthington.

Absent: None.

At a regular meeting of the Council of the City of Berkeley held on May 6, 2008, this Ordinance was adopted by the following vote:

Ayes: Anderson, Capitelli, Maio, Moore, Olds, Wozniak and Bates.

Noes: Spring and Worthington.

Absent: None.

ATTEST: [Signature] Deanna Despain, Deputy City Clerk

[Signature] Tom Bates, Mayor

Date signed: [Signature]

A.R. NUMBER: 3.9  
ORIGINAL DATE: 07/94  
POSTING DATE: 11/3/16  
PAGE 1 of 9 PAGES

# CITY OF BERKELEY ADMINISTRATIVE REGULATIONS

**SUBJECT: Attendance and Payment of Expenses Associated with  
Conferences, Meetings, Seminars, Trainings, and Workshops**

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## PURPOSE

To establish policies and procedures for City staff to obtain approval to attend conferences, meetings, seminars, trainings, and workshops; and to establish procedures for the City's direct payment of authorized expenses incurred by an individual for attendance at an approved event or meeting. Obtaining approval of an Attendance & Travel (A&T) Request for an event or meeting, along with associated expenses, ensures that appropriate supervisors and Department Directors have determined an employee's attendance at an event or meeting benefits the City, and that expenses are consistent and in line with the department's adopted budget.

This Administrative Regulation (AR) also complements **Resolution No. 66,295, City Council Expenditure and Reimbursement Policies** for the Mayor and Council (Attachment B); and **Resolution No. 63,413, Establishing Travel and Training Reimbursement Policy for Board and Commission Members** of the Rent Stabilization Board, Board of Library Trustees, and members of other boards or commissions (Attachment C).

## POLICY

It is the policy of the City Manager to authorize Department Directors and Supervisors to approve an employee's request to attend, and to receive payment for expenses associated with conferences, meetings, seminars, training, and workshops.

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## I. APPROVALS

**Note: Employee Must Submit and Obtain Approval for A&T Request before incurring any allowable expenses**

City Approval to attend and incur authorized expenses for an eligible event is based on the following factors:

- A. Expectation that the City will derive a specific benefit from staff attendance.
- B. Employee submission of the authorized A&T Request form (the current version in Groupware), and receipt of approval from her/his Supervisor &/or Department Director in advance of an authorized event, including approval for all associated expenses.
- C. All expenditures and reimbursements for the Mayor and Council must adhere to Resolution No. 66,295 and be approved by the City Auditor.
- D. For routine and, or, recurring meetings an A&T Request must be submitted, approved, and on file in the department in advance of the initial date, and must be renewed annually for each fiscal year.
- E. Department Directors are to complete and submit an A&T Request; no other signature is required for approval.
- F. Exceptions to use of the A&T Request form are: Mayor, Council, and Legislative Assistants (when allowed under Resolution No. 66,295); and members of the Rent Stabilization Board, and Board of Library Trustees. Resolution No. 66,295 or Resolution No. 63,413 governs their approvals, expenditures, and related matters.
- G. Expenditures are provided for in the adopted budget for the employee's department. For specific procedures, see item III. Allowable Expenses.

## II. EXPENDITURES BASICS

Expenditures must be documented in accordance with all related City ARs and other associated policies, using current forms (published in Groupware), including and not limited to:

- AR 3.4 Purchasing Manual: Employees and Mayor/Council must make full use of the City's Procurement procedures and submit purchase requisitions to generate payment for registration prior to travel. Note: Expenses for Board/Commission members and other non-staff or elected officials eligible to attend an event pursuant to the standards in Resolution No. 63,413 must have payments processed by the designated board or commission Secretary, using FN-024 Payment Vouchers through Accounts Payable.
- AR 3.14 FN-024 Voucher Processing
- AR 7.2 Use of Private Vehicles and Mileage Reimbursement
- Auto Record for Mileage Reimbursement: for further details, see AR 7.2 and Transportation: Private Vehicle, below.

- City Council Resolution No. 66,295 City Council Expenditure and Reimbursement Policies.
- City Council Resolution No. 63,413 Establishing Travel and Training Reimbursement Policy for Board and Commission Members.

In addition:

- Statement of Expense forms and receipts, for reconciliation of an advance &/or reimbursement of expenses incurred, must be submitted to Finance – Accounts Payable within 60 calendar days (30 days for Council/Commission, unless revised) after conclusion of the event. Statement of Expense forms and receipts submitted after this date may not be processed, and individuals assume full, personal responsibility for the costs they incurred.
- Advances or reimbursements to an employee are restricted to expenses for that employee only – they may not cover the expenses of any other employee. Exception to this restriction is for reimbursements only of expenses for Mayor and Council and their Legislative Assistants.

See item V. Advance Payments and Reconciliation.

### III. ALLOWABLE EXPENSES

Expenditures should adhere to the following guidelines. In the event that expenses are incurred that exceed these guidelines, the cost borne or reimbursed by the City will be limited to those that fall within these guidelines, unless approved by an appropriate, designated authority. Proof of payment for all expenses must be provided when reconciling the Statement of Expense form, except as indicated.

- A. **Registration:** Registration fee charged for an authorized conference, meeting, seminar, training or workshop is allowable. Employees should register in a timely manner to take advantage of registration discounts. Payments can be made by Purchase Orders (PO). See also: Payments by Check Using a Purchase Order, below.
- B. **Transportation:** Employees must use the most economical mode and class of transportation reasonably consistent with scheduling needs, coordination with other employees traveling together, and cargo space requirements, and following the most direct and time-efficient route incorporating these factors. If an employee chooses a more expensive mode of travel based on personal criteria, reimbursement will be for the lesser cost of transportation.
  1. **Public Transit** should be used for travel to events and meetings outside the City of Berkeley and in other locations, where accessible by transit. Receipts are not required for these expenses.
  2. **Fleet Vehicle:** see AR 7.1 Use of Fleet Vehicles for details.
  3. **Private Vehicle:** see AR 7.2 Use of Private Vehicles & Mileage Reimbursement for details. If use of a private vehicle is authorized, mileage is reimbursed at IRS

rates currently in effect, in addition to parking fees, bridge and road tolls, which are also reimbursable.

- Unless an alternative is proposed by a department and acceptable to Accounts Payable, expenses for approved use of a private vehicle should be submitted with other expenses associated with attendance at an authorized event or meeting on the Statement of Expense.
4. **Rental Vehicle** charges may be reimbursed under this provision with Department Director approval. Rental fees, receipted fuel expenses, and authorized parking fees, **bridge and road tolls will be reimbursed**.
  5. **Air/Train** fares for reimbursement under this policy should be the most economical and reasonable amount available after the Attendance and Travel Request is approved.
  6. **Travel to/from Airports: Employees will be reimbursed for the most economical and** appropriate means; if there's any question about this, obtain department approval before incurring the expense.
  7. **Taxi or Shuttle** fares may be reimbursed with receipts.
- C. **Lodging:** Cost of accommodations will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.
1. When travel status is more than twelve (12) hours; or when the location is more than 50 miles from the employee's worksite and residence based on odometer, MapQuest or other reliable documentation; or when an event begins before 8:00am or ends after 5:00pm and a documented evening event requires the employee's attendance.
  2. If lodging is associated with a conference, employees should register in a timely manner to take advantage of discounts or conference rates. Lodging expenses that exceed the group rate published by the conference sponsor must be approved by an appropriate, designated authority.
  3. For non-conference lodging, travelers must request government rates, when available and must be authorized by Department Director.
  4. Costs to upgrade rooms from the basic accommodations provided are not reimbursable, unless authorized by the Department Director.
- D. **Meals: Meals are reimbursable only if travel status is over twelve hours or requires overnight lodging.**
1. **Meal expenses**, including non-alcoholic beverages, tax, and tips, are reimbursable up to a total per diem of \$51: the amounts per meal are \$10 breakfast; \$15 lunch; \$26 dinner; and receipts are not required. Expenses above the authorized amounts are the responsibility of the employee.
  2. **Breakfast &/or evening meetings with meals**, which are scheduled before conferences or meetings commence, or after they adjourn, and that require the employee's attendance, will be considered for reimbursement when

documentation is submitted reflecting the requirement of the employee's attendance for the meeting and location.

3. **Meals included with registration or lodging that are taken at additional expense** will only be considered for reimbursement at the authorized per diem by approval of the Department Director when documentation is submitted reflecting the necessity of this expense, such as:
  4. **Meals during approved travel time** to/from an event or meeting destination may be reimbursable with approval by the employee's Department Director, at the authorized amount for the individual meal(s) (see Meal expenses, above).
  5. **NOTE:** Business meals with other employees, commissioners or elected officials of the City of Berkeley are specifically NOT reimbursable. Exceptions for Mayor and Council must be reviewed and approved by the City Auditor. City funds may also NOT be used for expenses related to holiday activities or other office parties or events, unless exempted by AR 3.3.
- E. **Other Travel Related Expenses:** Expenses for which City staff or officials receive reimbursement from another agency are not reimbursable.

#### IV. PAYMENTS BY CHECK USING A PURCHASE ORDER

Generally, General Services – Procurement will process a PO within three working days, and a check could be issued in the next AP check run. It is the department responsibility to notify Procurement staff when the requisition is approved to ensure timely processing of the PO in order to issue the check promptly. Departments may have internal procedures that require additional time, and employees are expected to familiarize themselves with these internal deadlines.

- A. Expenses for registration should be paid by check using a Purchase Order (PO). This includes online registration when "pay by check" is an option.
- B. Use of an employee's credit card or personal check for registration is only permitted and eligible for reimbursement when time does not permit issuing a City check for payment, and is approved by the Department Director.
- C. Resolution No. 66,295 or Resolution No. 63,413 governs any exceptions for Mayor and Council, or for the Rent Stabilization Board or Board of Library Trustees.
- D. Expenses for accommodations, if lodging is included in the event package, should be paid with the registration fee using a Purchase Order (PO).

#### V. ADVANCE PAYMENTS & RECONCILIATION

An approved A&T Request is required for any request for an advance. Advances are extended only to employees in classifications that are not included on the list of **Classifications NOT eligible for advances**. Advances are limited to approved air/train fare and lodging only.



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In addition:

- Registration or meals, and other transportation expenses may not be advanced to any employee.
- Advances to an employee are restricted to expenses for that employee only – they may not cover the expenses of another employee.
- Departments must maintain a Tracking Worksheet that documents employees' advance requests and reconciliations. These Worksheets must be submitted to the Auditor's Office by the 10<sup>th</sup> working day of each calendar quarter (January, April, July, October), along with copies of correspondence to those employees who have advance reconciliations outstanding. The Auditor's Office will review departmental travel advance worksheets on a sample basis.
- If an advance is issued to an employee and the employee does not attend the event, whether due to personal circumstances, the event being cancelled, or the City intervened to cancel the employee's attendance, the employee must seek recovery of charges and remit the full refunded amount to the City.

**A. Requesting an Advance**

1. Requests for an advance must be submitted to Finance – Accounts Payable at least 10 working days before the event start date. Employees are expected to familiarize themselves with any additional internal deadlines or procedures their departments may require.
2. Requests for an advance must include:
3. Approved Attendance and Travel Request, with documentation showing dates and time, and rates offered for travel and accommodations, including meals provided with the event.
4. Completed FN-024 Payment Voucher (current version on Groupware) with required signatures of approval and all specified back-up documentation. See AR 3.14 for details.

**B. Reconciling an Advance**

1. Each travel advance must be reconciled before an employee can request another; employees are not eligible for multiple advances.
2. Attendance must be documented in the form of a receipt, sign in sheet, or certificate of attendance.
3. Employees must submit a Statement of Expense and receipts to appropriate department staff within 60 calendar days of conclusion of the event (30 days for Council/Commission, unless revised). Statement of Expense forms and receipts submitted after this date may not be processed, and the employee assumes full, personal responsibility for the costs she/he incurred. If an employee fails to reconcile an advance within this timeframe, the City may take disciplinary action.

4. When an advance exceeds the expenses incurred, the employee is responsible for paying the difference by cash or check payable to the City of Berkeley for the balance at the time of reconciliation. Payment is submitted to the City Treasury and a copy of the CR edit report must be attached to the employee's Statement of Expense, in addition to all required original receipts.
5. When an advance is less than the expenses incurred, departments submit an FN-024 Payment Voucher payable to the employee for the difference, along with the employee's Statement of Expense and original receipts for expenses incurred.

## VI. EXPENSE REIMBURSEMENT

See Allowable Expenses, above, for expenses that qualify for reimbursement, and the acceptable rates and limitations for those expenses. To obtain reimbursement of approved expenses incurred:

- A. Employees must submit a completed FN-024 Payment Voucher, and Statement of Expense, and receipts to appropriate department staff within 60 calendar days after conclusion of the event. Statement of Expense forms and receipts submitted after this date may not be processed, and the employee assumes full, personal responsibility for the costs she/he incurred.
- B. Reimbursements to an employee are restricted to expenses for that employee only – they may not cover the expenses of another employee.
- C. Tips, except where documented, are not reimbursable.
- D. Reimbursements are processed by FN-024 Payment Voucher (see AR 3.14) and must include:
  1. Authorized signature/s (see AR 3.12).
  2. Attendance and Travel Request approved by Supervisor &/or Department Director.
  3. Documentation of attendance at the event or meeting (receipt, certificate, sign-in sheet).
  4. Statement of Expense, completed with all required original receipts.
  5. Auto Record for Mileage Reimbursement, if use of a private vehicle was authorized (see AR 7.2 for details and instructions) and these are the only expenses for reimbursement associated with the event.

## VII. OTHER EXCEPTIONS

Any exception not already identified within other sections of this AR must be submitted to, and approved by the employee's Department Director. For Mayor, Council, Legislative Assistants, Rent Stabilization Board or Board of Library Trustees, exceptions must be approved as set forth in the appropriate Resolution.

Employees may request an exception to the reimbursement rules when original receipts, or other proof of payment such as a canceled check, cannot be provided to verify expenses. The Supervisor and Department Director (or designee) must approve requests for an exception that require the "Approval of Payment Exception" portion of the Statement of Expense and state the necessity for the exception. In addition, the Finance Director must also approve any payment exceptions.

**VIII. DEFINITIONS** (related to Attendance at Conferences, Workshops, Training, Seminars, Meetings)

**Advance:** Payment to an employee with an approved Attendance & Travel Request to purchase air/train travel and qualifying lodging reservations and incur expenses associated with attending the forthcoming event or meeting. See procedures for Requesting an Advance, and Reconciling an Advance.

**Event: Conference:** A gathering of persons associated with a professional, membership or support organization for discussing matters of common concern, which may include presentations, programs and exhibits related to municipal government &/or related functions.

**Event: Workshop, Training Session, or Seminar:** A usually brief intensive educational program for a relatively small group of people that focuses on techniques and skills in a particular field.

**Meeting: Non-Routine Meeting:** A formally arranged gathering for a common purpose that the City will derive a specific benefit from staff attendance.

**Meeting: Routine or Recurring Meeting:** A gathering that occurs in predictable intervals for a common purpose, where attendance is part of the employee's usual role and responsibilities.

**Overnight Stay:** Out-of-town accommodations (room and specified meals) required for an employee to attend an approved event or eligible meeting (see Allowable Expenses for details).

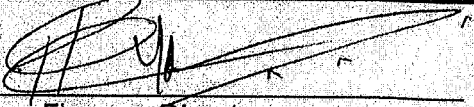
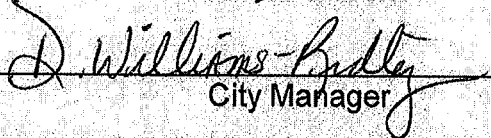
**Payment Documentation:** Documentation is required to provide tangible proof of payment for approved goods or services, and usually specifies: issuer and receiver of receipt; date; purpose or commodity; and dollar amount of the expense. Acceptable back-up for reimbursable expenses includes: original receipts, cancelled checks (copies of front and back), proof of credit card charge and payment (receipt and copy of statement), and printed online payment confirmation with name and amount. Photocopies of receipts are not acceptable.

**Point of Origin:** Location, if other than Worksite, from which authorized travel may originate or to which travel may conclude, related to attendance at an approved event and calculation of expenses for reimbursement.

**Worksite:** Main office or work location where an employee usually performs her/his regular job duties with the City of Berkeley.

**IX. ATTACHMENTS/LINKS**

- A. Classifications NOT eligible for advances
- B. Resolution 66,295 (Mayor/Council Departments)
- C. Resolution 63,413 (Rent Board/Library Trustees)
- D. Attendance & Travel Request
- E. Statement of Expense
- F. AR 7.2 Use of Private Vehicles & Mileage Reimbursement
- G. Auto Record for Mileage Reimbursement
- H. FN-024 Payment Voucher

|                                                      |                                                                                                                       |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>RESPONSIBLE DEPARTMENT:</b><br>Finance Department | Approved by: <br>Finance Director |
| <b>TO BE REVIEWED/REVISED:</b><br>Every year         | <br>City Manager                  |

## Attachment A

| JOB CODE | REP UNIT | CLASSIFICATION TITLES<br>INELIGIBLE FOR A TRAVEL<br>ADVANCE | JOB CODE | REP UNIT | CLASSIFICATION TITLES<br>INELIGIBLE FOR A TRAVEL<br>ADVANCE |
|----------|----------|-------------------------------------------------------------|----------|----------|-------------------------------------------------------------|
| 1350     | M        | Accounting Manager                                          | 1374     | Z1       | Economic Development Manager                                |
| 1317     | M        | Animal Services Manager                                     | 2923     | M        | Economic Development Project Mgr.                           |
| 1213     | Z1       | Assistant City Attorney                                     | 1417     | Z1       | Emergency Services Manager                                  |
| 1118     | Z1       | Assistant City Manager                                      | 1402     | Z1       | Employee Relations Officer                                  |
| 8174     | Z1       | Assistant Fire Chief                                        | 1426     | M        | Energy Officer                                              |
| 1801     | Z1       | Assistant to the City Manager                               | 1348     | M        | Equipment Superintendent                                    |
| 1301     | Z1       | Audit Manager                                               | 1121     | Z5       | Executive Director of Rent Board                            |
| 1323     | Z1       | Budget Manager                                              | 1344     | M        | Facilities Maintenance Superintendent                       |
| 1306     | M        | Building and Safety Manager                                 | 8155     | B        | Fire Apparatus Operator EMT                                 |
| 1320     | Z1       | Capital Improvement Programs Manager                        | 8167     | B        | Fire Captain EMT                                            |
| 1107     | Z1       | City Attorney                                               | 1105     | Z1       | Fire Chief                                                  |
| 1102     | Z1       | City Auditor                                                | 8158     | B        | Fire Lieutenant EMT                                         |
| 1120     | Z1       | City Clerk                                                  | 8164     | B        | Fire Lieutenant Training EMT                                |
| 1101     | Z1       | City Manager                                                | 8160     | B        | Fire Prevention Inspector I EMT                             |
| 1315     | M        | Customer Services Manager                                   | 8161     | B        | Fire Prevention Inspector II EMT                            |
| 2303     | Z2       | Deputy City Attorney II                                     | 1418     | Z1       | Fire Prevention Manager                                     |
| 2311     | Z2       | Deputy City Attorney III                                    | 1321     | M        | General Services Manager                                    |
| 1366     | Z1       | Deputy City Auditor for Payroll Mgmt.                       | 1377     | M        | Hazardous Materials Manager                                 |
| 1219     | Z1       | Deputy City Clerk                                           | 1223     | Z1       | Health Officer                                              |
| 1103     | Z1       | Deputy City Manager                                         | 1224     | Z1       | Health Officer (Cert)                                       |
| 1227     | Z1       | Deputy Director of Finance                                  | 1363     | M        | Housing Authority Manager                                   |
| 1229     | Z1       | Deputy Director of Health & Human Services                  | 1352     | M        | Housing Services Manager                                    |
| 1211     | Z1       | Deputy Director of Library Services                         | 1380     | Z1       | Human Resources Manager                                     |
| 1228     | Z1       | Deputy Director of Parks, Recreation & Waterfront           | 1221     | Z1       | Information Systems Manager                                 |
| 1230     | Z1       | Deputy Director of Planning                                 | 1354     | M        | Land Use Planning Manager                                   |
| 1205     | Z1       | Deputy Director of Public Works                             | 1803     | Z5       | Library Building Project Manager                            |
| 1209     | Z1       | Deputy Director of Public Works (Reg)                       | 1466     | Z2       | Library Financial Manager                                   |
| 1204     | Z1       | Deputy Fire Chief                                           | 1465     | Z5       | Library Network Administrator                               |
| 8182     | B        | Deputy Fire Marshal EMT                                     | 1373     | M        | Manager of Economic Development                             |
| 1203     | Z1       | Deputy Police Chief                                         | 1310     | M        | Manager of Engineering                                      |
| 1123     | Z1       | Director of Community Development                           | 1368     | M        | Manager of Environmental Health                             |
| 1104     | Z1       | Director of Finance                                         | 1360     | M        | Manager of Health Promotion                                 |
| 1125     | Z1       | Director of Health and Human Services                       | 1339     | M        | Manager of Mental Health Services                           |
| 1126     | Z1       | Director of Housing                                         | 1362     | M        | Manager of Program Planning and Administration              |
| 1108     | Z1       | Director of Human Resources                                 | 8186     | Z1       | Paramedic Program Supervisor                                |
| 1127     | Z1       | Director of Information Technology                          | 8111     | B        | Paramedic Supervisor I                                      |
| 1115     | Z1       | Director of Library Services                                | 8113     | B        | Paramedic Supervisor II                                     |
| 1112     | Z1       | Director of Parks, Recreation & Waterfront                  | 1327     | M        | Parking Services Manager                                    |
| 1124     | Z1       | Director of Planning                                        | 1332     | M        | Parks Superintendent                                        |
| 1111     | Z1       | Director of Public Works                                    | 1326     | M        | Planning Manager                                            |

| JOB CODE | REP UNIT | CLASSIFICATION TITLES INELIGIBLE FOR A TRAVEL ADVANCE | JOB CODE | REP UNIT | CLASSIFICATION TITLES INELIGIBLE FOR A TRAVEL ADVANCE |
|----------|----------|-------------------------------------------------------|----------|----------|-------------------------------------------------------|
| 1307     | M        | Disability Programs Manager                           |          |          |                                                       |
| 8148     | E        | Police Captain                                        | 1353     | M        | Revenue Collection Manager                            |
| 1110     | Z1       | Police Chief                                          | 2716     | Z2       | Senior Human Resources Analyst                        |
| 8145     | F        | Police Inspector                                      | 1325     | M        | Seniors Program Administrator                         |
| 8147     | F        | Police Lieutenant                                     | 1314     | M        | Solid Waste and Recycling Manager                     |
| 1473     | Z1       | Police Review Commission Officer                      | 2316     | Z2       | Staff Attorney II                                     |
| 8142     | F        | Police Sergeant                                       | 2317     | Z2       | Staff Attorney III                                    |
| 2458     | Z1       | Psychiatrist Supervisor                               | 1404     | M        | Supervising Civil Engineer                            |
| 1322     | M        | Public Safety Business Manager                        | 1476     | M        | Supervising Systems Analyst                           |
| 1312     | M        | Public Works Maintenance Superintendent               | 1340     | M        | Supervising Traffic Engineer                          |
| 1475     | M        | Real Property Administrator                           | 2712     | Z2       | Training Officer                                      |
| 2890     | M        | Recycling Program Manager                             | 1369     | M        | Waterfront Manager                                    |
|          |          |                                                       |          |          |                                                       |

RESOLUTION NO. 66,295-N.S.

CITY COUNCIL EXPENDITURE AND REIMBURSEMENT POLICIES

WHEREAS, each fiscal year, the City Council appropriates funds in the Mayor and Councilmember's departmental budgets to cover the costs of Mayor and Council staff and non-personnel expenditures which are reasonable and necessary for the performance of the duties of Mayor and Councilmember; and

WHEREAS, the Council needs to ensure that the expenditures are incurred and paid in conformity with the requirements of the City Charter; and

WHEREAS, AB 1234, adopted in 2005 and codified as Government Code Sections 53232, et. seq., requires that all cities adopt an expense reimbursement policy for Mayor and Council expenses; and

WHEREAS, on July 25, 2006, the City Council adopted Resolution No. 63,412-N.S. to establish the expenditure and reimbursement policy required by state law; and

WHEREAS, the Councilmember Office Budget Relinquishment and Grant Policy generally falls under the purview of the existing City Expenditures and Expense Reimbursement for Mayor and Council.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Councilmember Office Budget Relinquishment and Grant Policy enumerated in Exhibit A is incorporated by reference into the policy for City Expenditures and Expense Reimbursement for Mayor and Council.

BE IT FURTHER RESOLVED that Resolution No. 63,412-N.S. and any amendments thereto are hereby rescinded.

BE IT FURTHER RESOLVED that the policy concerning City Expenditures and Expense Reimbursement for Mayor and Council departments is hereby adopted to read as follows:

**CITY EXPENDITURES AND EXPENSE REIMBURSEMENT FOR MAYOR AND COUNCIL DEPARTMENTS**

**I. City Expenditures for Mayor and Council**

The Mayor and Council members shall purchase all office supplies, office equipment, furniture, computers, or any other product, good, or service for the actual and necessary expense of their office in the manner normally applicable to all other purchases of goods and services by the City. Such expenses may include membership in organizations of elected officials and the purchase of newspapers and periodicals that provide information needed for the performance of official duties.

## II. Reimbursement of Actual and Necessary Expense of Office

The Mayor and Council members and their staff may be reimbursed for the actual and necessary expenses for the categories of activities set forth below under "Authorized Activities."

### A. Authorized Activities.

Travel, meals and/or other food, incidentals, and lodging incurred in connection with the following types of activities set forth below constitute authorized expenses, as long as the other requirements of this Resolution are fulfilled:

1. Communicating with representatives of local, regional, state and national government on City policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels, provided that a brief report of such seminar shall be made by the Mayor and Council at a subsequent Council meeting;
3. Participating in local, regional, state and national organizations of cities whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending City events; or events sponsored by organizations or entities whose activities affect the City's interests where the primary purpose of the event is to discuss subjects which relate to City business;
6. Implementing City approved policies;
7. Meals where the primary purpose of the meal is to conduct City-related business (other than simply meeting constituents) as long as the amount of such meal does not exceed the daily maximum as set forth in this Resolution and meets applicable federal and state standards as to when meal reimbursement may be allowed; and
8. Expenditures for these purposes approved in advance by a Mayor or Council member and undertaken by that person's staff.

Expenditures for all other activities require prior approval by the City Council and must meet an articulated municipal purpose that must be recited in the report proposing the expenditure and the resolution authorizing the expenditure. The policy for relinquishments and grants from Councilmember office budgets is enumerated in Exhibit A.

### B. Unauthorized Expenses

The following personal expenditures incurred by City officials shall not be reimbursed:

1. The personal portion of any trip, such as where the official is on his/her own vacation activities;
2. Political contributions or attendance at political or charitable events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related



- expenses), or other recreational and cultural events;
5. Alcoholic beverages;
6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
7. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

### C. Particular Types of Authorized Expenditures Defined

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

1. **Registration.** Registration fee charged for any authorized convention, conference, seminar or meeting is reimbursable.
2. **Transportation.** The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental-vehicles may be reimbursed under this provision if more than one City official is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.
3. **Airfare.** Airfares that are equal to or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities, the California State Association of Counties and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. Reimbursement for travel must not exceed the rates available through the League program as published by the California Department of General Services.
4. **Automobile.** Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
5. **Car Rental.** Rental rates that are equal or less than those published by the California Department of General Services shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
6. **Taxis/Shuttles.** Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than

the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

7. **Lodging.** Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rates. If lodging at the conference rate is not available, reimbursement will be based on either the published conference rate or government rates as published by the Federal General Services Agency, whichever is greater. Where no conference rate is published, the reimbursement will be based on the government rate or the median rate listed on priceline.com or similar service, whichever is greater.
8. **Meals.** Meal expenses and associated gratuities will be reimbursed at the rate set forth in Administrative Regulation 3.9.
9. **Telephone/Fax/Cellular.** Council members will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For calls made on an official's personal cell phone, the official may obtain reimbursement for business calls based on the following formula: minutes used on public business divided by the total minutes allowed under a monthly plan, plus long-distances charges for those calls.
10. **Airport Parking.** Airport parking must be used for travel exceeding 24-hours.
11. **Other Travel Related Expenses.** Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which City officials receive reimbursement from another agency are not reimbursable.
12. **Miscellaneous Office Products.** Notwithstanding the requirement in Section I, occasionally an elected officer or officer's staff may need to make an immediate small out of pocket purchase of office supplies that are normally ordered by the City for which payment is paid directly to the vendor. The City in accordance with the applicable City Manager Administrative Regulation concerning petty cash refunds may reimburse such purchases.

**D. Cash Advance Policy for Airfare and Hotel Only (per A.R, 3.9)**

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Auditor, and copied to the City Manager, ten (10) working days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. Whether the expenditure is for an authorized activity
3. The benefit to the residents of the City.
4. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
5. The dates of the expenditure(s).

Any unused advance must be returned to the City within five (5) working days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

**E. Expense Report Content and Submission Deadline**

1. A Statement of Expense must be completed, signed and submitted to the City Auditor for review and forwarding to the Finance Department for payment. The Statement of Expense must document that the expense in question met the requirements of this Resolution. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
2. Officials must submit their Statement of Expense reports to the Auditor's Office within 60 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.
3. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

**F. Audits of Expense Reports**

All expenses are subject to verification by the City Auditor of compliance with this policy.

**G. Reports**

At the following City Council meeting, each official shall briefly report on meetings attended at City expense. If multiple officials attended, a joint report may be made.

**H. Compliance with Laws**

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

**I. Violation of This Policy**

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. loss of reimbursement privileges;
2. a demand for restitution to the City;
3. the City's reporting the expenses as income to the elected official to state and federal tax authorities;
4. civil penalties of up to \$1,000 per day and three times the value of the resources used; and
5. prosecution for misuse of public resources.

\*\*\*\*\*

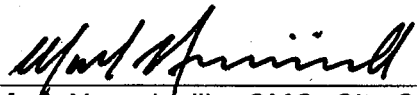
The foregoing Resolution was adopted by the Berkeley City Council on September 10, 2013 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Tom Bates, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, CMC, City Clerk

## **Councilmember Office Budget Relinquishment and Grant Policy**

### Introduction – Limitations on the Expenditure of Public Funds

The basic purpose of the City as an entity is to exist and function as a *municipality*. This is also reflected in the Charter, which limits the Council's powers only to those "municipal affairs adequate to a complete system of local government". (Section 38.)

Exercises of this power may not be used solely to further the interests of particular individuals, although they may incidentally benefit private interests:

The exercise of the police power is available only for the purpose of promoting the general welfare, the interests of the public as distinguished from those of individuals or persons. It cannot be used to promote private gain or advantage, except so far as the same may also promote the public interest and welfare, and it is the latter, and not the former, effect which forms the basis of the power and warrants its exercise.  
(*Binford v. Boyd* (1918) 178 Cal. 458, 461.)

The Council's basic powers circumscribe its ability to spend public funds. In other words, the Council cannot spend public funds for purposes that are beyond its authority in the first place. Thus the City may only use its funds for municipal purposes. In any given case the crucial inquiry is whether an expenditure serves such a purpose.

The determination of what constitutes a public purpose is primarily a matter for the legislature, and its discretion will not be disturbed by the courts so long as that determination has a reasonable basis.  
(*County of Alameda v. Carlson* (1971) 5 Cal.3d 730, 745-746.)

If the courts find that there is a valid public purpose, they next examine whether the government's actions are reasonably related to effectuating this purpose. (*Tip Top Foods, Inc. v. Lyng* (1972) 28 Cal.App.3d 533, 541.) Public appropriations granted to private interests will not be considered unlawful diversions of public funds when the transaction serves the public interest, merely granting an incidental benefit to the private individual. (*Cane v. City and County of San Francisco* (1978) 78 Cal.App.3d 654, 660.)

### Criteria for Grants of City Funds from Councilmember Office Budgets

Relinquishments and grants for purposes and recipients that fall within the categories listed in Table 1 may be "pre-approved" each fiscal year by Council resolution.

Table 1.

| Recipient                                                                                                                                       | Purpose                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The City (e.g., the Berkeley Public Library, the Berkeley Animal Shelter)                                                                       | Any purpose already being undertaken, because it already serves a public purpose. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                                                              |
| BUSD and other public agencies operating in Berkeley                                                                                            | Any purpose already being undertaken, because it already serves a public purpose, assuming the activity is in Berkeley. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                        |
| Entities with which the City is co-sponsoring a public event in Berkeley (e.g., Earth Day, Solano Stroll).                                      | City co-sponsorship suggests but is not conclusive of public purpose; public purpose would need to be stated, and all such events should be open to the public at no cost. Alternatively, a list of ongoing events that have been determined to serve a public purpose could be developed. |
| Entities in Berkeley to which the City already contributes funds for municipal purposes (e.g., affordable housing or social service nonprofits) | To advance the same public purposes for which the entities are funded. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember.                                                                                                         |

Proposed relinquishments and grants that do not meet the criteria for pre-approval, but that meet an appropriate municipal purpose, may be approved by resolution with a majority vote of the City Council.

RESOLUTION NO. 63,413-N.S.

ESTABLISHING TRAVEL AND TRAINING REIMBURSEMENT POLICY FOR BOARD AND COMMISSION MEMBERS

WHEREAS, AB 1234, a new state law, requires that all cities adopt an expense reimbursement policy before a legislative body member may receive reimbursement for necessary expenses of office; and

WHEREAS, the Rent Stabilization Board and Board of Library Trustees occasionally authorize their Board members to attend specific training seminars and meetings which are designed to facilitate the Board members' performance of their duties; and

WHEREAS, the City Manager will occasionally authorize the use of City funds for a board or commission member from other boards or commissions to attend training programs or conferences designed to improve that official's skill and information level; and

WHEREAS, the Council has adopted an Expenditure and Reimbursement Policy for the Council and Mayor that sets forth those travel and training expenses for which Council will be reimbursed.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the following policy is adopted for reimbursement of board and commission members for travel and training expenses.

**TRAVEL AND TRAINING REIMBURSEMENT FOR BOARDS/COMMISSIONS**

**A. Authorized Activities.**

Travel, meals and lodging incurred in connection with attending educational seminars designed to improve officials' skill and information levels constitute authorized expenses, as long as the other requirements of this Resolution are fulfilled. For members of most of the City's boards and commission, other than the Board of Library Trustees and Rent Stabilization Board, such activities will occur only on rare occasions when approved by the City Manager and determined to be within the City's budget. The member of the body attending the educational event shall provide a brief report of the activity to the legislative body at a public meeting subsequent to the seminar. The Rent Stabilization Board may also receive travel meals and lodging incurred in connection with communicating with representatives of local, regional, state and national government on Board policy positions to the extent permitted by the Board.

**B. Unauthorized Expenses**

The following personal expenditures incurred by City officials shall not be reimbursed:

1. The personal portion of any trip, such as where the official is on his/her own vacation activities;
2. Political contributions or attendance at political or charitable events;

3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other recreational and cultural events;
5. Alcoholic beverages;
6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
7. Personal losses incurred while on City business. Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

**C. Particular Types of Authorized Expenditures Defined**

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

1. **Registration.** Registration fee charged for any authorized convention, conference, seminar or meeting is reimbursable.
2. **Transportation.** The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental-vehicles may be reimbursed under this provision if more than one City official is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.
3. **Airfare.** Airfares that are equal to or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities, the California State Association of Counties and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.
4. **Automobile.** Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
5. **Car Rental.** Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.




6. **Taxis/Shuttles.** Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
7. **Lodging.** Lodging expenses will be reimbursed or paid for when travel on official City business which reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question. Travelers must request government rates, when available. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable.
8. **Meals.** Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher costs locations (*see* Publication 1542 at [www.irs.gov](http://www.irs.gov) or [www.policyworks.gov/perdiem](http://www.policyworks.gov/perdiem)).
9. **Telephone/Fax/Cellular.** Officials will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For calls made on an official's personal cell phone, the official may obtain reimbursement for business calls based on the following formula: minutes used on public business divided by the total minutes allowed under a monthly plan, plus long-distances charges for those calls.
10. **Airport Parking.** Airport parking must be used for travel exceeding 24-hours.
11. **Other Travel Related Expenses.** Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which City officials receive reimbursement from another agency are not reimbursable.

The foregoing Resolution was adopted by the Berkeley City Council on July 25, 2006 by the following vote:

Ayes: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

Attest:   
Sherry M. Kelly, City Clerk

  
\_\_\_\_\_  
Tom Bates, Mayor

CITY OF BERKELEY  
ADMINISTRATIVE REGULATIONS

A.R. NUMBER: 3.14  
ORIGINAL DATE: 03/01/96  
POSTING DATE: 08/30/07  
PAGE 1 of 7 PAGES

**SUBJECT: FN-024 Voucher Processing**

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**PURPOSE**

This AR establishes criteria and procedures for payments using an FN-024.

**POLICY**

It is the policy of the City Manager that an FN-024 Payment Vouchers (see Groupware – Finance) is limited to making payments for the following purposes.

- A. City Employees, Mayor and Councilmembers, Commissioners<sup>1</sup>, or Library Trustees:
1. Employee travel advances and reimbursements (see AR 3.9 and forms in Groupware – Finance)
  2. Employee reimbursements for authorized use of a private vehicle (see AR 7.2 &/or AR 3.19 in process and form Auto Record for Mileage Reimbursement published in Groupware – Finance)
  3. Mayor and Council reimbursement for authorized expenses<sup>2</sup> (see Resolution 63,412-NS)
  4. Commissioner and Library Trustee<sup>3</sup> payments<sup>Note</sup> (see AR 3.2 for eligibility criteria; and Resolution 63,413-NS)
- B. Refunds
- C. Other Designated Payments:
1. State and Federal taxes
  2. Loan repayment
  3. Various payments associated with payroll and employee benefits
  4. Certain 1-time miscellaneous items under \$5,000
  5. Police Department Special Enforcement Unit Cash Fund (Special Investigative Bureau/SIB)\*

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<sup>1</sup> “Commissioner” includes Rent Stabilization Board Commissioners for reimbursements or other approved payments.

<sup>2</sup> Requires review by the City Auditor; SIB reimbursement payment also requires approval by City Auditor.

<sup>3</sup> These payments to Commissioners (not including Rent Board) and Library Trustees, are for “... authorized payment in lieu of expenses to members of all Council-appointed boards, commissions, committees, task forces and joint subcommittees who meet certain criteria ...” See AR 3.2 for complete details.

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All other goods and services, including subscriptions and membership dues, must be paid by Purchase Order (see AR 3.4 and the online Purchasing Manual). The Director of Finance must approve any exceptions before purchases are made on behalf of the City.

See AR 3.3, Petty Cash Accounts and forms in Groupware – Finance, for reimbursement for purchases \$50 and under.

### **PROCEDURE**

These steps take you through how to make correct entries and complete an FN-024 Payment Voucher; note that WORDS PRINTED LIKE THIS designate a field for your entries on the Voucher form.

- FN-024 Payments
- Payments to City Employees, Elected Officials, or Qualifying Commissioners
- Payments for Refunds
- Other Designated Payments
- Additional Instructions for all FN-024 Payment Vouchers
- Check Printing & Disbursement
- Related items on Groupware – Finance

### **FN-024 Payments**

Use FUNDS\$ GMBA Master Inquiry [FUNDS\$ > 7 > 1 > 2] to confirm all vendor information, including the designated Name on Checks field displayed at the bottom of the FUNDS\$ screen.

1. For an existing vendor/payee: if there are any differences between the data in GMBA Vendor Master file and the remittance information: please notify Finance – General Services: go to Groupware > Finance > Procurement Materials & Forms: Vendor Information Application, and use this form to update/correct the vendor information, and submit it to General Services.
2. For any new vendor or payee: an original and signed Vendor Information Application and/or W-9 (as applicable for vendor/payment) must be on file with Finance – General Services. In the interim, fax a copy to General Services; then attach a copy of completed Vendor Application and/or W-9 to the FN-024; the signed original/s must be mailed within 3 days.
  - a. Vendor Information Application: go to Groupware > Finance > Procurement Materials & Forms: Vendor Information Application, and have the vendor/payee complete this form.
  - b. Tax Payer ID & Certification Form W-9, or go to <http://www.irs.gov/pub/irs-pdf/fw9.pdf>.

### **Payments to City Employees, Elected Officials, Qualifying Commissioners, or Library Trustees**

#### **A. Vendor Information**

1. VENDOR NAME: enter the name of individual, followed by "EMPLOYEE," "MAYOR," "COUNCIL," "COMMISSIONER," "RENT BOARD" or "LIBRARY TRUSTEE," as applicable, and highlight the individual's designation.

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2. VENDOR NO.: enter the number for the individual, as found in FUNDS\$ GMBA Vendor Master Inquiry.
  3. ADDRESS: enter the department and division of payee or Commissioner's mailing address.
  4. Payments to employees, Mayor and Council must be picked up from AP: complete the line for Pick Up Check at AP as instructed under the section Check Printing & Disbursement, below.  
Payments to qualifying Commissioners<sup>4</sup> or Library trustees will be mailed. If payment will be picked up rather than mailed out, complete the line for Pick Up Check at AP as instructed under the section Check Printing & Disbursement, below.

NOTE: FN-024s for Mayor/Council official reimbursements, qualifying Commissioner stipends, and Library Trustees must be reviewed by the City Auditor prior to submitting to Accounts Payable for payment processing. SIB payments must be reviewed and approved by the City Auditor.

- B. Description & Purpose (FUNDS\$ limits this to approximately 25 characters per description field)
  1. DESCRIPTION 1: enter conference name, period/s of mileage reimbursement, or Board or Commission meeting date/s.
  2. DESCRIPTION 2: enter other applicable information, i.e., the reason a request for payment is being made on an FN-024, rather than a Purchase Order.
- C. Invoice Information
  1. INVOICE #: enter conference invoice # or date/s. (FUNDS\$ limit of approximately 15 characters)
  2. INVOICE DATE: for advances or reimbursements to an employee, Mayor, Councilmember or Commissioner\*, enter the date of the conference or the last date of the reimbursement period.

### Payments for Refunds

- A. Vendor Information
  1. VENDOR NAME: enter payee name followed by "MISC REFUND" and **highlight** it.
  2. VENDOR NO.: enter the assigned miscellaneous vendor number.
  3. ADDRESS: enter the payee mailing address.
  4. Requests for refunds that include deductions for fees should clearly state the original amount paid to the City, the reason for the deduction, and the balance for the refund owed to payee.
  5. Original receipts must be submitted for a refund. If an original receipt is not available, a completed and signed Customer Request for Refund Without Receipt must be attached.
- B. Description & Purpose (FUNDS\$ limits this to approximately 25 characters per description field)
  1. DESCRIPTION 1: enter nature of purchase or service.

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<sup>4</sup> Including members of the Rent Stabilization Board for reimbursements or other approved payments.

2. DESCRIPTION 2: enter other applicable information, i.e., the reason a request for refund is being made.

C. Invoice Information

1. INVOICE #: for refunds, use the receipt number. (FUND\$ limit of approximately 15 characters)
2. INVOICE Date: for refunds, enter the original payment date from the original receipt.

**Other Designated Payments** (see list under Policy on 1<sup>st</sup> page)

A. Vendor Information

**FIRST** – For all FN-024 Payments: follow instructions for the initial procedure, above. Then:

1. VENDOR NAME: enter the payee name as it appears in FUND\$ GMBA Master Inquiry.
2. VENDOR NO.: enter the vendor # as it appears in FUND\$ GMBA Master Inquiry.
3. ADDRESS: when correct information is confirmed or corrected in GMBA, this can be blank.

B. Description & Purpose (FUND\$ limits these to approximately 25 characters per description field)

1. DESCRIPTION 1: enter nature of purchase or service.
2. DESCRIPTION 2: enter other applicable information, i.e., the reason a request for payment is being made on an FN-024, rather than a Purchase Order.

C. Invoice Information

1. INVOICE #: enter exactly as it appears on the vendor invoice, with dashes, hyphens, etc; if there is no invoice number, use the statement date as the invoice number (FUND\$ has a limit of approximately 15 characters).
2. INVOICE Date: enter the invoice or statement date.

**Additional Instructions for all FN-024 Payment Vouchers**

A. Account Codes & Project Code

1. Prior to submitting an FN-024, departments must confirm the account codes and project code used are active, correct for the expenditure, and have sufficient, unencumbered balances.
2. If needed, departments must process any budget adjustments prior to submitting the FN-024.
3. Accounts Payable will return FN-024s to departments for inactive budget or project codes, and/or improper budget codes, or insufficient funds.

B. Authorized Signatures

Each department must complete an Authorized Signatures Card with the designated staff authorized to approve invoices and FN-024s (see AR 3.12 and the Authorized Signatures Card form on Groupware – Finance). When there are changes in personnel authorized to approve an FN-024, the Authorized Signatures Card must be updated with Accounts Payable. 1.

PREPARED BY: signature of the person responsible for completing the FN-024.

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2. **AUTHORIZED DEPT SIGNATURE:** must be signed by authorized personnel, as reflected by the Authorized Signatures Card currently on file with Accounts Payable. FN-024s signed by unauthorized personnel will be returned.
- C. Limitations & Justification for 1-time Miscellaneous Items
1. A 1-time request for payment made on an FN-024, which would otherwise be made using a Purchase Order, means 1-time ever – not once a year or once-in-awhile. 1-time requests are only allowed for payments less than \$5,000.
  2. If a request for payment is being made on an FN-024 that would otherwise be made using a Purchase Order, there must be a justification provided on, or attached to, the FN-024. The Finance Director must approve the justification for use of an FN-024 prior to it being submitted for payment.
- D. Compiling the FN-024 Package: Form & Attachments
1. Place the FN-024 on top, with all required documentation stapled to the upper left-hand corner.
  2. If there is documentation required to be included with payment to the vendor, you must provide copies of this documentation, along with an envelope or mailing label addressed to the vendor. This is in addition to documentation required for Accounts Payable. Attach the documentation (duplicate copies and/or mailing stubs) to the upper right-hand corner.
  3. For payment of two or more items on a single FN-024, list each item separately, with its corresponding amount and account codes, on the FN-024. Attach an adding machine tape that totals the original items, and balances to the total on the FN-024.
  4. Employee reimbursements for authorized use of a private vehicle require an attached corresponding Auto Record for Mileage Reimbursement, available in Groupware. In addition, attach an adding machine tape totaling and balancing to the FN-024 for the period submitted.



### **Check Printing & Disbursement**

1. Checks are usually printed weekly on Thursdays. FN-024s received in Accounts Payable by 5:00pm Monday will be processed for printing that week. Changes to this schedule will be emailed to departmental AP processing personnel and/or posted on the City's intranet.
2. Vendor checks will be mailed; see Compiling the FN-024 Package: Form & Attachments for specific requirements. If payment will be picked up rather than mailed, see instructions below.
3. Employee, Mayor, and Council checks will be available to pick up at Accounts Payable after 4:00pm on Thursday.
4. Pick Up Check at Accounts Payable: If it's been indicated on the FN-024 that a designated person will pick up the check, a City employee may sign for and pick up vendor checks. However, vendors may not pick up checks themselves from Finance – Accounts Payable. If payment will be picked up by an employee, rather than mailed out, complete the line in the upper right hand side of the FN-024 for Pick Up Check at AP: enter and **highlight** the name of authorized person the payment may be released to. This employee will be notified by email when the check is available to be picked up from Finance – Accounts Payable.

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**EXCEPTIONS**

Any exceptions to this AR must be approved in writing by the Director of Finance.

|                                                              |                                                                                                                                   |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <p><b>RESPONSIBLE DEPARTMENT:</b><br/>Finance Department</p> | <p>Approved by:<br/><br/>Finance Director</p> |
| <p><b>TO BE REVIEWED/REVISED:</b><br/>Every year</p>         | <p><br/>City Manager</p>                      |

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**The following items are related to this AR, and can be found on Groupware – Finance:**

1. FN-024 Payment Voucher – Excel file
2. FN-024 Payment Voucher – PDF file
3. AR 3.12 Authorized Signatures for Invoices and FN-024 Payment Vouchers
4. Authorized Signatures Card
5. Vendor Information Application
6. Tax Payer ID & Certification Form W-9
7. Customer Request for Refund Without Receipt
8. Attendance & Travel Expense Forms – web page with links to individual forms





Fair Campaign Practices Commission

CONSENT CALENDAR

July 28, 2020

To: Honorable Mayor and Members of the City Council  
From: Fair Campaign Practices Commission  
Submitted by: Dean Metzger, Chairperson, Fair Campaign Practices Commission  
Subject: Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See [Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission](#)).

POLICY COMMITTEE RECOMMENDATION

On June 29, 2020, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Wengraf) to make a Positive Recommendation to the City Council that the item be referred to the Agenda & Rules Committee to be considered with other related referrals from the Fair Campaign Practices Commission. The item will be calendared for the Consent Calendar on the July 28, 2020 agenda. Vote: All Ayes.

SUMMARY

Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also a goal of the Fair Elections Act of 2016.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The proposed amendments to the Berkeley Election Reform Act (BERA) were adopted by the Fair Campaign Practices Commission (FCPC) at its regular meeting of November 21, 2019.

**Action:** M/S/C (Smith/Saver) to adopt the proposed amendments to BERA related to Officeholder Accounts.

**Vote:** Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: O'Donnell (excused).

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the “double green light” process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

### BACKGROUND

The Fair Campaign Practices Commission has supported creating the circumstances in which the incumbent and challengers during an election play on as level a playing field as possible and reducing the influence of private campaign contributions. For instance, the Berkeley Fair Elections Act of 2016, which was passed by voters and recommended to Council by the Commission, included the following express purposes:

- Eliminate the danger of actual corruption of Berkeley officials caused by the private financing of campaigns.
- Help reduce the influence of private campaign contributions on Berkeley government.
- Reduce the impact of wealth as a determinant of whether a person becomes a candidate.

(Section 2.12.490(B)-(D).)

A recent inquiry to the Commission Secretary regarding the regulation of Officeholder Accounts resulted in a request from a Commissioner to have discussion of these accounts placed on the May 16, 2019 agenda for possible action. The following motion was made and passed at that meeting:

Motion to request staff work with Commissioner Smith to bring to a future meeting background information and a proposal to eliminate officeholder accounts (M/S/C: O'Donnell/Blome; Ayes: Blome, Ching, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: Harper (excused)).

### **Definition of an Officeholder Account**

Under state law, an “officeholder account” refers to the funds held in a single bank account at a financial institution in the State of California separate from any other bank account held by the officeholder and that are used for “paying expenses associated with holding public office.” Officeholder Account funds cannot be used to pay “campaign expenses.” This definition is drawn from state law applicable to statewide elected officials: Government Code section 85316 (Attachment 2), and the accompanying regulation by the Fair Political Practices Commission (FPPC) codified at Title 2, Division 6, of the California Code of Regulations, [Section 18531.62](#) (Attachment 3).

Contributions to or expenditures from an Officeholder Account are not subject to BERA’s reporting requirements. (The FPPC still requires the reporting of activity relating to Officeholder Accounts, which is available to view on Berkeley’s [Public Access Portal](#).) If, however, a complaint is filed that an Officeholder Account is used for

campaign contributions or to pay “campaign expenses,” BERA can be used to respond to the complaint. The legal arguments for these statements are contained in a memorandum signed by City Attorney Manuela Albuquerque to Aide to Mayor Shirley Dean, Barbara Gilbert, dated December 28, 1999 and a December 9, 1991 memorandum by Secretary and Staff Counsel to the FCPC, Sarah Reynoso, that is attached to the December 28, 1999 memo. (Attachment 4.) Because the BERA provisions relied on in these memoranda have not been amended, and because no other BERA provisions have been added to regulate officeholder accounts, the memoranda’s conclusions remain valid and are still controlling guidance.

### **Contributions to Officeholder Accounts**

Funds raised for Officeholder Accounts in Berkeley are not subject to any limitations, either from the FPPC or BERA. Neither is there a limit on the total amount the Officeholder Account fund may receive in contributions per year. Contributions to an elected official’s Officeholder Account may put that contributor in a more favorable light with the elected official than might otherwise be the case.

### **Expenditures from Officeholder Accounts**

Except for the restriction that Officeholder Account funds cannot be used for “campaign expenses,” BERA does not restrict how funds from Officeholder Accounts can be used.

There are a number of permissible expenditures from Officeholder Accounts that could put an elected official in a favorable light with voters that are not available to a challenger for that office. A donation to a nonprofit organization, although technically not a “campaign expense,” would be seen favorably by those receiving the funds as well as individuals favorably disposed to the nonprofit organization receiving the funds. An individual running against this incumbent would have to draw on their own resources to make contributions to nonprofit organizations.

As long as political campaigns are not included, newsletters mailed to constituents related to events, information, or an officeholder’s position on matters before the Council are a permissible Officeholder Account expenditure. This keeps the incumbent’s name in front of the voter in a way unavailable to a challenger unless they pay for a newsletter and its distribution from their own resources.

Expenditures from Officeholder Account funds for flowers and other expressions of condolences, congratulations, or appreciation, while technically not “campaign expenses,” also increase the probability that the recipient will be favorably predisposed toward the elected official as a candidate for reelection or election to another office. Again, a challenger would have to draw on their own resources to express condolences, congratulations, or appreciation to their potential supporters.

Further, officeholder accounts can be used to pay for a broad range of office expenses, such as meals, travel, parking tickets, or contributions to other candidates or political parties.<sup>1</sup> Eliminating officeholder accounts would reduce reliance on and the influence of private contributions for these expenditures.

### **Recommendation**

To make elections more equitable between challengers and incumbent and for the reasons given above, the Fair Campaign Practices Commission recommends prohibiting Officeholder Accounts.

Berkeley will not be the first to prohibit Officeholder Accounts. The San Jose Municipal Code was amended to prohibit officeholder accounts in January 2008. ([Chapter 12.06 – ELECTIONS, San Jose, CA Code of Ordinances, p. 10](#))

#### **Part 8 - OFFICEHOLDER ACCOUNTS**

##### **12.06.810 - Officeholder account prohibited.**

No city officeholder, or any person or committee on behalf of a city officeholder may establish an officeholder account or an account established under the Political Reform Act, California Government Code Section 8100 et seq. as amended, for the solicitation or expenditure of officeholder funds. Nothing in this section shall prohibit an officeholder from spending personal funds on official or related business activities.

The following additions to BERA are proposed:

#### **2.12.157 Officeholder Account**

“Officeholder Account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

#### **2.12.441 Officeholder account prohibited**

- A. No elected officer, or any person or committee on behalf of an elected officer, may establish an officeholder account.
- B. No elected officer, or any person or committee on behalf of an elected officer, may use contributions, as defined in 2.12.100, for expenses associated with holding office.

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<sup>1</sup> Under state law applicable to state elected officials, officeholders may use campaign contributions for “expenses that are associated with holding office.” (Govt. Code, § 89510.) To qualify, expenditures must be “reasonably related to a legislative or governmental purpose.” (*Id.*, § 89512.) “Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.” (*Ibid.*)

- C. Anyone holding an active Officeholder Account on the date this change to BERA is adopted on a second reading by the City Council has one year from that date to terminate their Officeholder Account, in accordance with FPCC guidelines.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identified environmental effects related to the recommendation in this report.

#### RATIONALE FOR RECOMMENDATION

This proposed change to BERA will help to level the playing field between challengers and the incumbent running for elective office.

#### ALTERNATIVE ACTIONS CONSIDERED

A Subcommittee was formed to consider the options of (1) amending the Berkeley Elections Reform Act, BMC Chapter 2.12, to prohibit Officeholder Accounts, (2) amending BERA to mitigate possible advantages incumbents with an Officeholder Accounts have over challengers, or (3) doing nothing with regard to Officeholder Accounts. The four members of the Subcommittee recommended unanimously to the full Commission to amend the Berkeley Elections Reform Act, BMC Chapter 2.12, to prohibit Officeholder Accounts.

#### CITY MANAGER

The City Manager takes no position on the content and recommendations of this report.

#### CONTACT PERSON

Dean Metzger, Chair, Fair Campaign Practices Commission. 981-6998

#### Attachments:

- 1: Proposed Ordinance
- 2: Government Code section 85316
- 3: Section 18531.62 (Elected State Officeholder Bank Accounts), Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations
- 4: Memorandum signed by City Attorney Manuela Albuquerque to Aide to Mayor Shirley Dean, Barbara Gilbert (including attached memorandum signed by Secretary and Staff Counsel to the FCPC, Sarah Reynoso, to the FCPC)

ORDINANCE NO. ##,###-N.S.

OFFICEHOLDER ACCOUNT PROHIBITED; AMENDING BERKELEY MUNICIPAL CODE  
CHAPTER 2.12

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

Section 1. That Berkeley Municipal Code section 2.12.157 is added to read as follows:

**BMC 2.12.157 Officeholder account**

“Officeholder Account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

Section 2. That Berkeley Municipal Code section 2.12.441 is added to read as follows:

**BMC 2.12.441 Officeholder account prohibited**

- A. No elected officer, or any person or committee on behalf of an elected officer, may establish an officeholder account.
- B. No elected officer, or any person or committee on behalf of an elected officer, may use contributions, as defined in 2.12.100, for expenses associated with holding office.
- C. This provision does not affect a candidate’s ability to establish a legal defense fund or the requirements for such a fund, as set forth in the Political Reform Act or by regulation.
- D. Any active Officeholder Account on the date this change to BERA is adopted on a second reading by the City Council has one year from that date to terminate their Officeholder Account.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation


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## GOVERNMENT CODE - GOV

**TITLE 9. POLITICAL REFORM [81000 - 91014]** ( Title 9 added June 4, 1974, by initiative Proposition 9. )

**CHAPTER 5. Limitations on Contributions [85100 - 85802]** ( Chapter 5 added June 7, 1988, by initiative Proposition 73. )

### ARTICLE 3. Contribution Limitations [85300 - 85321]

( Article 3 added June 7, 1988, by initiative Proposition 73. )

**85316.** (a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected, including, but not limited to, reelection to the office he or she currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

(4) The commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(Amended by Stats. 2007, Ch. 130, Sec. 149. Effective January 1, 2008. Note: This section was added by Stats. 2000, Ch. 102, and approved in Prop. 34 on Nov. 7, 2000.)

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18531.62. Elected State Officeholder Bank Accounts.**

(a) Application and Definitions. For purposes of Section 85316(b) and this regulation, the following definitions apply:

(1) "Officeholder" means an elected state officer.

(2) "Officeholder controlled committee" means a committee formed pursuant to subdivision (c) of this regulation.

(3) "Officeholder account" means the bank account established at a financial institution located in the State of California pursuant to Section 85316(b).

(4) "Officeholder funds" means money in the officeholder account.

(b) Establishing the Officeholder Account: For purposes of Section 85316(b), an officeholder shall maintain officeholder funds in a single bank account separate from any other bank account held by the officeholder.

(c) Establishing the Officeholder Controlled Committee, Reporting and Recordkeeping:

(1) Formation: The officeholder shall establish a controlled committee by filing a statement of organization pursuant to Section 84101 if the officeholder receives \$2,000 or more in officeholder contributions in a calendar year.

(2) Committee Name: The controlled committee name shall include the officeholder's last name, the office held, the year the officeholder was elected to the current term of office, and the words "Officeholder Account." The statement of organization shall include the name, account number, and address of the financial institution where the committee established the officeholder account.



(3) Filing Requirements: The controlled committee shall file campaign statements and reports pursuant to Chapters 4 and 5, except Sections 85200 and 85201, of Title 9 of the Government Code at the same times and in the same places as it otherwise would be required to do for any other controlled committee formed by the officeholder for election to state office.

(4) Required Recordkeeping and Audits. The officeholder and treasurer shall be subject to recordkeeping requirements under Section 84104. The officeholder account and officeholder controlled committee shall be subject to audits under Chapter 10 of Title 9 of the Government Code. Any audit of the officeholder, or any of his or her controlled committees, under Section 90001 shall include all officeholder accounts and officeholder controlled committees maintained by the officeholder during the audit period as described in Regulation 18996(a)(1).

(d) Prohibitions:

(1) Officeholder funds may not be contributed or transferred to another state or local committee, including any other controlled committee of the officeholder, except as permitted in subdivisions (g) (2) and (g)(3).

(2) Officeholders may not use officeholder funds to pay "campaign expenses" as defined in Regulation 18525(a).

(3) The officeholder may not transfer or contribute funds from any other committee he or she controls to the officeholder account, except as permitted in subdivision (g)(2) and (g)(3).

(e) Contributions to the Officeholder Account:

(1)(A) Required Notices: In addition to the requirements of Regulation 18523.1, a written solicitation for contributions to the officeholder account shall include the following: "For purposes of the Political Reform Act's contribution limits, a contribution to an officeholder-

account is also considered to be a contribution to all campaign committees for future elective state office the officeholder seeks during his or her current term of office.

(B) In addition to the requirements of subparagraph (A) above, an officeholder who files a statement of intention to be a candidate for any elective state office during the officeholder's term of office shall provide notice of this filing to every person that has made a contribution to his or her officeholder account. The notice shall contain the language in subparagraph (A) and be transmitted or mailed within 10 days of filing the statement of intention to be a candidate.

(2) Cumulation: A contribution to the officeholder account shall also be deemed a contribution to the officeholder's controlled committee for election to elective state office for the purposes of Section 85316(b)(3) only under all of the following circumstances:

(A) The contributor makes the contribution between the day the election was held for the term of office for which the officeholder account was established and the end of that term of office;

(B) The officeholder maintains the controlled committee, established for a future term of elective state office, at any time during the period covered in subparagraph (A).

(3) Cumulation and Primary and General Elections: A person's contributions to the officeholder account, when combined with contributions from the same person for a primary and general election to the elective state office may not exceed the contribution limits applicable to the primary and general election.

(4) Multiple Officeholder Accounts: When an officeholder maintains more than one officeholder account in the same calendar year, he or she may not receive the following contributions to any of those accounts during that calendar year:

(A) Contributions from a single contributor that, when cumulated for all the accounts, exceed the maximum amount the contributor could give to the officeholder account having the highest per person contribution limit under Section 85316(b)(1).

(B) Contributions from all contributors that, when cumulated for all the accounts, exceed the maximum amount in total contributions the officeholder could receive in the officeholder account having the highest aggregate contribution limit under Section 85316(b)(2).

(f) Contributions Over the Limits:

(1) An officeholder shall return to the contributor the portion of any contribution to his or her officeholder account that exceeds the limits of Section 85301, 85302 (after cumulation) or 85316 (either alone or after cumulation) by the earlier of 14 days of receipt or 14 days of the date the officeholder files a statement of intention to be a candidate for elective state office pursuant to Section 85200.

(2) A contributor to the officeholder account does not violate the contribution limits applying to the officeholder's election to a future elective state office as otherwise provided under Section 85316(b)(3) if, when he or she makes the contribution, the officeholder has not filed a statement of organization to establish a controlled committee for election to a future elective state office.

(g) Terminating Officeholder Accounts and Committees.

(1) The officeholder may not accept contributions after the officeholder's term of office ends or the date he or she leaves that office, whichever is earlier.

(2) The officeholder may redesignate the officeholder account as an officeholder controlled committee for a future term of the same office by amending the statement of

organization for the committee to reflect the redesignation for the future term of office prior to the date the officer's term of office ends.

(3) An officeholder may redesignate officeholder funds in the redesignated officeholder account as officeholder funds for the new term of office, subject to the limitations in subdivision (e)(4).

(4) Once the officeholder's term of office ends or he or she leaves that office, whichever is earlier, the officeholder may only use his or her officeholder funds for the following purposes:

- (A) Paying outstanding officeholder expenses.
- (B) Repaying contributions to contributors to the officeholder account.
- (C) Making a donation to a bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, if no substantial part of the proceeds will have a material financial effect on the officeholder, a member of his or her immediate family, or his or her committee treasurer.

(D) Paying for professional services reasonably required by the officeholder controlled committee to assist in the performance of its administrative functions.

(5) The officeholder shall terminate the officeholder controlled committee within 90 days of the date the officer's term of office ends or he or she leaves that office, whichever is earlier. The Executive Director may for good cause extend the termination date or permit the candidate to reopen the account.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 84104, 85316 and 90000-90007, Government Code.

**HISTORY**

1. New section filed 7-3-2007; operative 8-2-2007. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2007, No. 27). For prior history, see Register 2007, No. 26.
2. Change without regulatory effect amending section filed 3-22-2016; operative 4-21-2016 pursuant to 2 CCR 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 13).



Office of the  
City Attorney

**DATE:** December 28, 1999

**TO:** BARBARA GILBERT,  
Aide to Mayor Shirley Dean

**FROM:** MANUELA ALBUQUERQUE, City Attorney *MA*  
By: CAMILLE COUREY, Deputy City Attorney

**SUBJECT:** APPLICATION OF BERKELEY ELECTION REFORM ACT TO OFFICEHOLDER ACCOUNTS

ISSUE:

Does the Berkeley Election Reform Act (BERA) govern officeholder accounts?

CONCLUSION:

No. The BERA does not govern true officeholder accounts per se. However, the mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under the BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable local laws.

ANALYSIS:

Sarah Reynoso, former secretary and staff counsel to the Fair Campaign Practices Commission (FCPC), issued an opinion to the FCPC dated December 2, 1991, a copy of which is attached, stating that the BERA's contribution limit does not apply to contributions made to an officeholder account. The opinion reasons that the BERA's contribution limit applies only to "contributions" as defined in the BERA, i.e., which are made directly or indirectly in support of or in opposition to the nomination or election of one or more candidates to elective office. (See Berkeley Municipal Code (BMC) § 2.12.100.) Contributions to a true officeholder account are not made for the purpose of nominating or electing a candidate to office, but rather for the use of an officeholder in carrying out the duties of his or her office. Therefore, the contribution limit of the BERA is inapplicable to officeholder accounts.<sup>1</sup> For similar reasons, the BERA does not

<sup>1</sup> However, the opinion also provided that contributions to officeholder accounts still had to be reported on campaign statements because the State Fair Political Practices Commission (FPPC) Regulations broadly defined contributions as any contribution for "political purposes." Since officeholder expenses are for political purposes, they must be reported to the State.

Barbara Gilbert

Re: Application of Berkeley Election Reform Act To Officeholder Accounts

December 28, 1999

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apply to true officeholder accounts.

The BERA requires the filing of statements to report the amounts received and expended in municipal elections. (See BMC §§ 2.12.015, 2.12.030 through 2.12.050) Specifically, a "campaign statement" required to be filed under the BERA is an itemized report which provides the information required by Sections 2.12.245 through 2.12.325 of the BERA. (BMC § 2.12.080.) Sections 2.12.245 through 2.12.325 govern the reporting of contributions and expenditures. "Contributions" and "expenditures" are defined by the BERA as any amounts received or expended, respectively, in aid of or in opposition to the nomination or election of one or more candidates to elective office. (See BMC §§ 2.12.100 and 2.12.130.) Contributions to or expenditures from a true officeholder account are not subject to the BERA's reporting requirements because they are made for the purpose of carrying out the duties of elective office, and not for the purpose of aiding or opposing the nomination or election of one or more candidates to elective office.<sup>2</sup> Therefore, the BERA does not apply to true officeholder accounts.

However, the fact that an account may be designated as an officeholder account will not shield it from scrutiny under the BERA if the officeholder account is, in fact, being used for the receipt of contributions or the making of expenditures in aid of the nomination or election of a candidate for local elective office. Nor will BERA requirements, such as the \$250 contribution limit or the prohibition against contributions from businesses to candidates, be held inapplicable if contributions made initially to an officeholder account are transferred subsequently to a campaign account. Where the actions taken with respect to an officeholder account implicate campaign contributions and expenditures in municipal elections, the officeholder account will be scrutinized under the BERA and other applicable local law.

Attachment

cc: Fair Campaign Practices Commission  
Sherry Kelly, City Clerk

City Attorney Opinion Index: ILE.1. and IILG.

CCM

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<sup>2</sup> Again, however, the State FPPC still requires the reporting of activity relating to an officeholder account. (See footnote 1.)

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT**

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act related to the prohibition of officeholder accounts.

The hearing will be held on, February 4, 2020, at 4:00 p.m. in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **January 30, 2020**.

For further information, please contact Samuel Harvey, Commission Secretary at 981-6998.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** January 24, 2020 – The Berkeley Voice  
Pursuant to Berkeley Municipal Code Section 2.12.051

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on January 30, 2020.

Mark Numainville, City Clerk