



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

**MONDAY, APRIL 11, 2022
2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Kate Harrison

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be 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/83790097314>. 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 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **837 9009 7314**. 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: March 28, 2022**
- 2. Review and Approve Draft Agenda:**
 - a. 4/26/22 – 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**
- 9. Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies**

Unscheduled Items

- 10. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**
- 11. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

Items for Future Agendas

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

Adjournment – Next Meeting Monday, April 25, 2022

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 Thursday, April 7, 2022.



Mark Numainville, City Clerk

Communications

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

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

MONDAY, MARCH 28, 2022

2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Kate Harrison

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

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Roll Call: 2:32 p.m. Arreguin and Harrison present. Wengraf and Hahn absent.

Public Comment – 25 speakers

Review of Agendas

1. Approval of Minutes: March 7, 2022

Action: M/S/C (Harrison/Arreguin) to approve the minutes of 3/7/22.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 4/12/22 – 6:00 p.m. Regular City Council Meeting

Action: M/S/C (Arreguin/Harrison) to approve the 4/12/22 agenda with the changes noted below.

- *Item 3 Referral Response (City Manager) – minor typographical correction*
- *Item 19 Bag Regulations (Commission) – referred to FITES Committee*
- *Item 20 Supply Bank (Arreguin) – Councilmember Hahn added as a co-sponsor*
- *Item 21 AB 1944 (Arreguin) – Councilmember Wengraf and Bartlett added as co-sponsors*
- *Item 22 AB 1947 (Arreguin) – Councilmembers Harrison, Wengraf, and Bartlett added as co-sponsors*
- *Item 23 Vehicle Charging (Taplin) – Councilmembers Harrison and Wengraf added as co-sponsors*
- *Item 25 AB 1608 (Taplin) – Councilmembers Harrison and Hahn added as co-sponsors*
- *Item 27 Flex Team (Taplin) – Councilmembers Wengraf, Kesarwani, and Droste added as co-sponsors*
- *Item 28 Budgetary Analysis (Harrison) – Revised item submitted*
- *Item 30 Kala Art (Hahn) – Councilmember Harrison added as a co-sponsor*
- *Item 33 Downtown BART (Robinson) – Mayor Arreguin and Councilmember Droste added as co-sponsors*
- *Item 35 AB 2050 (Robinson) – Councilmembers Harrison and Hahn added as co-sponsors*
- *Item 36 SB 649 (Robinson) – Councilmember Hahn added as a co-sponsor*
- *Item 42 Transgender Rights (Kesarwani) – Councilmember Wengraf added as a co-sponsor; Scheduled for 4/12/22 Consent Calendar*
- *Item 43 Crisis Center (Taplin) – Item withdrawn from agenda by Author*

Order of Action Items

Item 39 Auditor Report

Item 41a/b Fair Workweek

Item 40a/b UC Berkeley Agreement

Vote: All Ayes.

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

– None Selected

4. Adjournments In Memory – None

Scheduling

5. **Council Worksessions Schedule** – updated to add special meetings
6. **Council Referrals to Agenda Committee for Scheduling** – noted and filed
7. **Land Use Calendar** – noted and filed

Referred Items for Review

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

Action: 5 speakers. Discussion of need to technology enhancements before commissions can meet in a hybrid model. Commissions and Policy Committees may meet virtually until state emergency is lifted under state law and Council findings.

9. **Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies**

Action: 3 speakers. Update on successful test hybrid meeting on March 15, the potential coordination of employee return to the office with hybrid council meetings, and the elimination of the mask mandate for council meetings if conditions allow.

Unscheduled Items

10. **Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**
11. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

Items for Future Agendas

- **Discussion of items to be added to future agendas** – None

Adjournment

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

Vote: All Ayes.

Adjourned at 4:04 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 28, 2022.

Mark Numainville, City Clerk

Communications

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DRAFT AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, April 26, 2022
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

Preliminary Matters

Roll Call:

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

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

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

Consent Calendar

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

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

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

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

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

Recess Items

- 1. Contract No. 32000225 Amendment: Rebecca Burnside for Personnel Investigations**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32000225 with Rebecca Burnside for Personnel Investigations by increasing the contract amount by \$151,000 for a new not to exceed amount of \$200,000.
Financial Implications: See report
Contact: Abe Roman, Fire, (510) 981-3473

Consent Calendar

- 2. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of March 8 (closed and regular), March 10 (special), March 15 (special-5 pm and special-6 pm), March 22 (closed, special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 3. Acceptance of Funding from University of California, Berkeley for Operations of the Rodeway Inn**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a \$2,200,000 donation from the University of California, Berkeley to support 6 months of operations at the Rodeway Inn for the noncongregate sheltering of people experiencing homelessness at People's Park.
Financial Implications: One-Time Grant: No Capital Expenditures Fund - \$2,200,000 (Donation)
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 4. Contract: Abode Services to Operate Interim Housing at the Rodeway Inn**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Abode Services to operate an interim housing program at the Rodeway Inn (1461 University Ave.) in an amount not to exceed \$3,993,397 for the period of May 1, 2022 to October 31, 2023.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

- 5. Urgency Ordinance for Leasing the Real Property at 1461 University Avenue**
From: City Manager
Recommendation: Adopt an Urgency Ordinance to enter into a lease for the real property located at 1461 University Avenue, Berkeley for a term of 18 months.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 6. Contract: Village of Love for Operation of the Telegraph Neighborhood Sacred Rest Drop-In Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Village of Love to operate a daytime drop-in center for people experiencing homelessness, in an amount not to exceed \$250,000 for the term of June 1, 2022 – May 31, 2023.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 7. Endorsement of the Alameda County Home Together 2026 Implementation Plan**
From: City Manager
Recommendation: Adopt a Resolution endorsing the Home Together 2026 Implementation Plan, a community-wide plan for Alameda County which lays out the goals, strategies and investments needed to dramatically reduce homelessness – and reduce racial disparities in the homeless population – by 2026.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 26, 2022**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$10,914,400
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 9. Contract: Fire Aside for Defensible Space Inspection Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Fire Aside to provide a mobile vegetation inspection software solution for the Fire Department from May 18, 2022 to May 17, 2024 in an amount not to exceed \$60,000 with an option to extend for an additional four years, for a total contract amount not to exceed \$160,000.
Financial Implications: Measure FF Funds - \$160,000
Contact: Abe Roman, Fire, (510) 981-3473

Consent Calendar

- 10. Commission Reorganization for Post-COVID-19 Budget Recovery: Community Health Commission**
From: City Manager
Recommendation: Adopt the first reading of an Ordinance to revise Municipal Code Sections 3.76.010 to 3.76.040 which establishes the Community Health Commission in order to change Commission membership to include nine (9) people and consolidate the functions of the Commission from ten overlapping and redundant functions to a more concise 4 functions.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Contract No. 110062 Amendment: Pacific Site Management**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 110062 with Pacific Site Management, increasing the total contract amount by \$76,648 for a total contract amount not to exceed \$432,470, and extending the term to June 30, 2023 for landscaping services at Public Health Division, Aging Services Division, and Mental Health Division facilities.
Financial Implications: Various Funds - \$76,648
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 12. Contract No. 31900203 Amendment: Resource Development Associates for Crisis Assessment and Triage Line Evaluation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900203 with Resource Development Associates for evaluation consulting services, extending the term to June 30, 2023 and increasing the contract by \$19,350 for a total amount not to exceed \$82,350.
Financial Implications: One-Time Grant: No Capital Expenditures Fund - \$19,350
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 13. Grant Application: the Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1) apply for and accept a grant in the amount of \$60,000 from the California Division of Boating & Waterways (DBW) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Execute any amendments; and 3) Authorize a local match contribution of \$6,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 14. Contracts: Association for Energy Affordability, BlocPower, Ecology Center, Northern California Land Trust, and Waterside Workshops for Climate Equity Fund Pilot Programs**
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager to award contracts and execute any amendments, extensions, or change orders with: 1) Association for Energy Affordability in an amount not to exceed \$83,334; 2) BlocPower in an amount not to exceed \$83,333; 3) Ecology Center in an amount not to exceed \$100,000; 4) Northern California Land Trust in an amount not to exceed \$83,333; and 5) Waterside Workshops in an amount not to exceed \$250,000 to develop Climate Equity Fund Pilot Programs; for a cumulative amount of all contracts not to exceed \$600,000, for the period of May 1, 2022 to May 31, 2024.
Financial Implications: Climate Equity Action Fund - \$600,000
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 15. Contract: Diablo Engineering Group for Preliminary Engineering and Final Design for the Ohlone Greenway Modernization and Safety Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Diablo Engineering Group for Preliminary Engineering and Final Design for the Ohlone Greenway Modernization and Safety project, for a not-to-exceed amount of \$220,000, plus an additional not-to-exceed amount of \$14,000 for any as-needed additional project-related services as directed by the City's Project Manager, for a total not-to-exceed contract amount of \$234,000, for the period June 1, 2022 through December 31, 2024.
Financial Implications: Various Funds - \$550,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 16. Contract: ParkMobile, LLC for Mobile Parking Payment Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with ParkMobile, LLC, to provide mobile parking payment at on-street meters and reservations at parking garages in an amount not to exceed \$300,000 for the period July 1, 2022 through June 30, 2025.
Financial Implications: Parking Meter Fund - \$300,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 17. Contract No. 9977B Amendment: Portable Computer Systems dba PCS Mobile for Parking Permit and Citation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9977B with Portable Computer Systems dba PCS Mobile increasing the contract amount by \$225,000, for a total amount not-to-exceed \$2,050,000 and extending the term through June 30, 2024.
Financial Implications: Parking Meter Fund - \$225,000
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 18. Contract No. 117441-1 Amendment: Chrisp Company for Roadway Thermoplastic Markings**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 117441-1 with Chrisp Company to extend the contract term by two years to June 30, 2024, with an option for up to three additional one-year extensions.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
- 19. Contract No. 31900047 Amendment: Pavement Engineering Inc. for On-Call Civil Engineering and Construction Management Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900047 with Pavement Engineering Inc. for on-call civil engineering services, increasing the contract amount by \$1,000,000 for a total not-to-exceed amount of \$3,500,000 and extending the term of the contract from June 30, 2022 to December 31, 2023.
Financial Implications: Various Funds - \$1,000,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 20. Lease Amendment: Options Recovery Lease of City Property 1835 Allston Way**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an Amendment to the Lease Agreement with Options Recovery Services for the Old City Hall Annex Building located at 1835 Allston Way. The lease provides for a total of two options to renew for five (5) year terms. This first option period shall commence (retroactively) on January 1, 2020, and end on December 31, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 21. Purchase Order: Western Truck Center for Four Front Loaders**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase of four (4) Front Loaders with Western Truck Center in an amount not to exceed \$1,731,000.
Financial Implications: Equipment Replacement Fund - \$1,731,000
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

22. Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024

From: Energy Commission

Recommendation: The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.

Financial Implications: See report

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

Council Consent Items

23. Budget Referral: Housing Retention Fund

From: Mayor Arreguin (Author)

Recommendation: Refer to the Fiscal Year 2023 budget process an allocation of \$1 million from the American Rescue Plan Act (ARPA) funds to the Eviction Defense Center to supplement the Housing Retention Program, including COVID-19 emergency grants.

Financial Implications: American Rescue Plan Act Fund - \$1,000,000

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

24. Budget Referral: Expand Scope of the Downtown Streets

From: Councilmember Kesarwani (Author)

Recommendation: Referral to the City Manager and the FY 2022-23 budget process \$50,000 annually to expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly.

The Gilman District is defined as the commercial area west of San Pablo Avenue to Eastshore Highway and, on the south, Gilman Street north to the Albany border.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

25. Convert 62nd Street Between King St, and Adeline St. Into a Cul de Sac with a Marked Bicycle Lane Connecting Adeline St. to the Bicycle Boulevard on King St.

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

Recommendation: Refer to the Fiscal Year 2022/2023 Budget Process, an allocation of \$300,000 to convert 62nd Street between King St. and Adeline St. into a cul de sac with a marked bicycle lane connecting Adeline St. to the bicycle boulevard on King St.

Financial Implications: See report

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

Council Consent Items

- 26. Adopt a Resolution in Support of California State Assembly Bill 2557 (Bonta): Specifying That Records of Civilian Law Enforcement Oversight Agencies Are Subject to the Disclosure Requirements of the Public Records Act**
From: Councilmember Harrison (Author)
Recommendation: Adopt a Resolution in support of California State Assembly Bill 2557 (Bonta) that specifies that records and information obtained from records of civilian law enforcement oversight agencies are subject to the disclosure requirements of the public records act and not considered confidential. Send copies of the resolution and letters to State Senator Skinner, and Assemblymembers Wicks and Bonta.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 27. Budget Referral for Accessibility Renovations for Luna Dance Institute**
From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer a grant of \$150,000 for the benefit of Luna Dance Institute to the FY2023-2024 budget process to support the renovation of 931 Ashby Avenue and create a fully accessible, permanent dance education center for children, families, artists, teachers and the public. Funds will be directed to accessibility upgrades allowing the new Luna center to become Berkeley's first and only 100% ADA accessible studio, rehearsal, performance, and teaching space.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 28. Budget Referral: Hopkins Corridor Bike, Pedestrian, and Placemaking Improvements**
From: Councilmember Hahn (Author)
Recommendation: Refer \$300,000 to the FY 2023-2024 budget process, with \$150,000 in FY 2023 and \$150,000 in FY 2024, for bike, pedestrian, and streetscape improvements to be implemented in coordination with protected bike lanes, pedestrian safety features, and re-paving of the Hopkins Corridor.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 29. Support for AB 2234: Postentitlement Permit Streamlining**
From: Councilmember Robinson (Author)
Recommendation: Send a letter to Assemblymember Robert Rivas, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2234, which would require local governments to adopt modernizations to the postentitlement phase permitting process.
Financial Implications: None
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 use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

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

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

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

30. ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001

From: City Manager

Recommendation: Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0001 to: 1) create a new lower basement level, 2) construct a new second story, and 3) modify the existing duplex layout resulting in a 3,763 square foot duplex on an existing property, and dismiss the appeal.

Financial Implications: None

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

Action Calendar – Public Hearings

31. Submission of the Program Year 2022 (FY 2023) Annual Action Plan Containing Allocations of Federal Funds

From: City Manager

Recommendation: Conduct a public hearing on the federal Program Year (PY) 2022 Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies and, upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the PY 2022 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; 3. Allocating 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2022 HOME funds to the Housing Trust Fund; 4. Allocating 20% of the PY 2022 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Public Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation, program income, or earlier unused funds, be more or less than estimated; 5. Allocating \$377,404 of the PY 2022 CDBG Public Facility Improvements program funding to the Fred Finch Youth Center Turning Point Facility, and an additional 10% for contingencies, for a total of \$415,144, as long as the HUD allocation and/or program income and earlier unexpended funds result in at least \$100,000 in additional funding for the facility Notice of Funding Availability (NOFA); 6. Allocating the allowable 7.5% of the PY 2022 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A; 7. Authorizing staff to finalize the PY 2022 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, including the planned expenditures of HUD funds, required HUD application forms and certifications, and all other HUD-required information; and 8. Authorizing the City Manager to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

Financial Implications: See report

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

Action Calendar – Public Hearings

32. Zoning Ordinance Amendments that Address Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an Ordinance containing technical edits, corrections and other non-substantive amendments to the following sections of the new Zoning Ordinance:

BMC Section 23.326.030 (Eliminating Dwelling Units through Demolition)

BMC Section 23.204.020 (Allowed Land Uses)

BMC Section 23.204.100 (C-SA Zoning District)

BMC Section 23.204.110 (C-T Zoning District)

BMC Section 23.204.130 (C-DMU District)

BMC Section 23.204.140 (C-W Zoning District)

BMC Section 23.206 (Manufacturing Districts)

BMC Section 23.302.040 (Home Occupations)

BMC Section 23.304.060 (Accessory Buildings and Enclosed Accessory Structures)

BMC Section 23.322.030 (Required Parking Spaces)

BMC Section 23.502.020 (Glossary)

Financial Implications: None

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

Action Calendar – Old Business

33. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

From: City Manager

Recommendation: *(Continued from March 22, 2022. Item contains supplemental materials.)*

Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.

Financial Implications: None

Contact: Jennifer Louis, Police, (510) 981-5900, LaTanya Bellow, City Manager's Office, (510) 981-7000

Action Calendar – New Business

- 34. Accept the Risk Analysis for Long-Term Debt (Bonding Capacity) Report provided by Government Finance Officers Association**
From: City Manager
Recommendation: Accept the report titled ‘Risk-Based Analysis and Stress Test of Long-Term Debt Affordability’ as provided by the Government Finance Officers Association (GFOA). This report is based on their research and development of a risk-modeling tool to address issuing long-term debt related to City of Berkeley Vision 2050.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 35. Issuance of \$40,000,000 General Obligation Bonds for Measure O – Affordable Housing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the issuance and sale of general obligation bonds to finance acquisition and improvement of affordable housing and authorizing actions related thereto.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 36. Hopkins Corridor Project Conceptual Design**
From: City Manager
Recommendation: Adopt a Resolution approving the conceptual design for the Hopkins Corridor Project on Hopkins Street between Sutter Street and Gilman Street, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
- 37a. Development of Crisis Stabilization Program in Berkeley**
From: Homeless Commission
Recommendation: The Homeless Commission recommends that City Council refer to the City Manager to develop a crisis stabilization program based on the Bend, Oregon crisis stabilization model, tailored to Berkeley.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

Action Calendar – New Business

37b. **Companion Report: Development of Crisis Stabilization Program in Berkeley** **From: City Manager**

Recommendation: There has been interest expressed by the Homeless Commission and Mental Health Commission in establishing Crisis Stabilization Units (CSU) within the geographical boundaries of Berkeley.

Given the large changes coming to the crisis system in Berkeley, the opportunities to increase the use of the Amber House CSU (which persistently has vacant beds) by Berkeley residents, the significant costs in funding and siting a CSU in Berkeley, the complexities of Medi-Cal billing for a CSU funded by Berkeley, staff do not recommend creating a CSU in Berkeley at this time.

Instead, Berkeley could partner with the Alameda County Behavioral HealthCare (ACBH) Plan and Bay Area Community Services (BACS) on increasing the use of Amber House by Berkeley residents and, over the coming 12-18 months, assess the need for additional options for treatment of individuals experiencing a behavioral health crisis. Data from the coming Peer Respite and Specialized Care Unit (SCU) could support informing a plan for building out that crisis system in Berkeley. It is conceivable that better coordination of referrals to Amber House and a non-licensed crisis support program such as the Peer Respite could meet the need in Berkeley at a significantly reduced cost and with far less difficulty than funding and siting a CSU in Berkeley.

Financial Implications: See report

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

38a. **Expansion of Storm Shelter Program to Emergencies not Otherwise Covered** **From: Homeless Commission**

Recommendation: The Homeless Commission recommends the Council direct the City Manager to expand the Berkeley Emergency Storm Shelter (BESS) to emergencies not otherwise covered including outside the dates of the current contract with Dorothy Day House.

Financial Implications: See report

Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

38b. **Companion Report: Expansion of Storm Shelter Program to Emergencies not Otherwise Covered**

From: City Manager

Recommendation: The Homeless Commission's recommendation to expand the Berkeley Emergency Storm Shelter (BESS) to emergencies not otherwise covered including outside the dates of the current contract with Dorothy Day House addresses a key need for our most vulnerable citizens. Therefore, staff recommends:

1. Referring this recommendation to the budget process; and 2. Referring this recommendation to staff for analysis of feasibility.

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

39. Co-Sponsorship and Budget Referral for the Solano Avenue Stroll

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

Recommendation: 1. Adopt a Resolution for the City of Berkeley to Co-Sponsor the Solano Avenue Association's 2022 and 2023 Solano Avenue Stroll events, currently scheduled for Sunday, September 11, 2022 and Sunday, September 10, 2023, taking place on Solano Avenue in both Berkeley and Albany; and
2. Resolve to provide in-kind City services previously provided at no cost to the Solano Stroll, including but not limited to police, fire, zero waste, and public works, at no cost to the September 2022 and 2023 Solano Stroll events, and allocate \$20,000 per year for FY 2023 and 2024 (\$40,000 total) for the Solano Avenue Stroll, to support the September 2022 and 2023 Stroll events.

Financial Implications: See report

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

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>

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Energy Commission

CONSENT CALENDAR
April 26, 2022

To: Honorable Mayor and Members of the City Council
 From: Energy Commission
 Submitted by: Bentham Paulos, Chairperson, Energy Commission
 Subject: Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024

RECOMMENDATION

The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.

SUMMARY

In this memo, the Energy Commission (which disbanded March 31, 2022, and was merged with the Community Environmental Advisory Commission in April 2022) provides details on specific budget and funding priorities for: staffing an Electric Mobility Coordinator and the Green Buildings Program Manager; fully funding the Building Electrification and Just Transition pilot project (especially to avoid risking loss of state funding); accelerate funding for the City's delayed fleet replacement with electric vehicles, residential electric vehicle charging infrastructure, and electric bike parking infrastructure; expanding public engagement and outreach; leveraging street maintenance budgets to incorporate and promote low-carbon mobility; and adopting policies and creating incentive programs to advance transportation and building electrification such as using the Transportation Network Company (TNC) User Tax General Fund revenue to fund bike and pedestrian projects and using a portion of the Transfer Tax to create an incentive program for residential building electrification.

FISCAL IMPACTS OF RECOMMENDATION

The specific fiscal impacts are detailed in the budget recommendations below. At least one of our priority budget recommendations – to fully fund the Building Electrification and Just Transition pilot – is urgent and time-sensitive and cannot wait until the June budget process. Any delay risks Berkeley losing access to substantial state funding that could support this pilot.

CURRENT SITUATION AND ITS EFFECTS

Berkeley has been a world leader on climate change and building electrification, as well as on zero waste. The City has already adopted an ambitious climate action plan and greenhouse gas (GHG) emission reduction goals.¹ Between our Building Emissions Savings Ordinance², 2019 ban on gas in new construction, the 100% renewable option with East Bay Community Energy, and the Existing Buildings Electrification Strategy³ (BEBES), approved by the Council last year⁴, we continue to lead the world with our thoughtfulness and action.

However, the task in front of us is daunting. With 60% of the City's emissions coming from the transportation sector and 36% from the building sector,⁵ we must redouble our efforts to reduce climate emissions from transportation and buildings through electrification of buildings and transportation, sustainable low- and zero-carbon transportation modes, and other efforts. With the upcoming budget processes, we have ample opportunity to take necessary next steps to reach our zero emissions goals.

The Energy Commission has identified the following priority items related to climate, buildings, and transportation in the City's Fiscal Year (FY) 2023 budget to ensure that the budget aligns with the City's adopted climate action plan and greenhouse gas (GHG) emission reduction goals.

At least one of our priority budget recommendations – to fully fund the Building Electrification and Just Transition pilot – is urgent and time-sensitive and cannot wait

¹ In 2006, voters overwhelmingly passed ballot Measure G and established Berkeley's goal to *Reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050*. Since then, the City has adopted a Climate Action Plan (2009).

On June 12, 2018, the Council passed item 30 which adopted a resolution establishing the goal of becoming a Fossil Fuel-Free City. Of the recommendations in the resolution, one was that "All future City government procurements of vehicles should minimize emissions and set a goal of transitioning the city's vehicle fleet to all electric vehicles."

Also, on June 12, 2018, the Council passed item 49 "Declaration of a Climate Emergency" which refers "to the Energy Commission to study and report back to Council on a path for Berkeley to become a "Carbon Sink" as quickly as possible, and to propose a deadline for Berkeley to achieve this goal" ideally by 2030.

² <https://www.cityofberkeley.info/BESO/>

³ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Berkeley%20Existing%20Bldg%20Elect%20Strategy_Final_102021.pdf

⁴ https://www.cityofberkeley.info/Clerk/City_Council/2021/12_Dec/Documents/2021-12-14_Item_06_Minutes_for_Approval.aspx

⁵ https://www.cityofberkeley.info/Clerk/City_Council/2022/02_Feb/Documents/2022-02-08_Presentations_Item_17_Pres_Planning_pdf.aspx

until the June budget process. Any delay risks Berkeley losing access to substantial state funding that could support this pilot.

At its meeting of February 23, 2022, the Energy Commission voted to send this recommendation to the City Council by a vote of 6-0-0-1 [Moved Tahara, Second Paulos. Ayes: Paulos, Wolf, Tahara, Moore, Guliasi, Zuckerman. Noes: None. Abstain: None. Absent: de Tournay Birkhahn].

Budget Priorities Recommended by the Energy Commission

I. Budget Priorities to Increase Staff Capacity to Implement the City's Established Climate, Transportation, and Clean Energy Policies and Priorities

- 1. Fund and Hire Staff to Implement the Electric Mobility Roadmap.** The City had previously approved the hiring of an Electric Mobility Coordinator within the Public Works Department⁶ to assist with implementation of the Berkeley Electric Mobility Roadmap adopted in July 2020⁷; but, at the time of writing, no position has been posted, now a year and a half after approval of the Roadmap.

The Council has been a leader in adopting resolutions acknowledging the need for a prompt transition away from fossil fuels and strategies for how to do so.⁸ But, without additional staff capacity, and exacerbated by recent staff departures and necessary pandemic re-assignments, the City has not been able to make adequate progress on implementing initiatives to reduce global warming pollution from the transportation sector, which is the largest emitter of global warming pollution in Berkeley.⁹ Existing staff's capacity is simply inadequate to lead implementation of the groundbreaking, transformative Roadmap in addition to their current responsibilities, and relying only on existing staff to implement will continue to cause unacceptable delays. **To implement the Electric Mobility Roadmap, it is critical that the City fund and hire additional staff beginning in the FY 2023 budget.**¹⁰

⁶ Budget Referral from Councilwoman Harrison, March 30, 2021. The Energy Commission's understanding is that this position was included in the FY21-22 Budget to commence half-way through the fiscal year or as an "unfunded council referral," which was supposed to be funded via savings from other cuts or delayed expenses.

https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-30_Item_25_Budget_Referral_Allocate_Funding.aspx

⁷ On July 21, 2020, the Council passed item 1, adopting the [Berkeley Electric Mobility Roadmap](#).

⁸ *Ibid.*

⁹ 59% of GHG emissions in Berkeley come from transportation, followed by 39% from buildings..

https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx (July 21, 2020).

¹⁰ This single staff person will have an outsized impact, as they will be responsible for establishing and coordinating the Electric Mobility Roadmap Implementation Working Group as called for in the Roadmap. This Working Group was supposed to be convened within six months of the Roadmap's approval, but in the absence of staff capacity, it still has not been done. The Working Group's mandate includes tracking

- 2. Increase Staff Necessary to Implement the Berkeley Existing Buildings Electrification Strategy, and Ensure Durable Funding for Critical Staff Positions.** In addition to the Electric Mobility Coordinator position, the Energy Commission believes it should also be a priority for the City to enhance staff capacity for implementing other climate and clean energy initiatives, such as, but not limited, to the Berkeley Existing Building Electrification Strategy¹¹ and Climate Equity Action Fund.¹²

City staff has and continues to do impressive work with limited staff. However, the scope of the task ahead of us is massive. As laid out by the BEBES, there are no fewer than 57 policy actions (Table 3-5, BEBES) that the City should take in order to decarbonize the building sector by 2045, let alone by 2030, which the science demands of comparatively wealthy municipalities such as ours. Many of these actions involve substantial education and regulatory initiatives, which can only be achieved with the addition of dedicated, skilled staff.

Although we defer to staff with respect to the specifics of what additional positions might be most useful, some critical actions include:

- Ensuring durable, long-term funding for the Green Buildings Program Manager. Although hiring has only recently begun, this role was approved as part of the 2019 gas ban,¹³ and its extension will be critical in helping to develop future code amendments and help to reduce permitting overhead, improve compliance, and address the myriad other regulatory questions identified in the BEBES.
- Supporting and expanding staffing across the City for programs related to tenant protections and anti-displacement, such as those listed in Appendix C of the BEBES. As we electrify our existing building stock, we will need to evolve and augment our existing policies to protect marginalized communities at risk of

and evaluating Roadmap implementation progress. Without the Working Group, there is no accountability for the City to deliver against its stated electric mobility plans.

¹¹ On November 30, 2021, the Council passed item 13, adopting the [Berkeley Existing Building Electrification Strategy](#). Phase 1 (2021-2025) actions for the Berkeley Existing Building Electrification Strategy will lay the groundwork to support wide-spread transition to electrified buildings in Berkeley. Policies included in Phase 1 will involve continued community engagement, pilot projects, education campaigns to demonstrate the benefits and feasibility of electrification, collaboration with labor and workforce organizations to advance inclusive high road jobs, alignment of existing programs and incentives, and the development of additional incentive programs as well as larger scale funding and financing programs such as tariffed on-bill financing. The City of Berkeley will work with partners such as East Bay Community Energy and Pacific Gas & Electric to develop larger scale Phase 2 projects. There will also be a need to collaborate with regional and State partners to align State policies to support Phase 2 actions. (Berkeley Existing Building Electrification Strategy, p. 95.)

¹² The City recently issued an [RFP](#) for the Climate Equity Action Fund. but existing staff do not have the capacity to maximize program impact and collect lessons learned from this innovative fund.

¹³ https://www.cityofberkeley.info/Clerk/City_Council/2019/12_Doc/Documents/2019-12-03_Supp_2_Reports_Item_24_Supp_Arrequin_pdf.aspx

displacement (CC-9, BEBES). We cannot afford for these policies to lag behind the pace and scale of electrification measures in the city.

- Supporting and expanding OESD staff to facilitate updates to the 2009 Climate Action Plan as appropriate and programs to facilitate Berkeley's ambitious new greenhouse gas limit goals. For example, last year the Council passed a Resolution establishing a 2030 emission reduction target that reflects Berkeley's fair share of the 50% global reduction in CO₂e – 60.5% from 2018 levels by 2030.¹⁴ Council is also actively considering more stringent and binding targets across its sector-based and consumption inventories. These new initiatives will have significant implications for the City's approach to building decarbonization. While we fully support these ambitious targets, efforts to implement them have been largely unfunded and understaffed. Achieving these targets will require a significant expansion of the City's climate staff capacity.

II. Budget Priorities to Advance Clean Transportation in Berkeley

1. **Fund City Fleet Electrification and Charging.** On June 29, 2021, the City adopted item 25 approving the recommendations in the City Auditor's report "Fleet Replacement Fund Short Millions"¹⁵, which directed staff to adjust the fleet replacement funding model and budget, ensuring that the City's transition to electric vehicles (EVs) aligns with its adopted GHG emissions goals. On September 14, 2021, the Council adopted the recommendation from item 27 "Recommendations for Fleet Electrification Policy and Financing",¹⁶ made by the Energy Commission, which referred to the City Manager to update the Municipal Fleet Electrification Assessment and EV charging funding priorities to respond to the City Auditor's Report and align with the objectives stated in the Electric Mobility Roadmap and prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility where feasible.

The Fleet EV Plan identified 32 vehicles to replace with EVs in FY 2021, requiring an estimated \$1.16 million; but, as of June 2021, Public Works had only \$747,000 to replace 29 vehicles scheduled to be replaced with EVs in FY 2021. The Energy Commission's recommendation noted that delaying replacement of these vehicles in 2021 would result in greater GHG emissions:

¹⁴https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-30_Item_14_Cities_Race_to_Zero_Campaign__2030_emission_reduction_target.aspx

¹⁵ Fleet Replacement Fund Short Millions, Berkeley City Auditor, June 29, 2021.

https://www.cityofberkeley.info/Clerk/City_Council/2021/06_June/Documents/2021-06-29_Supp_2_Reports_Item_25_Supp_Auditor_pdf.aspx.

¹⁶ Recommendations for Fleet Electrification Policy and Financing, From Energy Commission, Sept 14, 2021.

https://www.cityofberkeley.info/Clerk/City_Council/2021/09_Sep/City_Council__09-14-2021_-_Regular_Meeting_Agenda.aspx - Item 27

“For example, per the Fleet EV Plan, if the City does not replace light-duty internal combustion cars with EVs as scheduled in 2021, it will produce an estimated additional 10.6 MT of GHG emissions in 2021; if not replaced as planned in 2022 an additional 19.5 MT of GHGs would be emitted in 2022; and so on.” (page 4).

It is the Energy Commission’s understanding that East Bay Community Energy (EBCE) has offered to provide substantial investments in the City of Berkeley for EV charging infrastructure, which would support progress on the City’s fleet electrification and free up City funds that would otherwise have been spent on EV charging infrastructure. The Energy Commission urges the Council to resolve the budget gaps identified in the Auditor’s report and explore additional funding sources so that the City can accelerate its purchases of EVs and the associated EV charging infrastructure in FY 2023.

A global microchip shortage resulting in prolonged supply chain delays and long wait times for the delivery of EVs is compounding the necessity for the City to take immediate action on fleet replacement. These delays are being exacerbated by the recent surge in demand for EVs. As more municipalities similarly pass electrification plans, Berkeley will see increasing competition for the same vehicles. The City must thus plan and order ahead if it wants to have a smooth fleet transition. The City should also commence its purchase of e-bikes for the years ahead, as replacements to existing City vehicles where appropriate. E-bikes are both highly cost effective and may not face the same supply chain delays as electric cars and trucks. The Energy Commission recommends that the Council prioritize these municipal fleet EV replacements, along with the associated EV charging infrastructure, in the FY 2023 budget.

2. **Expand Infrastructure for Residential EV Charging and E-Bike Parking.** The City should prioritize funds to address solutions for residential curbside EV charging. The City’s Residential Curbside EV Charging Pilot Program¹⁷ sunset in 2020. The development model the pilot used – private ownership of a charger on the side of a public street – was not successful. While 62 residents applied for the program, only four on-site and seven curbside chargers were installed - high permitting fees, restrictive engineering requirements, lack of control of the parking space adjacent to the charger, and poor access to electrical supply resulted in high costs.¹⁸ Given the number of Berkeley residents who do not have access to a driveway or garage, the Electric Mobility Roadmap identified as a high priority the need to deploy curbside charging for electric cars, particularly in neighborhoods with high rates of multifamily

¹⁷ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Manual%20with%20attachments%2012-1-14.pdf

¹⁸ https://www.cityofberkeley.info/Clerk/City_Council/2018/02_Feb/Documents/2018-02-27_Item_16_Residential_Curbside_Electric.aspx

and rental housing. The next phase of curbside charging will incorporate lessons learned from the Pilot, investigate alternative strategies, identify state and federal funding sources, and explore partnerships with EBCE and EV charging companies.

The City should also investigate the potential to provide public secure parking for other types of fossil fuel-free vehicles, namely e-bikes and cargo bikes, for apartment dwellers. E-bikes and cargo bikes tend to be larger and heavier than regular bicycles, making them difficult to carry up steps. A paid, public parking system, such as the BikeLink lockers at BART stations, may be adapted to street parking near apartment buildings.

The Council should allocate funds in the budget for an electric mobility staff person who would oversee new projects — research other cities' approaches, evaluate Berkeley's codes, standards, and permitting processes, and conduct feasibility studies — along with funds for the pilot projects themselves.

3. **Incorporate Low-Carbon Mobility into Street Maintenance Budget.** While Council is considering a bond measure that would make capital investments in our transportation system, the City should also revisit how the maintenance budget can be used to promote low-carbon mobility.

The Council has approved multiple plans to promote safe, equitable, and low-carbon mobility for all. These “complete streets” concepts are captured in the Bicycle Plan, Pedestrian Plan, Vision Zero Action Plan, and analysis of Safe Routes to School.¹⁹ But many of the measures in these plans have been implemented slowly, if at all. The Council should direct the Public Works Department to follow these plans to the letter, and integrate all low-cost and rapidly deployable concepts from the plans into their ongoing maintenance. The timing of deploying higher cost measures may necessarily depend on funding.²⁰

On January 18, 2022, the Council adopted item 19, referring a budget item to use Transportation Network Company (TNC) User Tax General Fund revenue to build and maintain protected bicycle lanes and crossings, pedestrian street crossings, and

¹⁹ See [Bicycle Plan](#), [Pedestrian Plan](#), [Vision Zero Action Plan](#), [Safe Routes to School](#).

²⁰ A related concept is that the Council should consider giving a more formal policy status to Bicycle Boulevards. While the Boulevards serve as a useful wayfinding tool for cyclists, their designation does not give the streets a meaningful status, and no prioritization when it comes to City planning or operations. For example, places where Bicycle Boulevards cross busy streets, such as at California/Dwight or Channing/San Pablo, face years of delay before safe crossing solutions can be implemented. Numerous Bicycle Boulevards suffer from extremely poor pavement condition. Stop signs often favor cars instead of the Boulevards, and lighting can often be sub-standard. All of these factors undermine achievement of City plans, threaten public safety, and lock in carbon pollution. Direction from the Council to staff could take the form of a formal designation of the Boulevards as a category of street, just as Public Works delineates “arterials” and “collectors” when it comes to planning and operations.

quick-build public transit projects under the Street Repair Program. The Energy Commission recommends that the Council follow through on its plan to use this revenue to benefit transportation projects in Berkeley.

III. Budget Priorities and Financial Incentives to Advance Building Decarbonization in Berkeley

1. **Fully Fund the Building Electrification and Just Transition Pilot Project.** In the December 2021 Annual Adjustment Ordinance (AAO) budget process, the Mayor declared, and the Council approved, that the Building Electrification and Just Transition pilot (“the pilot”)²¹ be a first priority to be funded in the May 2022 AAO.²² Consistent with the City’s “targeted universalism” approach to building electrification,²³ the pilot intends to kick-start electrification among affordable housing and low income (LMI) communities through incentives, and develop high-road jobs through labor standards and contractor prequalification.

Funding for this item in the May AAO is critical, and cannot wait until the June budget process. Any delay risks losing access to substantial state funding that could multiply the reach and impact of the pilot. The California TECH initiative, an \$120 million initiative established by SB 1477, recently began offering incentives for heat pump space and water heating that can defray nearly \$10,000 of cost per home,²⁴ including the cost of an electric panel upgrade. These incentives are accessible to contractors via the BayREN Home+ programs, which will simplify administration of the pilot due to its use of pre-qualified contractors.

There is additional urgency as well. The Bay Area Air Quality Management District (BAAQMD) is looking at phasing out the sale of NOx-emitting appliances by the end of the decade,²⁵ which will significantly affect the availability of non-electric space and water heating. However, BAAQMD recognizes that such a rule can only be effective if there is sufficient financial support for disadvantaged communities and a robust installer network (things the BEBES also calls out) so that everyone can reap the benefits of zero-pollution appliances without facing substantial costs. **These costs cannot be borne by cities alone, but Berkeley can lay the groundwork to**

²¹ https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/City_Council_11-30-2021_-_Regular_Meeting_Agenda.aspx

²² https://www.cityofberkeley.info/Clerk/City_Council/2021/12_Dec/Documents/2021-12-14_Supp_2_Reports_Item_44_Supp_Mayor_pdf.aspx

²³ According to the BEBES: “Targeted Universalism is the practice of setting a universal policy goal...while identifying targeted strategies and actions specifically for marginalized communities to ensure that those communities can benefit from the policy goal.”

²⁴ For single-family homes (up to 4 units), including “enhanced” incentives for HPWH. See: <https://energy-solution.com/wp-content/uploads/2021/12/TECH-Single-and-Multifamily-Incentives.pdf>

²⁵ <https://www.baaqmd.gov/rules-and-compliance/rule-development/building-appliances>

leverage state and federal money with its pilot and thus significantly contribute to the regional effort to improve air quality and GHG emissions.

- 2. Use Transfer Tax Revenues to Provide Incentives for Electrification.** With soaring home prices, the transfer tax represents a durable source of funds that the City should leverage to accelerate our building electrification goals. There are two potential models to consider.

First, would be to model a rebate program after the Seismic Retrofit Refund Program²⁶ that would rebate a percentage of the transfer tax with a value up to the cost of a typical electrification package for electrification measures completed within one year of transfer. This would incentivize electrification at a time when there is large access to capital, and could lay the groundwork for an ultimate requirement to retrofit at time of sale. OESD staff have already provided Council with a draft ordinance and indicate that each year on average 800 units would qualify through this mechanism.²⁷

The Energy Commission recommends that Council move forward with this ordinance but with a cap on the amount of eligible homeowner rebates per year. These rebates are critical to the City's long-term strategy of phasing in potential electrification mandates as feasible.

At the same time, as a diverse and majority renter city, it is critical that electrification subsidies are also available for units occupied by rent controlled or below market rate tenants. As a second model option, a percentage of the transfer tax refund program (for example, the difference between the reserved and actual rebate amounts) might be simultaneously allocated to expand electrification work among those LMI and minority communities most affected by inequality, pollution, climate change, or at risk of displacement. This could come in the form of expanding the Building Electrification and Just Transition pilot and Climate Equity Fund to reach more households, or other incentive programs targeted at those same communities.

- 3. Adopt Policies to Promote Implementation of Low-cost, Partial Electrification measures.** In addition to enacting full retrofit programs, we recommend that the Council consider low-cost, partial electrification measures to maximize the immediate climate and health impacts of electrification measures. For example, a requirement that any AC installation instead be a heat pump (TR-7, BEBES) could be coupled with a subsidy for LMI communities to pay for the cost difference between an AC and an equivalent heat pump model, which is estimated to be

²⁶ https://www.cityofberkeley.info/Finance/Home/Real_Property_Transfer_Tax_Seismic_Refunds.aspx

²⁷ https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_03_Referral_Response_Ordinance_pdf.aspx

between just \$200 and \$500 wholesale.²⁸ An installer subsidy of \$676 alone could be enough to nearly double heat pump market share even absent a mandate²⁹. Other low-cost measures might include the purchasing and distribution of portable heat pumps to provide cooling to households on our increasing number of hot days (newer inverter models offer substantial energy savings over traditional portable ACs³⁰), portable induction units as both a gateway into electric cooking and a mechanism to reduce indoor NOx pollution that has been demonstrated to cause asthma in small children,³¹ as well as weatherization work to make homes safer, more comfortable, and to reduce energy use. Council might also consider rebates for electrification at time of replacement, or provide access to equipment purchased under bulk purchasing agreements as part of the Building Electrification and Just Transition pilot program.

IV. Budget Priorities to Educate and Engage Berkeley Residents in Implementing Transportation and Building Electrification

- 1. Expand Sustainability Outreach Events.** In conjunction with implementation of the Electric Mobility Roadmap and Existing Building Electrification Strategy, it is appropriate for the City to continue and expand public engagement on alternative transportation and green building solutions.

Increasing electric mobility awareness and education is a key strategy in the Electric Mobility Roadmap for achieving the City's zero net carbon goals. Berkeley has already organized four highly successful annual Ride Electric events, which brought the public together to learn about and, in certain cases, test drive EVs and e-bikes. The City has also partnered successfully with other local groups to organize in-person and virtual green building tours that feature clean energy, energy and water conservation, gray water, electric appliances, and garden features.

As technologies and incentives evolve, more members of the public consider adopting electric mobility and building electrification technologies, and as the City increases its e-mobility expertise through additional staffing, these events can and should continue to play an important role in getting Berkeley residents to transition away from fossil fuels. The Roadmap states that the City will expand electric mobility education and outreach activities, with a goal of increasing awareness of electric mobility options and incentives.³² To deliver on this commitment, the City must allocate funds for these events in its next budget.

²⁸ <https://www.clasp.ngo/research/all/3h-hybrid-heat-homes-an-incentive-program-to-electrify-space-heating-and-reduce-energy-bills-in-american-homes/>

²⁹ ibid

³⁰ <https://www.midea.com/us/air-conditioners/portable-air-conditioners/midea-duo-smart-inverter-portable-air-conditioner-map12s1tb/>

³¹ <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=310879>

³² Berkeley Electric Mobility Roadmap, p. 43.

With its recent adoption of the Existing Building Electrification Strategy, the Council must expand funding for sustainability outreach events to also address needs identified in the Strategy. For example, the Strategy identified a need for education to address the steep learning curve and cultural sensitivity around cooking with electric stoves, as cooking is a cultural asset and many feel strongly about cooking with gas stoves.³³ While the City has hosted building electrification events, including loan programs for residents to try out electric induction cooktops, it will need to do more to engage residents in adopting electric heat pumps, induction stoves, and other technologies.

BACKGROUND

The City has existing mandated climate goals and emissions reductions commitments, and already-adopted strategies, such as the Electric Mobility Roadmap and the Existing Buildings Electrification Strategy. Furthermore, the City has already approved certain staff positions and investments, such as an Electric Mobility Coordinator position and commitments to replace the City's vehicle fleet with electric vehicles on a schedule. The City is falling behind in hiring and filling needed positions and in executing on needed investments. The budget recommendations proposed by the Energy Commission in this memo seek to ensure the City stays on track to meet its goals.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

If the Council further delays investments or doesn't include our recommended priorities in the upcoming budget, it puts at risk the health and safety of Berkeley's residents, the City's achievement of its adopted and mandated climate, clean energy, and transportation goals, and its national and global leadership on addressing climate change in innovative ways.

RATIONALE FOR RECOMMENDATION

The Energy Commission commends the Council for its many years of leadership to reduce Berkeley's global warming pollution and to advance clean energy solutions for the transportation and building sectors. Our budget is a declaration of our values. We have a tremendous opportunity to accelerate building decarbonization while improving equity through targeted universalism, and we must seize the moment to secure a safer, healthier, more resilient future.

However, if the Council further delays investments in staffing, fleet electrification and electric vehicle charging infrastructure, building maintenance and retrofits, and public education in the FYE 2023 and 2024 budget, it puts at risk the health and safety of Berkeley's residents, the City's achievement of its adopted and mandated climate, clean energy, and transportation goals, and its national and global leadership on addressing

³³ Berkeley Existing Building Electrification Strategy, p. 42.

climate change in innovative ways. The Energy Commission thus urges the City Council to incorporate the above stated priorities into its FYE 2023 and 2024 budget.

ALTERNATIVE ACTIONS CONSIDERED

We did not consider excluding these items from the budget.

CITY MANAGER

The City Manager recommends that the content and recommendations of the Commission's Report be referred to the budget process.

CONTACT PERSON

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



Office of the Mayor

CONSENT CALENDAR

April 26, 2022

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Budget Referral: Housing Retention Fund

RECOMMENDATION

Refer to the Fiscal Year 2023 budget process an allocation of \$1 million from the American Rescue Plan Act (ARPA) funds to the Eviction Defense Center to supplement the Housing Retention Program, including COVID-19 emergency grants.

BACKGROUND

The American Rescue Plan Act (ARPA), approved in March 2021, is a \$1.9 trillion federal aid program to support recovery from COVID-19. \$350 billion was set aside for direct financial assistance for states and local jurisdictions. The funds can be used for the following purposes:

- Address economic impacts relating to the COVID-19 emergency, including assistance to small businesses, non-profits, and households.
- Revenue replacement for the provision of government services.
- Premium pay for essential workers.
- Investments in water, sewer, and broadband infrastructure.

The City of Berkeley was allocated \$66.6 million. Half the funds were received in May 2021, with the other half expected in May 2022. In the FY 22 budget, a total of over \$46 million of ARPA funds was allocated for a variety of purposes. Approximately half of these funds went to the General Fund to fill in the budget deficit caused by the economic impacts of the pandemic. The rest was used to supplement various funds and programs relating to Parks & Recreation, Parking, Public Safety, and business/non-profit support. Over \$4 million in ARPA funds have already been earmarked for FY 2023, with approximately \$14.6 million left in balance that has yet to be allocated.

Berkeley established the Homeless Prevention Grants Program in 1993, which became the Housing Retention Program in 2008. In 2017, the program was expanded to allow grants of up to \$5,000 per household. Households must demonstrate that they are at imminent risk of losing their housing and must meet at least one of the following criteria: decrease in income; an unexpected medical and/or disability expense; fleeing domestic violence; work-related vehicle expense; and/or an unexpected significant expense which may be considered eligible. In 2020, a second program was established

specifically related to the COVID-19 emergency. Administered by the Eviction Defense Center, these grants are available to people below 80% Area Median Income and adds financial losses related to COVID-19 to the criteria. These grants can total up to \$10,000, and households can apply to both for a total of \$15,000 in grants if eligible.

According to the Household Pulse Survey by the US Census, 5.0% of residents in the San Francisco-Oakland Metro Area (covering Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties) are behind on rent and do not believe they will be able to catch up¹. The survey also records 47.0% (margin of error +/- 19.3%) of people behind on rent reporting that they believe an eviction or foreclosure is likely within the next couple of months. In a survey conducted on March 6- 17, 2022 by the Public Policy Institute of California, 34% of renters in California and 41% of lower-income residents reported being very concerned about not having enough money to pay for their housing costs.

While the economy is recovering from the impacts of COVID-19, many people remain behind rent. Under Berkeley's eviction moratorium, people cannot be evicted for lack of payment of rent during the local state of emergency, but property owners can seek back payment of rent through the courts. Additionally, increased inflation and cost of living, which disproportionately impacts low-income households, could put some people in a position of falling behind on rent in the coming months. An infusion of an additional \$1 million will help Berkeley tenants who may be at risk of eviction once the eviction moratorium ends. These funds will help provide financial stability to households most in need, in turn preventing an increase in homelessness.

FINANCIAL IMPLICATIONS

\$1 million from the American Rescue Plan Act funds.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

¹ Survey took place between March 2 – March 14, 2022. Estimates are 114,019 people aged 18+ are impacted, or 5.0%. Margin of error is +/- 2.8%. Source: https://www.census.gov/data-tools/demo/hhp/#/?measures=HINSEC&s_metro=41860&areaSelector=msa&periodSelector=43&s_state=00006



Rashi Kesarwani
Councilmember District 1

CONSENT CALENDAR

April 26, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Budget Referral: Expand Scope of the Downtown Streets Team to Include Services within the Gilman District

RECOMMENDATION

Referral to the City Manager and the FY 2022-23 budget process \$50,000 annually to expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly.

The Gilman District is defined as the commercial area west of San Pablo Avenue to Eastshore Highway and, on the south, Gilman Street north to the Albany border.

CURRENT SITUATION AND ITS EFFECTS

The Gilman District Experiences High Levels of Trash and Debris. The Gilman District—west of San Pablo Avenue to Eastshore Highway and, on the south, Gilman Street north to the Albany border—has long been the heart of the City’s manufacturing and industrial sectors, while more recently becoming home to wineries, breweries, artisanal food production facilities, non-profits, and maker spaces. The area experiences the following challenges related to trash and debris:

- Build up of trash and debris on sidewalks and streets that obstruct access
- High volume of rodents
- Illegal dumping

The Downtown Streets Team is Deployed to Numerous Other Berkeley Business Districts. The City currently has a contract with the Downtown Streets Team (DST)¹ to do a variety of manual beautification services, including removal of leaves and trash from sidewalks and gutters, graffiti abatement, and poster and

¹ See [Downtown Streets Team](#) webpage

advertising removal from commercial areas. These services complement Public Works' baseline services that use mechanical street sweepers and pressure washing, and removal of illegally dumped materials from the public right-of-way. Both types of services help keep an area clean and well maintained. The DST deploys teams of local, low-income and homeless residents to service seven different commercial and high-use areas throughout the City. These areas include:

- Downtown Berkeley, serviced three times per week
- Telegraph Avenue, serviced three times per week
- West Berkeley (University and San Pablo area), serviced three times per week
- South Berkeley, serviced two times per week
- North Shattuck, serviced one time per week
- Elmwood, serviced one time per week
- Solano Avenue, soon to be serviced two times per week

All the teams work cooperatively with community agencies to ensure team members receive training for the jobs they perform. The goal is to promote self-sufficiency through job training and build effective work habits as well as to provide assistance in securing permanent housing.

The Gilman District Deserves Similar Investment as Other Business Districts.

The Downtown Streets Team provides a low-barrier volunteer work experience model where unhoused participants receive case management, employment services and non-cash basic needs support in exchange for beautifying their community. This investment in keeping the district clean can have an outsized impact as locations that are well maintained tend to invite greater public use which helps to revitalize an area, while poorly maintained and degraded areas invite undesirable behaviors and elements. Regular attention to litter and debris removal and graffiti abatement will create a more welcoming environment for customers, workers, and visitors.

BACKGROUND

The Downtown Streets Team has provided support to the City of Berkeley's Clean City program since August of 2018 (see attachment). The Clean City Program, developed in 1989, aims to provide clean, debris-free public rights of way within the City by assisting with neighborhood clean-ups, street sweeping, and removal of illegally dumped materials. Over the years the program expanded to include designated hand sweeping zones throughout the City; the work of the DST fulfills this objective as teams deployed to targeted areas hand sweep sidewalks and gutters, complementing the efforts of our Public Works Department.

FISCAL IMPACT

\$50,000 annually for Downtown Streets Team services in the Gilman District two-times per week.

ENVIRONMENTAL SUSTAINABILITY

Keeping our business districts clean and healthy is one of the City’s strategic priorities “to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.”² The Municipal Regional Stormwater Permit (MRP) also requires the City to reduce the trash flowing into the Bay and local waterway via our storm drainage system. Hand sweeping sidewalks and gutters helps remove built up leaves and debris, which prevents litter from entering the system. Codornices Creek, home to steelhead trout, a threatened species, borders the city along the length of the Gilman District and has been undergoing a process of restoration since the 1990s.

CONTACT PERSON

Rashi Kesarwani, Council District 1

(510) 981-7110

Attachments:

Downtown Streets Team 2018 Contract

² See the City’s [Strategic Plan](#) webpage



Office of the City Manager

CONSENT CALENDAR
June 26, 2018

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Phillip L. Harrington, Director, Department of Public Works
 Subject: Contract: Downtown Streets Team Hand Sweeping, Graffiti Abatement, and Poster Removal Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Downtown Streets Team to provide supplemental hand sweeping, graffiti abatement, and poster removal services to support the City’s Clean City Division. Contract amount is not to exceed \$645,304 for the two-year period from July 1, 2018 through June 30, 2020.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding of \$332,652 for Year One of the Contract is allocated in the FY 2019 Public Works Streets and Operations Division budget account code 820-5502-432-3038; funding for Year Two of the Contract, FY 2020, is subject to appropriation.

YEAR	FISCAL YEAR	AMOUNT	BUDGET CODE
ONE	FY 2019	\$322,652	820-5502-432-3038
TWO	FY 2020	\$322,652	Subject to Appropriation
TOTAL FY 2019 & FY 2020 NTE		\$645,304	

The contract has been entered into the Contract Management System (CMS) as CMS No. RCWTM.

CURRENT SITUATION AND ITS EFFECTS

The Department of Public Works Clean City Program, (the Program) is responsible for maintaining clean City streets, gutters, and sidewalks by providing mechanical street sweeping, pressure washing, and removal of illegally dumped items from rights of way, litter and graffiti abatement services.

To supplement the baseline services provided by Public Works staff; ensuring that the Program meets standards of cleanliness and safety and promotes beautification of the City's commercial districts, the Clean City Program relies upon contractor supplied hand sweeping, graffiti abatement, and poster removal services.

The contract for these supplemental services has expired; thus, the Clean City Program has not had the critical assistance required to maintain standards of cleanliness, safety, and appearance in the City's commercial districts.

BACKGROUND

The Clean City Program was developed in 1989 with the objective of providing clean, debris-free public rights of way for the City. In the 1990s the Program expanded to include designated hand sweeping zones for the City's South Berkeley, West Berkeley, Telegraph Avenue, and Downtown Berkeley commercial districts. In 2012, with an emphasis on further enhancing the appearance of these commercial districts, the City issued a Request for Proposal (RFP) for supplemental hand sweeping, leaf and litter abatement services (Specification No. 12-10677-C) to support the Public Works staff, ultimately entering into a contract, which expired December 31, 2017.

The Department of Public Works does not have sufficient staff to absorb the hand sweeping, debris and litter abatement duties previously performed by the contractor. Furthermore, to enable the Clean City Program to expand its services to three additional commercial districts: Solano, North Shattuck, and Elmwood, Public Works issued a new RFP (Specification No. 18-11185-C) in December 2017 at an estimated cost of \$640,000. Four responses were received in January 2018. A panel of three managers representing the City's Public Works, Health Housing and Community Services, and Economic Development Departments evaluated the responses against the requirements specified in the RFP. Downtown Streets Team (DST) was selected as the lowest responsive and best qualified bidder to meet the Clean City Program's needs; demonstrating both a thorough comprehension of the scope of services to be delivered and a proven program model by which very low income, unhoused persons working as DST Team Members to beautify their community, receive employment services, training, and other support to promote self-sufficiency in preparation for reentering the workforce and securing permanent housing.

ENVIRONMENTAL SUSTAINABILITY

The Municipal Regional Stormwater Permit (MRP) requires the City to reduce the amount of trash flowing into local waterways and the San Francisco Bay via the City's storm drainage system. Hand sweeping in commercial districts helps to prevent litter from entering the City's storm drainage system. As required by the MRP, the Public Works Department has installed more than 400 Full Trash Capture Devices (FTCDs) in catch basins throughout the City. FTCDs are concentrated in the City's commercial districts as these districts are among the highest trash generating areas. Hand-sweeping prevents trash from getting caught in the FTCDs, reducing the amount of maintenance required to be performed by Public Works staff on these devices.

RATIONALE FOR RECOMMENDATION

The DST Program is designed to complement the City's Clean City Program by maintaining clear, unobstructed pedestrian rights of way and enhancing the appearance of the City's seven commercial districts. Additionally, the DST Program, as operated in other cities throughout Northern California, has been proven successful in delivering contracted services and in placing its team members into employment and permanent housing.

Without the support from DST to supplement baseline services provided by Public Works staff, the Clean City Program would be unable to maintain established standards of cleanliness and beautification in the City's seven commercial districts.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. Without the supplemental support provided by a contracted vendor, the Clean City Program is unable to maintain cleanliness and appearance standards in the City's commercial districts.

CONTACT PERSON

Kem Loong, Superintendent of Operations, Department of Public Works (510) 981-6479

Attachments:

1: Resolution

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

CONTRACT: DOWNTOWN STREETS TEAM FOR HAND SWEEPING, GRAFFITI ABATEMENT, AND POSTER REMOVAL SERVICES

WHEREAS, the City's Department of Public Works Clean City Program is responsible for maintaining clean, unobstructed sidewalks and gutters, and an enhanced appearance in the City's seven commercial districts; and

WHEREAS, Public Works staff relies upon supplemental, contractor-provided hand sweeping, graffiti abatement, and poster removal services to maintain established standards of cleanliness and beautification; and

WHEREAS, the City is committed to supporting programs which promote the low income, un-housed community in becoming more self-sufficient through job training and leadership opportunities to rebuild effective work habits, and with assistance in securing permanent housing; and

WHEREAS, the City issued a request for written proposals from qualified firms to provide supplemental hand sweeping, graffiti abatement, and poster removal services, (Specification No. 18-11185-C); and received four qualifying vendor responses; and

WHEREAS, a management team representing the City's Public Works, Health Housing and Community Services, and Economic Development Departments evaluated each of the proposals for cost, experience, qualifications, responsiveness, and references; and determined that Downtown Streets Team (DST) was the lowest and most responsive, best qualified bidder to meet specific City needs; and

WHEREAS, initial funding is available in the FY2019 budget 820-5502-432-3038 and subsequent funding for FY2020 is subject to appropriation; the contract has been entered into the Contract Management System (CMS) as CMS No. RCWTM.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments or extensions with Downtown Streets Team to provide supplemental Hand Sweeping, Graffiti Abatement, and Poster Removal Services for the City's Clean City Program, for a total not to exceed \$645,304 from July 1, 2018 through June 30, 2020. A record signature copy of said contract will be on file in the Office of the City Clerk.

**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

April 26, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin (Co-Sponsor)

Subject: Convert 62nd Street between King St, and Adeline St. into a cul de sac with a marked bicycle lane connecting Adeline St. to the bicycle boulevard on King St.

RECOMMENDATION

Refer to the Fiscal Year 2022/2023 Budget Process, an allocation of \$300,000 to convert 62nd Street between King St. and Adeline St. into a cul de sac with a marked bicycle lane connecting Adeline St. to the bicycle boulevard on King St.

CURRENT SITUATION

The short block of 62nd Street and the intersection of 62nd Street and King Street between Adeline and King Streets has been plagued by dangerous driving behavior that threatens pedestrians, cyclists, and motorists. These observed behaviors include speeding, not stopping at stop signs, and not yielding to pedestrians, all of which have led to near-miss collisions. These conditions increase the risks of car accidents and endanger pedestrians and bicyclists. The risk to bicyclists is especially dangerous in this area because 62nd Street feeds directly into the bicycle thoroughfare on King Street. Residents at this intersection have observed near misses almost every day, particularly during rush hours when both cars and bicyclists commute through the 62nd Street and King Street intersection on a regular basis.

In August 2021, the section of 62nd Street between Adeleine and King Street was converted to a one-way street in the direction of Adeleine in an attempt to mitigate this dangerous situation and prevent accidents, particularly involving cyclists on bicycle boulevards and pedestrians. The residents of the neighborhood are grateful to the city for taking this step and, if the one-way street was legally observed by drivers, would be an excellent solution to the safety problems. Unfortunately, dozens of cars each day ignore the one-way designation and the clear signage and drive the wrong way down the one-way street. The residents of the neighborhood have worked hard to educate drivers about the one-way street, purchasing bright cones to mark the signs, adding Do Not Enter signs, and talking to drivers to let them know it is now one-way. In this effort, residents have often been met with belligerence and aggression from many drivers who simply don't care and who want to drive the wrong way down the street as a cut-through. In addition to personal vehicles, UPS, Amazon delivery trucks, and ride-sharing services such as Uber and Lyft drivers regularly drive the wrong way down the one-way street.

This unforeseen disregard for the one-way designation of the block has created a particularly dangerous situation as there is now one lane for traffic going both directions. There have been countless near-misses and a tragic head-on collision is simply a matter of time. Cars coming off Adeleine are often illegally coming into the block fast and there is now no stop sign directing them to stop at the 62nd Street and King Street intersection of bicycle boulevard (because no one is expected to be driving in that direction). There is now regular, illegal (wrong way) and unexpected traffic driving across bicycle boulevard in the wrong direction without a protective stop sign.

This area receives significant traffic by pedestrians, cars, and bicyclists, particularly on Farmers Market Days (Tuesdays), and furthermore, there are a total of seventeen children and numerous families with pets that live on 62nd Street. Multiple pedestrians and bicyclists have already been injured as a result of traffic issues. By sheer luck, none of these accidents have been fatal, but the City must support infrastructure that promotes pedestrian safety and reduces traffic collisions in order to avoid a tragedy.

BACKGROUND

The intersection of 62nd Street and King Street, which is located near the border of Oakland, has had numerous issues with crime. In recent years, illegal dumping, gunfire, and various traffic violations have proliferated. There have been regular cases of gun-related crimes at this intersection. Most recently, there were drive-by shootings that occurred on Nov, 29, 2021¹.

In order to deter traffic violations, traffic circles and stop signs have been installed. Unfortunately, as mentioned previously, these measures have been insufficient in curbing the issue of reckless driving and preventing traffic collisions and confusion. Further work needs to be done in order to deter traffic violations and ensure pedestrian and bike safety. The residents of the neighborhood that is plagued by dangerous and illegal driving want to see clear safe passage marked for pedestrians and bicyclists.

Based on community consultations, many people have supported transitioning this busy intersection into a cul-de-sac, including all the residents who are at the most dangerous parts of the 62nd Street corridor between Adeline and King Street. Doing this would contain the traffic flow, make it easier for pedestrians to cross the street, and decrease the number of traffic violations. Those wishing to access the neighborhood can do so a half block from 62nd and Adeline by making a right turn at Adeline and King St. Here, the turn is more likely to slow traffic coming into the neighborhood because it is a sharper right turn rather than a gentle turn that does not promote slowing down. Although this item is not a silver bullet in addressing all of the problems, it is a needed step in order to bring much needed safety to the area.

The Council should refer to the Public Works Department to formulate a plan that would convert 62nd Street into a cul-de-sac at Adeline St. to block off motorists while providing an accessible biking path. Residents have shared substantive drawings, proposals, pictures, and concepts with Public Works staff on January 14, 2022. If this item passes, the Department should move forward with this request once its staff has addressed their immediate priorities.

RATIONALE FOR RECOMMENDATION

In Berkeley, street safety is a priority. Based on consultations with constituents and reported crimes, action must be taken to substantially decrease traffic violations and prevent the potential for serious injury at this intersection. The urgency for this action is particularly high given the number of young children who live at or near this intersection as well as patrons of the Farmers Market, and cyclists who use the King St. bike boulevard.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

In December of 2013, the City Council adopted the Complete Streets Policy which is determined to create a “comprehensive, integrated transportation network with infrastructure and design

¹ <https://www.dailycal.org/2020/08/17/berkeley-police-department-responds-to-reports-of-gunfire/>

that allows safe and convenient travel”² for all users. This includes pedestrians, persons with disabilities, motorists, bicyclists, users, and operators of public transportation, seniors, children, youth, and families.

The Complete Streets Policy goal is to “provide safe, comfortable, and convenient travel along and across streets.”³ If the City is dedicated to creating a community of traffic safety that protects all pedestrians from auto-related accidents, the Council should look into transitioning parts 62nd Street and Adeline into a cul-de-sac, which would create a valuable connecting corridor for bicyclists from Adeline onto King Street.

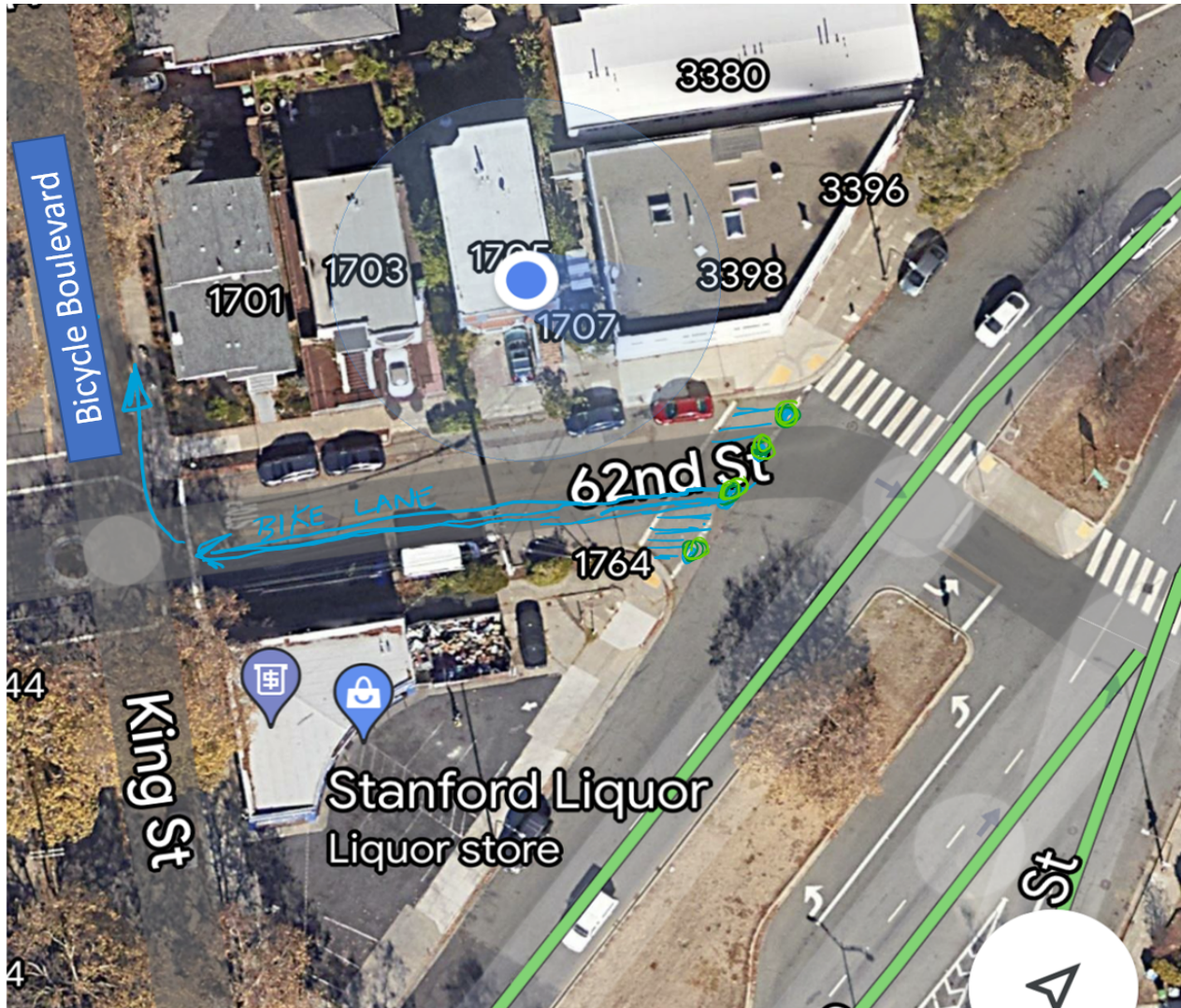
CONSULTATION OVERVIEW

The District 3 Office and the Berkeley Police Department have met with constituents to discuss the rampant issues in this neighborhood. Constituent concerns with safety, along with their demands on converting 62nd Street and Adeline into a cul-de-sac, have informed this recommendation. The Berkeley Police Department have offered their support of the cul-de-sac in a meeting with residents on January 14, 2022, stating that emergency vehicle access have viable and pragmatic alternative in accessing this area quickly via King Street just a half block from the intersection. Residents have shared substantive drawings, proposals, pictures, and concepts with Public Works staff in the same January 14, 2022 meeting.

As mentioned earlier, there are many bikes that use this street as a connection to the King Street bicycle boulevard, or to get to the Oakland bike path on 61st street. One proposal is to convert part of 62nd street into a bike lane. This would act as a safe corridor for bicyclists coming off Adeline Street to easily access bicycle boulevard, a safe crossing for pedestrians and ensure that the street and space are actively used to prevent the creation of “inactive space” that could be used for loitering or partying by liquor store patrons (an issue already).

² <https://www.cityofberkeley.info/completestreetspolicy/>

³ https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf



ENVIRONMENTAL SUSTAINABILITY

No adverse effects on the environment. A cul-de-sac conversion will help mitigate traffic, promote pedestrian safety, and create a safer intersection for families, pedestrians, and bicyclists. Drivers heading east onto Adeline can easily do so by accessing 63rd street, one block away.

FISCAL IMPACTS

Staff time and additional costs are to be determined by the Public Works Department. The \$300,000 allocation represents \$50,000 to \$100,000 for design including small scale community engagement, plus the remainder to construct. If additional street lights may be required, this could be raised to \$300,000.

CONTACT PERSON

Councilmember Ben Bartlett
James Chang

510-981-7130
510-981-7131



Kate Harrison
Vice Mayor, District 4

CONSENT CALENDAR
April 26, 2022

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Harrison

Subject: Adopt a Resolution in Support of California State Assembly Bill 2557 (Bonta): Specifying That Records of Civilian Law Enforcement Oversight Agencies Are Subject to the Disclosure Requirements of the Public Records Act

RECOMMENDATION

Adopt a Resolution in support of California State Assembly Bill 2557 (Bonta) that specifies that records and information obtained from records of civilian law enforcement oversight agencies are subject to the disclosure requirements of the public records act and not considered confidential.

Send copies of the resolution and letters to State Senator Skinner, and Assemblymembers Wicks and Bonta.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Due to a 2006 California Supreme Court decision, *Copley Press, Inc. v. Superior Court*, (2006) 39 Cal.4th 1272, records and information obtained from records of civilian law enforcement oversight agencies are treated as if they were confidential personnel records held by police departments. Accordingly, those agencies have been required since 2006 to withhold from the public most, if not all, investigations of law enforcement officer misconduct. This is in stark contrast to the operation of civilian law enforcement oversight agencies prior to the *Copley Press* decision, which, until that decision, operated with full transparency.

The remedy is a direct legislative repeal of *Copley Press*, including specific legislative language allowing civilian law enforcement oversight agencies to operate openly and transparently, as was the practice prior to 2006.

AB 2557 amends California Penal Code Section 832.7 to specify that records and information obtained from records of civilian law enforcement oversight agencies are subject to the disclosure requirements of the Public Records Act (Government Code

Adopt a Resolution in Support of California State Assembly Bill 2557
(Bonta): Specifying That Records of Civilian Law Enforcement Oversight
Agencies Are Subject to the Disclosure Requirements of the Public
Records Act

CONSENT CALENDAR
April 26, 2022

Section 6250 et seq.) and not considered confidential pursuant to Penal Code Section 832.7.

BACKGROUND

The civil unrest in the wake of the murder of George Floyd at the hands of former Minneapolis Police Officer Derek Chauvin, and numerous other unlawful acts committed by law enforcement personnel, has caused our nation to urgently scrutinize policing activities and reimagine public safety, especially with the understanding that the historic and systemic abuses of police authority disproportionately fall on minority and at-risk communities.

Black and Latinx individuals make up a combined 25% of the United States population but comprise over 75% of the victims of fatal police shootings in the past 5 years, such as the recent killings of Sean Monterrosa by the Vallejo Police Department and of Erik Salgado by the California Highway Patrol. It is critical that decisions and oversight concerning community policing occur in the full light of day so that residents can understand precisely the scope of disparate policing outcomes and any alleged violations of civil rights, policies, or the law.

At least 25 California municipalities, including Berkeley and most of our largest cities, have established civilian law enforcement oversight boards to provide necessary public oversight of policing activities in the community. A 15-year-old ruling from the California Supreme Court is causing the work of many California civilian oversight boards to be unnecessarily constrained by confidentiality requirements that are antithetical to the public work those boards are mandated to undertake.

For decades before the *Copley* decision, civilian oversight agencies had acted openly and not subject to employment confidentiality laws. Once the *Copley* decision came out those same bodies were required to cloak their work in secrecy. Civilian police oversight agencies are important checks on law enforcement activities and should be allowed to reopen their investigations to public review.

FISCAL IMPACTS OF RECOMMENDATION

This proposal will save jurisdictions money by avoiding countless hours of redactions and costly settlements resulting from non-compliance with CPRA requests for documents since the passage of SB 1421 and SB 16. Staff time will be necessary for the Clerk to send letters to state legislators.

ENVIRONMENTAL SUSTAINABILITY

No discernable impact.

CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140

ATTACHMENTS

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7140 • TDD: (510) 981-6903 • Fax: (510) 644-1174
E-Mail: KHarrison@cityofberkeley.info

Adopt a Resolution in Support of California State Assembly Bill 2557
(Bonta): Specifying That Records of Civilian Law Enforcement Oversight
Agencies Are Subject to the Disclosure Requirements of the Public
Records Act

CONSENT CALENDAR
April 26, 2022

1. Resolution
2. Letters
3. Legislation

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

ADOPT A RESOLUTION IN SUPPORT OF CALIFORNIA STATE ASSEMBLY BILL 2557 (BONTA): SPECIFYING THAT RECORDS OF CIVILIAN LAW ENFORCEMENT OVERSIGHT AGENCIES ARE SUBJECT TO THE DISCLOSURE REQUIREMENTS OF THE PUBLIC RECORDS ACT

WHEREAS, in *Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272, the California State Supreme Court decided that records and information obtained from records of civilian law enforcement oversight agencies will be treated as if they were confidential personnel records held by police departments; and

WHEREAS, as these records are considered confidential, agencies have been required to withhold almost all such records involving investigations of officer misconduct; and

WHEREAS, the *Copley Press* decision prevents the public from learning the extent of any discipline, but for some minimal exceptions, that may have been imposed as a result of misconduct; and

WHEREAS, prior to 2006, civilian law enforcement oversight agencies operated with full transparency; and

WHEREAS, the ability for the public to have access to information regarding complaints about police misconduct and the response to any such complaints builds public confidence in the ability of government to hold police officers who engage in misconduct accountable; and

WHEREAS, if AB 2557 is enacted into law, the legislation will save jurisdictions time and resources currently being expended on redactions and settlements for non-compliance with public records requests for documents following the passage of both Senate Bill 1421 and Senate Bill 16; and

WHEREAS, AB 2557 is a direct legislative repeal of the *Copley Press* decision; and

WHEREAS, AB 2557 will allow civilian law enforcement agencies to operate transparently as they did prior to 2006.

NOW, THEREFORE BE IT RESOLVED, that the Berkeley City Council hereby endorses AB 2557 and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law.

BE IT FURTHER RESOLVED that copies of this Resolution and letters will be sent to Governor Newsom, State Senator Skinner, and Assemblymembers Wicks and Bonta.

The Honorable Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 2557 (Bonta) Peace Officers Records

Dear Governor Newsom,

The Berkeley City Council conveys its support for AB 2557 (Bonta). AB 2557 amends California Penal Code Section 832.7 to specify that records and information obtained from records of civilian law enforcement oversight agencies are subject to the disclosure requirements of the Public Records Act (Government Code Section 6250 et seq.) and not considered confidential pursuant to Penal Code Section 832.7.

Because of a 2006 state supreme court decision, *Copley Press, Inc. v. Superior Court*, (2006) 39 Cal.4th 1272), records and information obtained from records of civilian law enforcement oversight agencies are treated as if they were confidential personnel records held by police departments. Accordingly, those agencies have been required since 2006 to withhold from the public, most if not all, investigations of law enforcement officer misconduct. This is in stark contrast to the operation of civilian law enforcement oversight agencies prior to the Copley Press decision, which, until that decision, operated with full transparency.

The civil unrest in the wake of the callous murder of George Floyd at the hands of former Minneapolis Police Officer Derek Chauvin, and numerous other similar atrocities committed by law enforcement personnel, has caused our nation to urgently scrutinize community policing activities with the manifest realization that the historic and systemic abuses of police authority disproportionately fall on minority and at-risk communities. As a glaring statistic evidencing this point, Black and Latinx individuals make up a combined 25% of the United States population but comprise over 75% of the victims of fatal police shootings in the past 5 years, such as the recent killings of Sean Monterrosa by the Vallejo Police Department and of Erik Salgado by the California Highway Patrol. It is more important, now than ever, that decisions concerning community policing occur in the full light of day so that our communities can understand precisely the scope of the systemic problem of abusive police tactics and what our local governments can do to best eliminate those abuses.

At least 25 California municipalities, including Berkeley, have established civilian law enforcement oversight boards to provide necessary public oversight of policing activities in the community. Many such civilian oversight boards have been in existence for decades, including the Oakland Police Commission and its predecessor, the Oakland Citizens' Police Review Board. Unfortunately, a 15 year-old ruling from the California Supreme Court is causing the the work of civilian oversight boards across the state, to be unnecessarily constrained by confidentiality requirements that are antithetical to the public work those boards are mandated to undertake.

For decades before the Copley decision, civilian oversight agencies had acted openly and not subject to employment confidentiality laws. Once the Copley decision came out those same bodies were required to cloak their work in secrecy, and that unnecessary secrecy is still happening.

This is not right. Civilian police oversight agencies operate as a needed check on law enforcement and should be allowed to reopen their investigations to public review. AB 2557 accomplishes this through a direct legislative repeal of Copley. By passing this amendment, not only will California show its commitment to current civilian oversight agencies but will also encourage other jurisdictions to create civilian oversight agencies to ensure that law enforcement in California is truly working for all people.

For these reasons, Berkeley City Council supports AB 2557.

Sincerely,

The Berkeley City Council

The Honorable State Senator Nancy Skinner
Capitol Office, 1021 O Street, Suite 8630
Sacramento, CA 95814

RE: AB 2557 (Bonta) Peace Officers Records

Dear Senator Skinner,

The Berkeley City Council conveys its support for AB 2557 (Bonta). AB 2557 amends California Penal Code Section 832.7 to specify that records and information obtained from records of civilian law enforcement oversight agencies are subject to the disclosure requirements of the Public Records Act (Government Code Section 6250 et seq.) and not considered confidential pursuant to Penal Code Section 832.7.

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For these reasons, Berkeley City Council supports AB 2557.

Sincerely,

The Berkeley City Council

The Honorable Assemblymember Buffy Wicks
Capitol Office, 1021 O Street, Suite 4240
P.O. Box 942849, Sacramento, CA 94249-0015

RE: AB 2557 (Bonta) Peace Officers Records

Dear Assemblymember Wicks,

The Berkeley City Council conveys its support for AB 2557 (Bonta). AB 2557 amends California Penal Code Section 832.7 to specify that records and information obtained from records of civilian law enforcement oversight agencies are subject to the disclosure requirements of the Public Records Act (Government Code Section 6250 et seq.) and not considered confidential pursuant to Penal Code Section 832.7.

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For these reasons, Berkeley City Council supports AB 2557.

Sincerely,

The Berkeley City Council

The Honorable Assemblymember Mia Bonta
Capitol Office, 1021 O Street, Suite 5620
P.O. Box 942849, Sacramento, CA 94249-0018

RE: AB 2557 (Bonta) Peace Officers Records

Dear Assemblymember Bonta,

The Berkeley City Council conveys its support for AB 2557 (Bonta). AB 2557 amends California Penal Code Section 832.7 to specify that records and information obtained from records of civilian law enforcement oversight agencies are subject to the disclosure requirements of the Public Records Act (Government Code Section 6250 et seq.) and not considered confidential pursuant to Penal Code Section 832.7.

Because of a 2006 state supreme court decision, *Copley Press, Inc. v. Superior Court*, (2006) 39 Cal.4th 1272), records and information obtained from records of civilian law enforcement oversight agencies are treated as if they were confidential personnel records held by police departments. Accordingly, those agencies have been required since 2006 to withhold from the public, most if not all, investigations of law enforcement officer misconduct. This is in stark contrast to the operation of civilian law enforcement oversight agencies prior to the Copley Press decision, which, until that decision, operated with full transparency.

The civil unrest in the wake of the callous murder of George Floyd at the hands of former Minneapolis Police Officer Derek Chauvin, and numerous other similar atrocities committed by law enforcement personnel, has caused our nation to urgently scrutinize community policing activities with the manifest realization that the historic and systemic abuses of police authority disproportionately fall on minority and at-risk communities. As a glaring statistic evidencing this point, Black and Latinx individuals make up a combined 25% of the United States population but comprise over 75% of the victims of fatal police shootings in the past 5 years, such as the recent killings of Sean Monterrosa by the Vallejo Police Department and of Erik Salgado by the California Highway Patrol. It is more important, now than ever, that decisions concerning community policing occur in the full light of day so that our communities can understand precisely the scope of the systemic problem of abusive police tactics and what our local governments can do to best eliminate those abuses.

At least 25 California municipalities, including Berkeley, have established civilian law enforcement oversight boards to provide necessary public oversight of policing activities in the community. Many such civilian oversight boards have been in existence for decades, including the Oakland Police Commission and its predecessor, the Oakland Citizens' Police Review Board. Unfortunately, a 15 year-old ruling from the California Supreme Court is causing the the work of civilian oversight boards across the state, to be unnecessarily constrained by confidentiality requirements that are antithetical to the public work those boards are mandated to undertake.

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For these reasons, Berkeley City Council supports AB 2557.

Sincerely,

The Berkeley City Council

ASSEMBLY BILL

No. 2557

Introduced by Assembly Member Mia Bonta

February 17, 2022

An act to amend Section 832.7 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as introduced, Mia Bonta. Peace officers: records.

Existing law, the California Public Records Act, requires a state or local public agency to make public records available for public inspection and to make copies available upon request and payment of a fee, unless the records are exempt from disclosure. Existing law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery.

This bill would make records and information obtained from records maintained by an agency or body established by a city, county, city and county, local government entity, state agency, or state department for the purpose of civilian oversight of peace officers subject to disclosure pursuant to the California Public Records Act. The bill would require those records to be redacted only as specified. By increasing duties on local entities, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

AB 2557

— 2 —

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that public
2 access to information concerning civilian complaints regarding
3 peace officers, including the records of proceedings of civilian law
4 enforcement review agencies, is crucial to safe and effective law
5 enforcement in the state. It is the intent of the Legislature, in
6 enacting this act, to abrogate the decision in *Copley Press, Inc. v.*
7 *Superior Court* (2006) 39 Cal.4th 1272, to restore public access to
8 peace officer records, and to restore public access to meetings and
9 hearings that were open to the public prior to the *Copley Press*
10 decision.

11 SEC. 2. Section 832.7 of the Penal Code is amended to read:

12 832.7. (a) Except as provided in subdivision (b), the personnel
13 records of peace officers and custodial officers and records
14 maintained by a state or local agency pursuant to Section 832.5,
15 or information obtained from these records, are confidential and
16 shall not be disclosed in any criminal or civil proceeding except
17 by discovery pursuant to Sections 1043 and 1046 of the Evidence
18 Code. This section does not apply to investigations or proceedings
19 concerning the conduct of peace officers or custodial officers, or
20 an agency or department that employs those officers, conducted
21 by a grand jury, a district attorney's office, or the Attorney
22 General's office, or the Commission on Peace Officer Standards
23 and Training.

24 (b) (1) Notwithstanding subdivision (a), subdivision (f) of
25 Section 6254 of the Government Code, or any other law, the
26 following peace officer or custodial officer personnel records and
27 records maintained by a state or local agency shall not be
28 confidential and shall be made available for public inspection
29 pursuant to the California Public Records Act (Chapter 3.5
30 (commencing with Section 6250) of Division 7 of Title 1 of the
31 Government Code):

32 (A) A record relating to the report, investigation, or findings of
33 any of the following:

1 (i) An incident involving the discharge of a firearm at a person
2 by a peace officer or custodial officer.

3 (ii) An incident involving the use of force against a person by
4 a peace officer or custodial officer that resulted in death or in great
5 bodily injury.

6 (iii) A sustained finding involving a complaint that alleges
7 unreasonable or excessive force.

8 (iv) A sustained finding that an officer failed to intervene against
9 another officer using force that is clearly unreasonable or excessive.

10 (B) (i) Any record relating to an incident in which a sustained
11 finding was made by any law enforcement agency or oversight
12 agency that a peace officer or custodial officer engaged in sexual
13 assault involving a member of the public.

14 (ii) As used in this subparagraph, “sexual assault” means the
15 commission or attempted initiation of a sexual act with a member
16 of the public by means of force, threat, coercion, extortion, offer
17 of leniency or other official favor, or under the color of authority.
18 For purposes of this subparagraph, the propositioning for or
19 commission of any sexual act while on duty is considered a sexual
20 assault.

21 (iii) As used in this subparagraph, “member of the public” means
22 any person not employed by the officer’s employing agency and
23 includes any participant in a cadet, explorer, or other youth program
24 affiliated with the agency.

25 (C) Any record relating to an incident in which a sustained
26 finding was made by any law enforcement agency or oversight
27 agency involving dishonesty by a peace officer or custodial officer
28 directly relating to the reporting, investigation, or prosecution of
29 a crime, or directly relating to the reporting of, or investigation of
30 misconduct by, another peace officer or custodial officer, including,
31 but not limited to, false statements, filing false reports, destruction,
32 falsifying, or concealing of evidence, or perjury.

33 (D) Any record relating to an incident in which a sustained
34 finding was made by any law enforcement agency or oversight
35 agency that a peace officer or custodial officer engaged in conduct
36 including, but not limited to, verbal statements, writings, online
37 posts, recordings, and gestures, involving prejudice or
38 discrimination against a person on the basis of race, religious creed,
39 color, national origin, ancestry, physical disability, mental
40 disability, medical condition, genetic information, marital status,

1 sex, gender, gender identity, gender expression, age, sexual
2 orientation, or military and veteran status.

3 (E) Any record relating to an incident in which a sustained
4 finding was made by any law enforcement agency or oversight
5 agency that the peace officer made an unlawful arrest or conducted
6 an unlawful search.

7 (2) Records that are subject to disclosure under clause (iii) or
8 (iv) of subparagraph (A) of paragraph (1), or under subparagraph
9 (D) or (E) of paragraph (1), relating to an incident that occurred
10 before January 1, 2022, shall not be subject to the time limitations
11 in paragraph (8) until January 1, 2023.

12 (3) Records that shall be released pursuant to this subdivision
13 include all investigative reports; photographic, audio, and video
14 evidence; transcripts or recordings of interviews; autopsy reports;
15 all materials compiled and presented for review to the district
16 attorney or to any person or body charged with determining
17 whether to file criminal charges against an officer in connection
18 with an incident, or whether the officer's action was consistent
19 with law and agency policy for purposes of discipline or
20 administrative action, or what discipline to impose or corrective
21 action to take; documents setting forth findings or recommended
22 findings; and copies of disciplinary records relating to the incident,
23 including any letters of intent to impose discipline, any documents
24 reflecting modifications of discipline due to the Skelly or grievance
25 process, and letters indicating final imposition of discipline or
26 other documentation reflecting implementation of corrective action.
27 Records that shall be released pursuant to this subdivision also
28 include records relating to an incident specified in paragraph (1)
29 in which the peace officer or custodial officer resigned before the
30 law enforcement agency or oversight agency concluded its
31 investigation into the alleged incident.

32 (4) A record from a separate and prior investigation or
33 assessment of a separate incident shall not be released unless it is
34 independently subject to disclosure pursuant to this subdivision.

35 (5) If an investigation or incident involves multiple officers,
36 information about allegations of misconduct by, or the analysis or
37 disposition of an investigation of, an officer shall not be released
38 pursuant to subparagraph (B), (C), (D), or (E) of paragraph (1),
39 unless it relates to a sustained finding regarding that officer that
40 is itself subject to disclosure pursuant to this section. However,

1 factual information about that action of an officer during an
2 incident, or the statements of an officer about an incident, shall be
3 released if they are relevant to a finding against another officer
4 that is subject to release pursuant to subparagraph (B), (C), (D),
5 or (E) of paragraph (1).

6 (6) An agency shall redact a record disclosed pursuant to this
7 section only for any of the following purposes:

8 (A) To remove personal data or information, such as a home
9 address, telephone number, or identities of family members, other
10 than the names and work-related information of peace and custodial
11 officers.

12 (B) To preserve the anonymity of whistleblowers, complainants,
13 victims, and witnesses.

14 (C) To protect confidential medical, financial, or other
15 information of which disclosure is specifically prohibited by federal
16 law or would cause an unwarranted invasion of personal privacy
17 that clearly outweighs the strong public interest in records about
18 possible misconduct and use of force by peace officers and
19 custodial officers.

20 (D) Where there is a specific, articulable, and particularized
21 reason to believe that disclosure of the record would pose a
22 significant danger to the physical safety of the peace officer,
23 custodial officer, or another person.

24 (7) Notwithstanding paragraph (6), an agency may redact a
25 record disclosed pursuant to this section, including personal
26 identifying information, where, on the facts of the particular case,
27 the public interest served by not disclosing the information clearly
28 outweighs the public interest served by disclosure of the
29 information.

30 (8) An agency may withhold a record of an incident described
31 in paragraph (1) that is the subject of an active criminal or
32 administrative investigation, in accordance with any of the
33 following:

34 (A) (i) During an active criminal investigation, disclosure may
35 be delayed for up to 60 days from the date the misconduct or use
36 of force occurred or until the district attorney determines whether
37 to file criminal charges related to the misconduct or use of force,
38 whichever occurs sooner. If an agency delays disclosure pursuant
39 to this clause, the agency shall provide, in writing, the specific
40 basis for the agency's determination that the interest in delaying

1 disclosure clearly outweighs the public interest in disclosure. This
2 writing shall include the estimated date for disclosure of the
3 withheld information.

4 (ii) After 60 days from the misconduct or use of force, the
5 agency may continue to delay the disclosure of records or
6 information if the disclosure could reasonably be expected to
7 interfere with a criminal enforcement proceeding against an officer
8 who engaged in misconduct or used the force. If an agency delays
9 disclosure pursuant to this clause, the agency shall, at 180-day
10 intervals as necessary, provide, in writing, the specific basis for
11 the agency's determination that disclosure could reasonably be
12 expected to interfere with a criminal enforcement proceeding. The
13 writing shall include the estimated date for the disclosure of the
14 withheld information. Information withheld by the agency shall
15 be disclosed when the specific basis for withholding is resolved,
16 when the investigation or proceeding is no longer active, or by no
17 later than 18 months after the date of the incident, whichever occurs
18 sooner.

19 (iii) After 60 days from the misconduct or use of force, the
20 agency may continue to delay the disclosure of records or
21 information if the disclosure could reasonably be expected to
22 interfere with a criminal enforcement proceeding against someone
23 other than the officer who engaged in misconduct or used the force.
24 If an agency delays disclosure under this clause, the agency shall,
25 at 180-day intervals, provide, in writing, the specific basis why
26 disclosure could reasonably be expected to interfere with a criminal
27 enforcement proceeding, and shall provide an estimated date for
28 the disclosure of the withheld information. Information withheld
29 by the agency shall be disclosed when the specific basis for
30 withholding is resolved, when the investigation or proceeding is
31 no longer active, or by no later than 18 months after the date of
32 the incident, whichever occurs sooner, unless extraordinary
33 circumstances warrant continued delay due to the ongoing criminal
34 investigation or proceeding. In that case, the agency must show
35 by clear and convincing evidence that the interest in preventing
36 prejudice to the active and ongoing criminal investigation or
37 proceeding outweighs the public interest in prompt disclosure of
38 records about misconduct or use of force by peace officers and
39 custodial officers. The agency shall release all information subject

1 to disclosure that does not cause substantial prejudice, including
2 any documents that have otherwise become available.

3 (iv) In an action to compel disclosure brought pursuant to
4 Section 6258 of the Government Code, an agency may justify
5 delay by filing an application to seal the basis for withholding, in
6 accordance with Rule 2.550 of the California Rules of Court, or
7 any successor rule, if disclosure of the written basis itself would
8 impact a privilege or compromise a pending investigation.

9 (B) If criminal charges are filed related to the incident in which
10 misconduct occurred or force was used, the agency may delay the
11 disclosure of records or information until a verdict on those charges
12 is returned at trial or, if a plea of guilty or no contest is entered,
13 the time to withdraw the plea pursuant to Section 1018.

14 (C) During an administrative investigation into an incident
15 described in of paragraph (1), the agency may delay the disclosure
16 of records or information until the investigating agency determines
17 whether misconduct or the use of force violated a law or agency
18 policy, but no longer than 180 days after the date of the employing
19 agency's discovery of the misconduct or use of force, or allegation
20 of misconduct or use of force, by a person authorized to initiate
21 an investigation.

22 (9) A record of a complaint, or the investigations, findings, or
23 dispositions of that complaint, shall not be released pursuant to
24 this section if the complaint is frivolous, as defined in Section
25 128.5 of the Code of Civil Procedure, or if the complaint is
26 unfounded.

27 (10) The cost of copies of records subject to disclosure pursuant
28 to this subdivision that are made available upon the payment of
29 fees covering direct costs of duplication pursuant to subdivision
30 (b) of Section 6253 of the Government Code shall not include the
31 costs of searching for, editing, or redacting the records.

32 (11) Except to the extent temporary withholding for a longer
33 period is permitted pursuant to paragraph (8), records subject to
34 disclosure under this subdivision shall be provided at the earliest
35 possible time and no later than 45 days from the date of a request
36 for their disclosure.

37 (12) (A) For purposes of releasing records pursuant to this
38 subdivision, the lawyer-client privilege does not prohibit the
39 disclosure of either of the following:

1 (i) Factual information provided by the public entity to its
2 attorney or factual information discovered in any investigation
3 conducted by, or on behalf of, the public entity's attorney.

4 (ii) Billing records related to the work done by the attorney so
5 long as the records do not relate to active and ongoing litigation
6 and do not disclose information for the purpose of legal
7 consultation between the public entity and its attorney.

8 (B) This paragraph does not prohibit the public entity from
9 asserting that a record or information within the record is exempted
10 or prohibited from disclosure pursuant to any other federal or state
11 law.

12 (c) Notwithstanding subdivisions (a) and (b), a department or
13 agency shall release to the complaining party a copy of the
14 complaining party's own statements at the time the complaint is
15 filed.

16 (d) Notwithstanding subdivisions (a) and (b), a department or
17 agency that employs peace or custodial officers may disseminate
18 data regarding the number, type, or disposition of complaints
19 (sustained, not sustained, exonerated, or unfounded) made against
20 its officers if that information is in a form that does not identify
21 the individuals involved.

22 (e) Notwithstanding subdivisions (a) and (b), a department or
23 agency that employs peace or custodial officers may release factual
24 information concerning a disciplinary investigation if the officer
25 who is the subject of the disciplinary investigation, or the officer's
26 agent or representative, publicly makes a statement that they know
27 to be false concerning the investigation or the imposition of
28 disciplinary action. Information may not be disclosed by the peace
29 or custodial officer's employer unless the false statement was
30 published by an established medium of communication, such as
31 television, radio, or a newspaper. Disclosure of factual information
32 by the employing agency pursuant to this subdivision is limited
33 to facts contained in the officer's personnel file concerning the
34 disciplinary investigation or imposition of disciplinary action that
35 specifically refute the false statements made public by the peace
36 or custodial officer or their agent or representative.

37 (f) (1) The department or agency shall provide written
38 notification to the complaining party of the disposition of the
39 complaint within 30 days of the disposition.

1 (2) The notification described in this subdivision is not
2 conclusive or binding or admissible as evidence in any separate
3 or subsequent action or proceeding brought before an arbitrator,
4 court, or judge of this state or the United States.

5 (g) *Notwithstanding subdivision (a), subdivision (f) of Section*
6 *6254 of the Government Code, or any other law, or the holding in*
7 *Copley Press, Inc. v. Superior Court (2006) 39 Cal.4th 1272,*
8 *records and information obtained from records maintained by an*
9 *agency or body established by a city, county, city and county, local*
10 *government entity, state agency, or state department for the*
11 *purpose of civilian oversight of peace officers shall not be*
12 *confidential and shall be made available for public inspection*
13 *pursuant to the California Public Records Act (Chapter 3.5*
14 *(commencing with Section 6250) of Division 7 of Title 1 of the*
15 *Government Code). A record disclosed pursuant to this paragraph*
16 *shall be redacted only to remove personal data or information*
17 *such as a home address, telephone number, or identities of family*
18 *members, other than the names and work-related information of*
19 *peace and custodial officers, to preserve the anonymity of*
20 *complainants and witnesses, or to protect confidential medical,*
21 *financial, or other information in which disclosure would cause*
22 *an unwarranted invasion of personal privacy that clearly outweighs*
23 *the strong public interest in records about misconduct by peace*
24 *officers and custodial officers, or where there is a specific,*
25 *particularized reason to believe that disclosure of the record would*
26 *pose a significant danger to the physical safety of the peace officer,*
27 *custodial officer, or others.*

28 ~~(g)~~

29 (h) This section does not affect the discovery or disclosure of
30 information contained in a peace or custodial officer’s personnel
31 file pursuant to Section 1043 of the Evidence Code.

32 ~~(h)~~

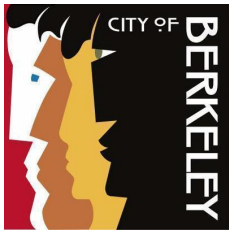
33 (i) This section does not supersede or affect the criminal
34 discovery process outlined in Chapter 10 (commencing with
35 Section 1054) of Title 6 of Part 2, or the admissibility of personnel
36 records pursuant to subdivision (a), which codifies the court
37 decision in *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

38 ~~(i)~~

1 (j) Nothing in this chapter is intended to limit the public's right
2 of access as provided for in Long Beach Police Officers
3 Association v. City of Long Beach (2014) 59 Cal.4th 59.

4 SEC. 3. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

O



Councilmember Sophie Hahn
City of Berkeley, District 5

CONSENT CALENDAR

April 26, 2022

To: Honorable Members of the City Council
From: Councilmember Sophie Hahn (Author), Mayor Jesse Arreguín, Councilmembers Terry Taplin and Kate Harrison (Co-Sponsors)
Subject: Budget Referral for Accessibility Renovations for Luna Dance Institute

RECOMMENDATION

Refer a grant of \$150,000 for the benefit of Luna Dance Institute to the FY2023-2024 budget process to support the renovation of 931 Ashby Avenue and create a fully accessible, permanent dance education center for children, families, artists, teachers and the public. Funds will be directed to accessibility upgrades allowing the new Luna center to become Berkeley's first and only 100% ADA accessible studio, rehearsal, performance, and teaching space.

CURRENT SITUATION AND ITS EFFECTS

Luna Kids Dance, Inc. dba Luna Dance Institute is a California 501(c)(3) Not for Profit Corporation, established in 1992, that has moved nine times due to the volatile Bay Area real estate market. Luna's most recent move from its West Berkeley facility at 605 Addison Street was precipitated by the COVID-19 pandemic and propelled by an unforgiving landlord. Luna is currently offering Professional Learning services and MPACT (Moving Parents & Children Together) classes virtually, school-based dance programs onsite, and its studio programs are temporarily paused. The organization has an office at the David Brower Center while completing the purchase and renovations at 931 Ashby Avenue.

For the past decade, Luna has been searching for a permanent Berkeley home for the organization, to expand their mission with the local, national, and international communities Luna serves. Committed to staying in Berkeley, Luna has attempted to identify, purchase, and finance a number of spaces without success - until now. The 931 Ashby property is well-suited for the organization's comprehensive services. This site is inviting for families, artists, and teachers accessible to public transit, and is a block away from local eateries and Berkeley Bowl West.

Luna has been committed to dance access for all people since its inception. They have designed and implemented programs in schools for children in special education and inclusion programs; consulted for AXIS Dance Company, whose mission is to challenge perception of dance and disability; hosted Dance & Disability panel presentations; and as a nationally recognized expert in dance and special education, Kennedy Center VSA has awarded Luna

multiple contracts to support youth with special needs, and invited them to present at national conferences and webinars focused on Universal Design for Learning.

Luna program participants reside and work in neighborhoods that are inclusive of multiple ethnicities and languages, immigrants, disabled people, people of color, LGBTQIA+, formerly incarcerated, and the unhoused. Many of the artists and educators in Luna's community teach in the public education and child welfare systems.



Planned permanent home of Luna at 931 Ashby Avenue Berkeley (Potter St. View)

Luna began a more active facility search and capital campaign in 2018. Generous individual donors and foundations invested seed money for a \$910K down payment on the \$2.41M building. Foundation support of \$460K received for the purchase of 931 Ashby include contributions from the William and Flora Hewlett Foundation, Banks Family Foundation, Louis L. Borick Foundation, and the Bernard E. & Alba Witkin Charitable Foundation. In addition, \$450,000 has been contributed from individual donors, including several Berkeley residents. Community Bank of the Bay is lending an additional \$1.5M in financing to purchase the property.

Because buildings that are appropriate in size, location, and price are rare in Berkeley, Luna is acting now to purchase 931 Ashby with the financing already in hand. Achieving the purchase with the support of these many charitable partners has been a long and demanding process, and Luna's success in securing funds for the purchase is testimony to the organization's fiscal responsibility and local and national stature.

Luna now must raise an additional \$1.5M to renovate the property for full ADA accessibility. The entire facility will be made accessible by installing an elevator, ramps for mobility access to two dance floors, and ensuring accessibility to all bathrooms. It is in support of these accessibility renovations that Luna seeks funds from the City of Berkeley.

BACKGROUND

Luna Dance Institute is a Berkeley-based organization with local, national and international renown. Luna received an Isadora Duncan Dance award from the regional SFBA dance community for its excellence in service of youth education, its MPACT program was recognized by the National Arts and Humanities Youth Program Award as one of 50 arts organizations with exemplary youth program, and research into MPACT was supported with an Alameda County Behavioral Health Services innovation award and published in the *International Journal for Education and the Arts*. Luna's founder and Berkeley resident Patricia Reedy received a Community Excellence Award from the Red Oak Opportunity Fund.

The mission of Luna is to bring creativity, equity, and community to every child through the art of dance. To achieve its mission, Luna's local programs and services for children, families, and artists include creative dance, family dance, and choreography classes; rehearsal and performance opportunities for regional dancers and choreographers; gathering space to investigate issues of equity and creativity vital to our community and field; and partnerships with education and social service agencies seeking to bring the benefits of dance to their communities.

Partnerships have included Berkeley Head Start and Lifelong Medical Services' residential treatment center Project Pride where mothers and children dance together through Luna's nationally recognized MPACT program. In addition to being a community center for children, families, and artists, Luna's Professional Learning (PL) programs provide professional development to regional artists, teachers, and social workers, as well as attracting dance educators from across the state, nation, and from other countries who come to Luna to study and learn from their innovative dance education programs.



Luna's impact is exponential. Typically, 300 or more dance educators attend Luna's Professional Learning activities every year, *bringing dance education to more than 50,000*

children each and every year, meaning over a half million students are served by Luna-trained and Luna-inspired teachers over the course of a decade.

In addition to workshops, in-depth learning institutes, coaching and mentorship, curricula, and practitioner exchanges, Luna offers internships, fellowships, inquiry panels, and podcasts that lift up the expertise of local education and dance experts. Current fellows are investigating dance in relationship to disability awareness and special education, family dance and embodied parent education, and the pedagogy of culturally specific dance forms.

Equity has been at Luna's core since its founding in 1992 with Luna faculty instigating or leading race and equity initiatives in local, state, and national organizations, as well as assuring continuous training and study groups for staff. To fulfill the organization's mission of creativity, equity, and community for all children through the art of dance, Luna must return to pre-COVID levels of service delivery and realize its vision to expand service in an accessible location that cannot be taken away.

As Berkeley families emerge from the pandemic, they are calling on Luna – asking when they can return to dance again. Learning and working on Zoom for two years underscored the deep human need to move one's body in community. During the pandemic, teachers came to Luna for support in unprecedented numbers. Luna has a finger on the pulse of what teachers need now to stay engaged in their careers and revitalize their pedagogy and purpose.

Educators come to Luna because they believe teaching is a social justice act--they need a place where they can dance and embody the ideas they will use in their classrooms. Dance teaching artists, who are also dance-makers, need a place to study, rehearse, teach, and research their practice. Bay Area choreographers, new dance education leaders, and small dance companies need a home base.

All children need a dance space where they can explore their truest nature, and create and express their dance ideas freely. Parents need a comfortable space where they can strengthen the bond they have with their children through play-based classes in a safe environment. Berkeley's public needs a place to engage with the art of dance in a non-elitist way. All of Luna's constituents need a place to belong.

Luna's permanent home will be this place — a community asset that is accessible and inclusive to all who practice dance as an act of liberation and freedom. For 30 years in nine different rental facilities, Luna has created a reputation for inclusivity, creativity, and belonging. The boundaries of who can dance, what dance is, and where dance lives have expanded. While keeping these values at the core, Luna seeks to expand programs through public engagement, research, and work/career development because there will be ample space for constituents to delve into their own interests and interact with others to create new possibilities for dance.

Luna's Mission:

Luna believes that everyone has the right to dance. In serving children and families, and artists and educators who reflect the diversity of the children and families they teach, Luna is

committed to equity which requires accessibility. Program participants reside and work in neighborhoods that are inclusive of multiple ethnicities and languages, immigrants, disabled people, people of color, LGBTQIA+, formerly incarcerated, and the unhoused.

Many of the artists and educators in Luna's community teach in the public education and child welfare systems. They live at marginal levels where they can barely afford to live in the San Francisco Bay Area. These teachers often represent their students ethnically, with 90% of non-European descent. Their students attend Title I schools and are predominantly of Latinx, African-American, and Southeast Asian heritage. Local constituents using Luna's services come from Alameda, Contra Costa, San Francisco, Solano, Santa Clara, and Marin Counties, favorably impacting the local economy.

Luna Dance Institute's arts education programs for children, families, artists and teachers have been recognized twice by the City of Berkeley Council—most recently at their 25th anniversary festivities where they were presented by proclamations from the City and the State of California. Luna is embedded in the arts education ecosystem of the San Francisco Bay Area, providing professional resources for artists and teachers through past and current partnerships with BUSD, Berkeley Head Start, Bahia Preschool, University of California's student-led Dance the Bay, AXIS Dance Company, OUSD, and San Francisco Ballet Dance In Schools & Communities outreach program. Luna is an active member of Berkeley Cultural Trust (BCT) and their staff reinstated the Berkeley Arts Education Steering Committee in 2017 and chaired BCT's Equity & Inclusion Committee when it first began.

Regionally, statewide, and nationally, Luna is recognized as a thought-leader in the dance education sector. All of the Berkeley Unified School District dance teachers have received Luna's PL services and continue relationships as leaders in the arts' community. Luna was instrumental in working with the California Dance Education Association, CREATE CA, and Senator Ben Allen to reinstate the dance and theater teaching credentials for public instruction and was the sole non-profit arts organization on the California Department of Education's recent revision committees for the Visual and Performing Arts standards and framework for public instruction.

Luna's directors, Nancy Ng, Patricia Reedy, and John-Mario Sevilla are on the editorial board of the National Dance Education Organization's (NDEO) *Dance Education in Practice* journal, and Ng and Sevilla also serve on NDEO's Justice Equity Diversity and Inclusion initiative. Ng serves as a board trustee for the National Guild for Community Arts Education and is co-chair of their racial equity committee.

Luna was a key contributor and stakeholder in creating the City's arts and culture plan adopted by the Berkeley City Council in 2018.

The updated Arts and Culture Plan cites a Vision where:

- The City of Berkeley is a place where the arts are fully integrated into civic life and community identity.

- Our public spaces inspire, promote dialogue and serve to engage all who live and work in Berkeley, and all who visit our city.
- The city provides a supportive environment for artists and arts organizations to prosper and thrive. The arts are inclusive and empowering and serve to strengthen collaboration within our community
- Quality arts education for all ages inspires creativity, builds community and facilitates cross-cultural understanding.
- The economic contributions of local artists and arts organizations are valued, prioritized and supported.
- Berkeley is known regionally, nationally and internationally as a place where anyone can experience the transformative power of the arts in a variety of settings and locations.

The Opportunity of a Permanent, Fully Accessible Home in Berkeley:



Luna’s purchase and renovation of 931 Ashby Avenue completely embodies the City’s Arts and Cultural Plan vision. In Ng’s role as BAESC chair she worked with the Civic Arts Commission to create Goal 3 of the Arts and Culture Plan to “expand high quality and equitable arts education.”¹ Luna’s 20 Points of View open studio showing, public Equity and Inclusion panels, and Dance Education forums have welcomed the city of Berkeley into meaningful dialogue about where and how dance manifests social justice, arts, and change. With more than 9000

¹ [City of Berkeley Arts and Culture Plan, 2018-2027 Update, Page 32](#)

square feet of programming space, they will expand opportunities to fully participate in Berkeley's arts ecosystem.

Luna's light-filled accessible multi-level community dance center will be a home for children, families, artists and educators. Community members will enter on the ground floor (on Potter St.) which will accommodate an open reception area with offices, parent area, lounge space for artists, and a restroom. Ground floor offices will include partially subsidized work spaces for artists and arts organizations. Two dance studios (one with capacity for audience seating) restrooms, dance education library, conference room, and additional offices will be housed on the 2nd floor, and 3rd-level mezzanine. All spaces and entry ways will be fully ADA accessible through ramps to the sprung wood floors, an elevator, and accessible doorways. The dedicated spaces for teaching and sharing will include technology for in person and virtual learning.

As a 30-year-old organization, Luna's current Co-Executive Directors, Ng and Reedy have been tenacious in their commitment to manifesting equity in dance education. Realizing their vision has been burdened and delayed by repeated relocations. Thus, they are adamant that the next generation of Luna's leadership not be saddled with the same obstacles while also intent on creating a dance home for other dance artists and companies in the East Bay. Building renovations will include office space for peer dance artists/organizations that Luna hopes to be able to partially subsidize. This forward-thinking strategy for organizational health and stability ties directly into Luna's Diversity, Equity, and Inclusion goals by leaving a legacy of a permanent dance education home for the community.



Grants like this to support nonprofit arts organizations have precedent in Berkeley. In 2015 the City Council voted to allocate similarly sized grants to Kala Art Institute and the UC Theater, and in 2019 to the Capoeira Arts Foundation (CAF). KALA and UC Theater organizations needed support from the City to upgrade their facilities that would make their operations viable and

sustainable for the long run, and CAF sought support to purchase the building they were leasing.²

FISCAL IMPACTS OF RECOMMENDATION

The purchase of 931 Ashby is imminent and funds for accessibility renovations are needed as quickly as possible. Escrow is expected to close on the property March 31, 2022. Luna Dance Institute needs to have renovation funds secured to begin work this summer. A grant of \$150,000 is sought from sources to be identified by the Budget and Finance Committee and City Manager, to be disbursed to the organization early in FY2023.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

Developing a permanent, fully accessible dance and arts facility adjacent to several bus lines with frequent service that link directly to the Ashby Bart station will encourage the use of public transit. Keeping Luna within the core of the Bay Area means users from throughout Berkeley and the region can access important arts and dance programming without use of private vehicles.

CONTACT PERSON

Councilmember Sophie Hahn, (510) 981-7150

Attachments:

- 1: Luna Leap Land Soar Capital Campaign Brochure
- 2: Support Letter from BCT colleague member

²[Allocation of Funds to UC Theatre and Kala Art Institute, 11-3-2015](#)

LUNA DANCE INSTITUTE



\$2.5 MILLION

**CAPITAL
CAMPAIGN**



EXECUTIVE SUMMARY

SECURE LUNA'S LAUNCHING PAD TO SOAR INTO THE FUTURE

Luna was founded in 1992 to serve as a home for dance teachers displaced by the Loma Prieta earthquake. Three decades later, Luna has grown from a local dance studio to a nationally-recognized, innovative teaching and learning center supporting 300+ artists and educators to bring the transformative power of dance to tens of thousands of children each and every year.

As the San Francisco Bay Area emerges from the devastation of COVID-19 on its arts ecosystems, Luna continues its commitment to serving community through the art of dance. Like many nimble arts and education organizations, Luna pivoted to online programming in March 2020. Because it was not practical nor financially prudent to maintain a lease when we could not meet our clients in person, we relinquished our dance studio and administrative offices in West Berkeley. This unplanned closure marked the ninth time in 30 years that our mission to bring dance to all children was disrupted because of the instability of the expensive and competitive Bay Area real estate rental market.

Luna turns 30 soon, and we enter our fourth decade with a focus on securing resources for the next generation of Luna leaders to grow our future. Controlling our own space is a pillar of our legacy strategy. To achieve this goal, we are accelerating our **LEAP LAND SOAR Capital Campaign** to raise a minimum of \$2.5 million toward purchasing a building and customizing it to stabilize our ongoing work as a local cultural asset and dance education trailblazer.

When Luna was founded, Bay Area dance teachers and artists joined together to create a place to create, perform, and connect. Their efforts were supported by many people and organizations. Now, we need those who believe in the arts as a life-giving force to help us create a permanent home for dance. Please consider a generous gift to propel our vision to **LEAP** to new heights, **LAND** in a new space of our own, and **SOAR** into the future, together.

A permanent home will be a game-changer for Luna's life-changing dance programs. Circumstances beyond our control forced us to leave our rented Berkeley studio in 2020. This was the 9th time in our 30-year history that we were forced to move. Now is the time to secure the launching pad—the position of financial stability—that is vital to Luna's future.

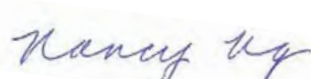
— DENISE OLDHAM
LUNA BOARD PRESIDENT

Patricia Reedy



Executive Director,
Creativity & Pedagogy

Nancy Ng



Executive Director,
Creativity & Policy



LUNA DANCE INSTITUTE

Bringing creativity, equity, and community to every child's life through the art of dance.



LUNA'S PLACE AS A LAUNCHING PAD FOR SOCIAL CHANGE

Dance educators and artists come together at Luna to shape and give voice to collectively emerging questions about the power of dance to create more healing, more inclusivity, and more freedom for children everywhere. New questions lead to new awareness, discovery, and possibility.

Luna's [Theory of Change](#) is guided by inquiry, an ongoing questioning of assumptions and investigation of possibilities. We are dedicated to defending and furthering children's freedom by challenging inequitable practices and policies in dance and education. All children are born into this world with an innate curiosity to discover, create, and connect through their moving body. Yet systemic educational and economic structures reinforce exclusivity, and limits access to dance experiences.

Our inquiry-driven organizational culture centers artists and teachers as powerful agents of change,

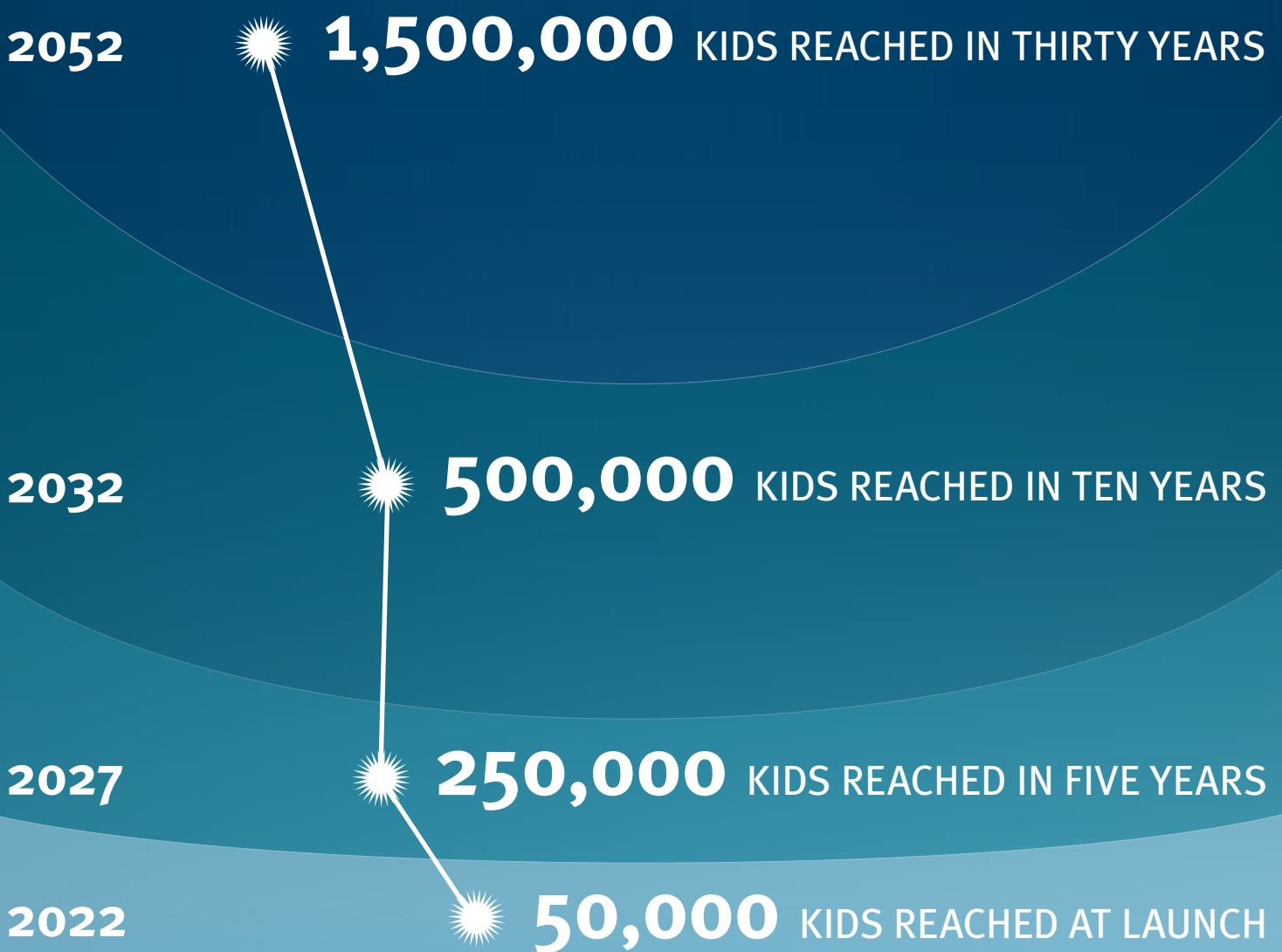
uniquely equipped to reveal what equity in dance looks like. These leaders create ripple effects of change that extend from our dance institute in Berkeley, California to their classrooms, studios, neighborhoods, and communities everywhere.

Throughout recorded history, the wondrous spirit of human creativity, including its expression through the arts, has preceded and shaped societal progress. We believe that gifting future generations of children the freedom to dance has the power to reveal a new era of human actualization and empathy-rooted interconnection.

Because to dance is to fly, and when we fly, we can soar. When we soar, we are free. A stable and sustainable space for Luna is essential to unleashing the full potential of dance to help children everywhere experience liberation.

LUNA'S REACH OUR VISION FOR THE NEXT THIRTY YEARS

EACH YEAR, LUNA DANCE INSTITUTE TEACHERS
REACH **50,000** KIDS



Artists and teachers at Luna bring dance to students in public schools, social service agencies, libraries, Head Start programs, and many other environments, making dance accessible to children who might be excluded because of socio-economic, language, or special education barriers. Since 1992, Luna has already reached 300,000+ kids.

LEAP LAND SOAR

space for dance education

THE LEAP LAND SOAR CAPITAL CAMPAIGN WILL BUILD AN ENDURING HOME FOR DANCE EDUCATION

Dance is integral to a holistic education that supports children’s physical and cognitive development, health and well-being, and creative expression. With the reinstatement of the California dance teaching credential, after a 50-year demise of dance in schools, now is the time to restore access to high-quality dance education for all children. Luna has a unique and distinct role to fulfill to support dance educators.

— TOM DECAIGNY
EXECUTIVE DIRECTOR, CREATE CA
STATEWIDE ARTS EDUCATION ADVOCACY
AND POLICY ORGANIZATION

When children are dancing, they are home



LEAP . . . LIFTING DANCE UP



Over three decades, Luna Dance Institute has grown from a local dance studio to a nationally recognized dance education leader. Luna’s programs work together with equity and policy initiatives to expand dance education for children.

Luna’s Professional Learning department offers a creative haven for artists, teachers, and practitioners to investigate their practice, improve their teaching, and grow as leaders and change agents. They return to their communities

and schools as innovators, generating greater access to creative, high-quality dance education for all children. Luna’s community of teachers successfully advocated to reinstate California’s dance teaching credential through the 2017 Theatre and Dance Act (TADA!). Stabilizing Luna’s operating capacity with a permanent, dedicated space for dance teachers provides a foundation for collaboration as they collectively continue to advocate for dance at local, regional, and national levels.

Creating community through dance



LAND . . . CREATING A PERMANENT HOME

To thrive and grow, Luna Dance Institute must secure a permanent space to:

STRENGTHEN & STABILIZE PROGRAMS

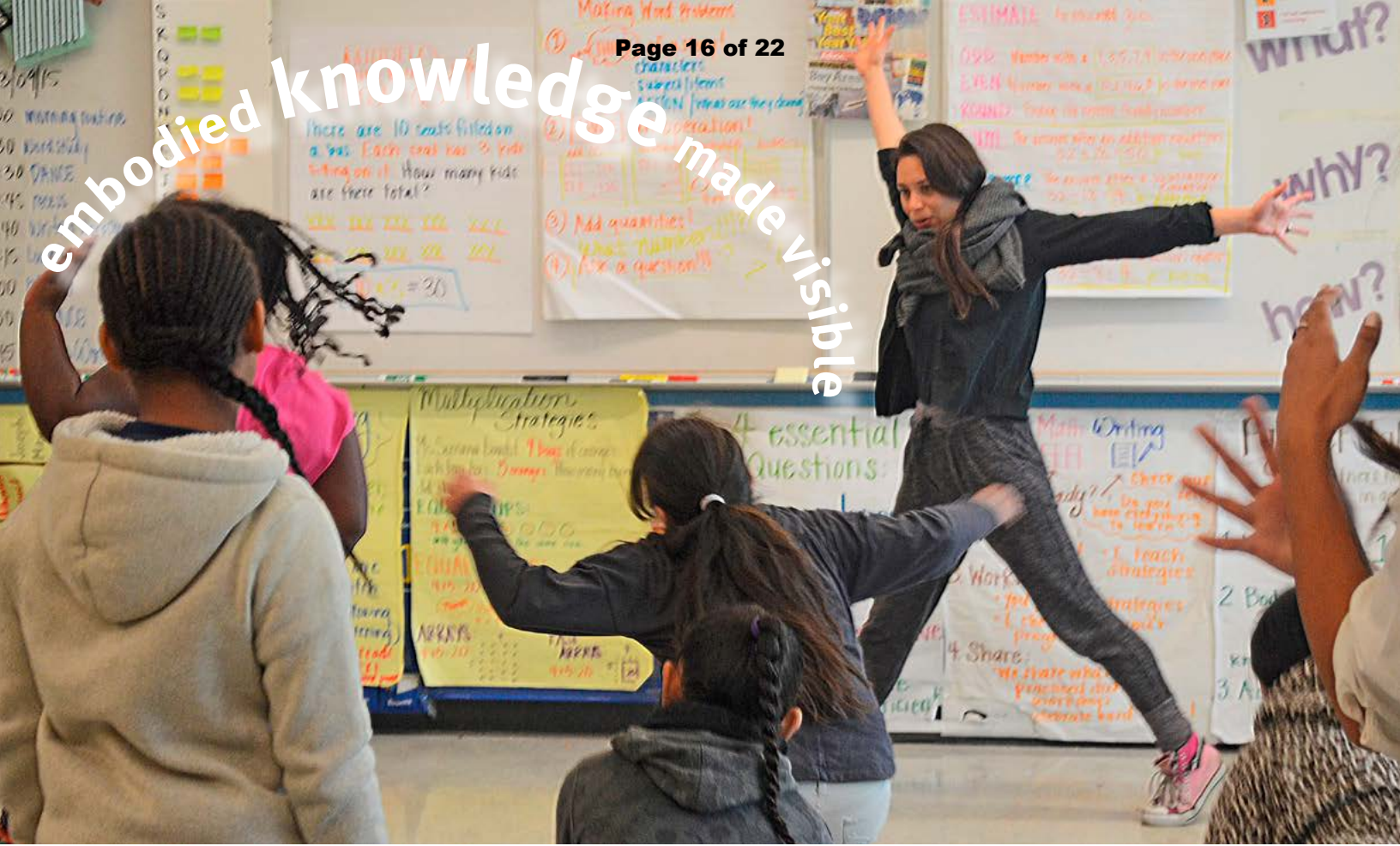
- Restart our temporarily-paused in-person programming
- Expand opportunities for teaching artists and educators to develop as leaders and researchers
- Raise the profile of dance by bringing children, families, artists, and teachers together to learn, dance, and grow in community



CREATE A NEW COMMUNITY ASSET

- Support Luna’s future leaders to continue its mission of access and equity in dance
- Embed Luna’s excellent creative programs and research in a region that prides itself as a leader in arts and culture
- Host collaborative ventures as part of the greater Berkeley arts ecosystem
- Increase the number of local studio spaces designed for dance-making, learning, and performing

embodied knowledge made visible



SOAR . . . LAUNCHING OUR FUTURE



In a permanent Berkeley location, Luna will SOAR into our next phase as an organization that is a vital cultural asset to the San Francisco Bay arts ecosystem. With a stable home, Luna will provide local services to diverse children, families, artists, and teachers as it continues to strategically participate in state and national arts education policy initiatives that affect our region

and ripple throughout California. Luna’s current and future leaders will explore new ideas and develop programs to meet the evolving needs in arts education. A successful LEAP LAND SOAR Capital Campaign propels us into the future—positioning us to lead excellence in dance education. Now is the time to take a giant leap forward and secure a long-term space for Luna Dance Institute.

TOGETHER CHANGING THE WORLD



Luna gives dance educators a home and community. In a profession where many dance educators are isolated, Luna gives them a place to connect and to grow.
— SUMMER INSTITUTE PARTICIPANT



Luna's Professional Learning and Community Programs work are intertwined – internships, seminars, and extended Institutes help Luna reach more children and families. The field research of Luna's community of artists and teachers show policymakers what is possible in dance education.



LUNA DANCE INSTITUTE'S EVOLVING PROGRAMS AND SERVICES

PROFESSIONAL LEARNING

California's only arts resource solely focused on supporting dance educators teaching youth ages 0-17. Educators maximize creativity in all dance curricula, establish collegial communities, research their practice through seminars, internships, and fellowships, and become change agents in the fields of dance and education. As they become confident leaders in their communities, they create a ripple effect that fulfills Luna's mission to bring all children to dance.

[Read More...](#)

I have known Luna since I was pregnant with my son Schuyler. First, as a teacher and dancer accessing their professional resources, then as the parent of a child and pre-teen taking classes at their studio, and also as a board volunteer. My son is 15 now, and Luna continues to be a shining resource for the community and all who believe in the power of dance to change lives.

— HEIDI SAWICKI
EAST BAY TEACHER AND PARENT

COMMUNITY PROGRAMS

School & Community Alliances Luna builds high-quality, standards-based dance programs as core educational experiences for all children through partnerships with schools and districts.

Moving Parents & Children Together (MPACT) family dance and embodied parent education classes support parents and children in the child welfare system who are in the process of reunification, including incarcerated women, women living in domestic violence or homeless shelters, women in residential treatment facilities, and immigrant families.

Studio Lab is the first and the only dance program on the west coast that focuses solely on building the dance-making skills of young choreographers, ages 5-17. Students discover the elements of dance — the body moving in space, energy, and time — as they create and perform their own choreography.

Early Childhood Education A cornerstone of Luna's work, children 0-5 dance through Studio Lab, MPACT, and partners that include California Head Start centers. We provide professional development to Early Childhood Education teachers using our unique Love, Move, Play framework.

[Read More...](#)

freedom in new and unpredictable ways



PROPOSED CAPITAL IMPROVEMENTS

We envision a light-filled accessible space where artists, educators, children, and families will create a community through dance. Dance is a live embodied art form to be experienced in-person. These vital features are needed for Luna’s permanent Berkeley home:

DEDICATED SPACES TO DANCE, LEARN & SHARE

- 2 Dance Studios
- Parent Area
- Library
- Research & Resource Centers
- Capacity for Audience Seating

FACILITY & OPERATION

- 7600 square feet with space to grow
- ADA-Compliant Access
- Efficient HVAC
- Technology for In-Person & Virtual Learning

ORGANIZATIONAL STABILITY & SELF SUFFICIENCY

- Shareable Community Asset
- Accumulation of Financial Equity
- Earned Income Potential

For nearly 30 years, through the power of community, Luna has reached tens of thousands of children, their teachers, and their families. A home base gives all of them a creative space of belonging to move out from and return to.

— PATRICIA REEDY
FOUNDER

LEAP LAND SOAR

HELP LAUNCH OUR FUTURE THROUGH YOUR INVESTMENT



After leaving our last studio as a result of the pandemic, we searched for a new space to resume our in-person work to bring dance to all children. In February 2022, we entered into contract on a space with all the potential described above. Your investment in the LEAP LAND SOAR Capital Campaign will turn this building into a permanent home for Luna Dance Institute.

Your support centers Luna within Berkeley's community of arts organizations and helps to continue innovative programs in dance pedagogy. Rising dance educator leaders will have the collegial space and the resources they need to serve hundreds of thousands of children.



WAYS TO SUPPORT

All contributions make a difference, and there are many ways to support LEAP LAND SOAR. Learn more about how you can help our capital campaign [here](#).

GET IN TOUCH

Nancy Ng, Co-Executive Director, welcomes the opportunity to meet with you and share our commitment to creativity, equity and community through the art of dance. To schedule a meeting, contact nng@lunadanceinstitute.org.



LUNA DANCE INSTITUTE

I supported Luna Dance Institute after seeing the power of embodied dance to bring parents and young children together in the MPACT program. I'm committed to helping Luna find a permanent home to expand its programs to bring the joy of dance and movement to all children.

— KAREN BANKS
BANKS FAMILY FOUNDATION
CAPITAL CAMPAIGN LEAD DONOR



I N S T I T U T E

March 14, 2022

Dear Mayor Arreguín and Berkeley City Council,

As the Founding Director of Kala Art Institute, serving and supporting artists in Berkeley and beyond since 1974, I submit this resounding endorsement for Luna Dance Institute’s request for a grant of \$150,000 from the City of Berkeley to establish its permanent dance education center at 931 Ashby Avenue. Luna will infuse West Berkeley and the city of Berkeley arts scene and local economy of culture, technology, industry and retail, with generous dynamism and spirit.

Luna, like Kala, shares an important mission to serve the community through the transformative power of the arts. Luna provides paradigm-shifting dance education that bring creativity, equity and community to children, families and schools, and to professional artists and educators. Luna provides creative dance, family dance, and choreography classes; rehearsal and performance opportunities; resources to investigate issues of equity and creativity vital to the dance field; and partnerships with education and social service agencies bringing benefits of dance to stakeholders.

In addition to its focus on children and families, Luna provides professional learning for artists, teachers, and social workers, attracting and inspiring educators internationally with its innovative pedagogy. Luna internships, fellowships, inquiry panels, and podcasts build practice and advocacy for significant issues, like disability awareness and special education, embodied family and parent education, and teaching culturally diverse dance forms. Throughout its 30 years of its existence, Luna has been recognized as a thought-leader in arts education. Luna was a key contributor to the City’s arts and culture plan, and an active member in Berkeley Cultural Trust –reinstating the Berkeley Arts Education Steering Committee, and co-chairing the Equity and Inclusion committee.

A permanent home for Luna would create a necessary asset for Berkeley, a safe space where *all* bodies would be welcome to join Luna’s inclusive vision of community. There, children will be empowered to explore their truest nature, imagine, create, and express their ideas freely; families will be able to strengthen bonds through trust, empathy and joyful play; *any body* will be able to discover a love for dance, beauty and life-long learning. I urge you to support the building of Luna’s new home, which I attest will be an important hub for community service and activation and an incubator for the stewardship of an equitable, sustainable, vibrant Berkeley.

Respectfully,

Founding Director, Kala Art Institute



PRINT STUDIO
MEDIA CENTER
GALLERY

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A Non-profit Organization



Sophie Hahn

District 5 Councilmember

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author)

Subject: Budget Referral: Hopkins Corridor Bike, Pedestrian, and Placemaking Improvements

RECOMMENDATION

Refer \$300,000 to the FY 2023-2024 budget process, with \$150,000 in FY 2023 and \$150,000 in FY 2024, for bike, pedestrian, and streetscape improvements to be implemented in coordination with protected bike lanes, pedestrian safety features, and re-paving of the Hopkins Corridor.

CURRENT SITUATION

City staff and their on-call consultants are currently working on a study of the Hopkins Corridor area, in response to the [Hopkins Corridor Traffic and Placemaking study referral](#) unanimously passed by the City Council in 2017, and the 2017 Berkeley Bike Plan recommending Hopkins Street for a complete streets corridor and cycle track study.

[Plans for pedestrian and bike improvements, as well as a first phase of landscaping, seating, bollards, bike parking, and related amenities for the area are in the final stages of development.](#) Work related to these plans, including repaving, raising crosswalks, and pouring of new curbs, bulb-outs, islands, and other features, is scheduled to take place in 2023. The imminent build-out of these hardscape elements provides a unique opportunity to refresh and expand bike parking, benches, bollards, and trash receptacles, plant trees, install drought tolerant landscaping in medians and bulb-outs, and provide other amenities for safety, utility, and community gathering – to accomplish the letter and spirit of the Hopkins Corridor referral.

While some funds already exist for these purposes, it is anticipated that additional funds will be needed to support installation of features across the corridor that harmonize with the existing neighborhood.

The purpose of this budget referral is to provide complimentary funding to allow for simultaneous implementation of streetscape improvements not otherwise funded, including but not limited to benches, bike racks, trash receptacles, street trees, drought tolerant landscaping, bollards, and protected pedestrian crossing features, and related community and placemaking elements.

BACKGROUND



The Hopkins Corridor, defined in a 2017 referral for the Hopkins Corridor Traffic and Placemaking Study, encompasses Hopkins from Gilman Street to Sutter Street, Sacramento Street from the southern approach of Rose Street to Hopkins Street, and the Monterey Avenue approach to Hopkins, plus all major and minor intersections. In addition, the City's 2017 Bike Plan recommended Hopkins Street for a "complete street corridor and cycle track study." The studies are currently being conducted by the Public Works department and on-call consultants, to coincide with the planned repavement of Hopkins Street in 2023.

In addition to being the site of several tragic pedestrian and bike injuries and fatalities, the Hopkins Corridor encompasses a variety of impactful conditions including:

- The busy neighborhood commercial area centered around the intersection of Hopkins Street and Monterey Ave, which attracts significant car, bicycle and pedestrian traffic on a daily basis, constant ingress and egress from parking lots and spaces, and associated delivery and other trucks;
- Treasured local businesses that draw a neighborhood and regional clientele and benefit from pedestrian activity and lively café-seating and street-life.

- Numerous educational and recreational facilities in the area that involve drop-off and pick-up of youth, and/or youth pedestrians and bike riders, including at least four preschools (Mustard Seed at 1640 Hopkins St, Hopkins Pre-school at 1810 Hopkins, Sprouts at 1910 Hopkins, and Berkeley Little School at 1611 Hopkins), King Middle School; King's playing fields and the adjacent park, pool, and tennis courts, St. Mary's High School and the North Branch Library;
- Two active churches;
- A high concentration of families and Senior Citizens living in the area, regularly crossing streets to access shops, recreational and ecumenical facilities and the North Branch public library;
- Hopkins and Monterey serving as major East/West access corridors with significant vehicular traffic to and from freeways and cross-town destinations (via Sacramento, San Pablo, The Alameda/MLK and Sutter/Henry/Shattuck);
- Hopkins and Sacramento serving as designated Emergency Access and Evacuation Routes;
- California Street serving as a bicycle boulevard and AC Transit bus lines traveling through the corridor; and
- One of only two gas stations in North Berkeley at Hopkins and MLK/Alameda, with vehicles regularly stacked in the street and intersection awaiting ingress.

The Hopkins Corridor Traffic and Placemaking Study articulated the following Complete Streets/Traffic elements to be considered in the course of the study:

- Pedestrian safety at all intersections along the corridor, in particular at Monterey and Hopkins, the site of a fatality in April of 2017;
- Bicycle lanes, parking and infrastructure, including elements anticipated as part of the 2017 Berkeley Bicycle Plan;
- Traffic flow into and out of the corridor, with special attention to the Gilman/Hopkins, Sacramento/Hopkins, Hopkins/Monterey and Hopkins/MLK/Alameda intersections;

- Ingress and egress from the Monterey Market and the Hopkins/MLK/Alameda gas station;
- Parking, pick-up and drop-off for schools, the public library, churches and recreational facilities, including consideration of traffic management at peak times;
- AC Transit and school busses, both public and private;
- Green Infrastructure;
- Addition of signalized intersections and/or adjustment of timing, turning and other features of signalized intersections; and
- Parking for employees and customers and loading for commercial vehicles.

In addition, the Study is required to address the following Community Building/Placemaking elements:

- Exploration of means to create additional spaces for community gathering and to increase greenery and other placemaking amenities that harmonize with existing features in the corridor, with full access for all ages and abilities;
- Ensure design and style of improvements add to the charm and character of this highly valued and historic neighborhood commercial district; and
- Any other considerations that may further enhance placemaking and the safe and vibrant use of public spaces, including improvements to hardscape and greenery and enhancement of community-building and placemaking.

In response to the 2017 Referral and the Bike Plan study requirements, the Public Works department is in the final stages of conducting the first phase of the required studies.

As reformatted by staff, key project study goals are:

- Improve the safety of walking along and crossing Hopkins Street, achieving zero pedestrian severe injuries by 2028;

- Improve bicycle and vehicular transportation safety and flow along and crossing Hopkins Street, achieving zero severe injuries by 2028;
- Transform Hopkins Street between Sacramento Street and McGee Avenue into a community gathering place with an attractive visual identity and inviting public spaces;
- Manage parking in order to meet the needs of residents and local businesses;
- Support local businesses by creating a streetscape that attracts customers:
- Install green infrastructure to protect the Bay while providing visual enjoyment wherever opportunities arise;
- Improve aesthetics along Hopkins Street, employing a design palette consistent with its historic character.



Plans for pedestrian and bike improvements, as well as a first phase of landscaping, seating, bollards, bike parking, and related amenities for the area are in the final stages of development. Work related to these plans, including repaving, raising crosswalks, and pouring of new curbs, bulb-outs, islands, and other features, is scheduled to take place in 2023. The imminent build-out of these hardscape elements provides a unique opportunity to refresh and expand bike parking, benches, bollards, and trash receptacles, plant trees, install drought tolerant landscaping in medians and bulb-outs, and provide other amenities for safety, utility, and community gathering – to accomplish the letter and spirit of the Hopkins Corridor referral.

While some funds already exist for streetscape features that support the community/placemaking elements of the Hopkins Corridor referral and staff's project study goals relating to community gathering, attractive visual identity, inviting public

spaces, customer-friendly streetscape, green infrastructure and improved aesthetics consistent with historical character, it is anticipated that additional funds will be needed to support installation of features across the corridor that harmonize with the existing neighborhood.

The purpose of this budget referral is to provide complimentary funding to allow for simultaneous implementation of streetscape improvements not otherwise funded, including but not limited to benches, bike racks, trash receptacles, street trees, drought tolerant landscaping, bollards, and protected pedestrian crossing features, and related community and placemaking elements.

In addition to funds sought directly from the City of Berkeley to more fully accomplish Hopkins Corridor project goals, several community-based efforts are either underway or anticipated to support and maintain new community and place-making elements.

- Merchants have approached the City about the possibility of creating a merchant's association, either via a formal Business Improvement District or another form of association, that could generate funds for supplemental upkeep of street furniture, sidewalks, and landscaping in the commercial areas of the Hopkins Corridor.
- Local volunteers have long maintained the triangular island behind the North Branch Library. Additional landscaping at the Hopkins/Alameda intersection and throughout the Corridor may be able to be maintained through a broader community effort such as an "adopt a spot" or other neighborhood group. Councilmember Hahn's office will be organizing outreach to existing community volunteers and associations - including the Friends of the Fountain and Walk, who help maintain the nearby Marin/Arlington Circle area, and Thousand Oaks Neighborhood Association - to discuss potential partnerships. Alternatively, a new, single-purpose organization may be established to supplement City maintenance of Hopkins Corridor streetscape and landscaping elements.
- Grant opportunities and other community fundraising could be another means to supplement City of Berkeley Funds, and will be explored in full once this phase of planning for the Hopkins Corridor has been completed.

FINANCIAL IMPLICATIONS

Budget request for \$300,000 total, \$150,000 in FY2023 and \$150,000 in FY2024, to realize the first phase of community/placemaking elements of the Hopkins Corridor goals relating to community gathering, attractive visual identity, inviting public spaces,

customer-friendly streetscape, green infrastructure, and improved aesthetics consistent with historical character.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

A major impetus for the Hopkins Corridor study and improvements is to significantly improve pedestrian and bike safety and create a more lively and inviting streetscape for community gathering. With these improvements, it is anticipated that many more people will choose to bike or walk to and from the Corridor's many destinations - schools, churches, a library, a track, pool and other sports facilities, popular shops and service providers, and more.

One of the main features of the proposed plan, in its final stages of development, is a two-way cycletrack on the South side of Hopkins, designed to provide safe bike access for King Middle School students and other users of King school and park recreation facilities, including seniors and families with young children. AC Transit stops are also being reconfigured for greater access and visibility. All of the bike, pedestrian, and transit features are designed to invite a broader segment of the community to bike, walk, and take public transit on the Hopkins Corridor, significantly advancing the City's climate action and GHG reduction goals.

CONTACT PERSON

Councilmember Sophie Hahn Council District 5 510-981-7150



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 April 26, 2022

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson
 Subject: Support for AB 2234: Postentitlement Permit Streamlining

RECOMMENDATION

Send a letter to Assemblymember Robert Rivas, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2234, which would require local governments to adopt modernizations to the postentitlement phase permitting process.

BACKGROUND

Assembly Bill 2234 seeks to speed permitting in the postentitlement phase, with the goal of reducing unnecessary development cost increases due to construction delays. It does so by requiring local governments to make specific, targeted reforms to their postentitlement permit approval process, including digitization of the application process and streamlining similar to what has already been mandated for the entitlement phase.

One significant driver of cost overruns in development is unnecessary and unanticipated delays. In the context of housing development, this can exacerbate the housing crisis when these costs are passed through to tenants in the form of higher rent. One factor which can be responsible for delays is a slow or confusing permitting process. Previous efforts by the legislature have sought to improve this process for entitlement permits, such as SB 330. Less progress, however, has been made in the postentitlement phase.

AB 2234 would address this challenge by requiring similar streamlining in the postentitlement phase as has been applied to entitlement permitting. It would require that local agencies make building permit applications accessible online along with a comprehensive checklist for applications. It would also establish time limits for approval or denial of a permit. Unlike other state initiatives, AB 2234 would not deem a project approved or limit the number of meetings or hearings to which a project or application can be subject. It also does not dictate a local agencies standards and requirements for building permits, only require that they be comprehensively listed and accessible.

FINANCIAL IMPLICATIONS

No impact.

ENVIRONMENTAL SUSTAINABILITY

Consistent with the City's climate and environmental goals.

CONTACT PERSON

Councilmember Rigel Robinson, Council District 7, (510) 981-7170
Max Mankita, Fellow

Attachment:

1: Letter of support

2: Bill text

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2234

April 26, 2022

The Honorable Rob Rivas
California State Assembly
1021 O Street
Sacramento, CA 95814

RE: AB 2234 Rivas – Expediting permitting Process

Dear Assemblymember Grayson:

The Berkeley City Council would like to convey its full support for AB 2234.

Berkeley, like all cities in the Bay Area, is experiencing the effects of an acute housing shortage. One barrier that many projects face in the construction timeline is unnecessary and unanticipated delays in obtaining building and other postentitlement phase permits. These delays in turn become costs that may be passed on to tenants and raise housing prices.

AB 2234 is a straightforward solution to this problem. It puts in place common-sense requirements that will make permitting more accessible and transparent in an area that has been overlooked in other state efforts. Crucially, it does so without imposing state standards or overriding local discretion, but rather providing a universal framework within which local governments have the flexibility to craft local solutions. This balanced approach is appropriate for the problem and will hopefully result in expedited construction across the state.

The Berkeley City Council supports AB 2234 and thanks you for your leadership on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks



Homeless Commission

ACTION CALENDAR

April 26, 2022

To: Honorable Mayor and Members of the City Council

From: Homeless Commission

Submitted by: Paul Kealoha-Blake, Chair, Homeless Commission

Subject: Development of Crisis Stabilization Program in Berkeley

RECOMMENDATION

That City Council refer to the City Manager to develop a crisis stabilization program based on the Bend, Oregon crisis stabilization model, tailored to Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

The exact fiscal impact will have to be determined by the City Manager's office. However, the costs will be substantially offset by the costs that will be saved by reducing the number of 5150 transports for which the City of Berkeley currently allocates 2.4 million annually from Measure P monies. Grants are also available that will fund the crisis stabilization program.

CURRENT SITUATION AND ITS EFFECTS

Berkeley has no options to transport persons in mental health crisis except to the County John George mental health facility or the Santa Rita Jail. As such, the City absorbs the cost of transporting persons which are not covered by insurance and persons, in mental health crisis, are at best, generally, brought to an inpatient facility that stigmatizes them and warehouses them briefly, only to discharge them back to the same situation from where they came, and at worst, acts punitively in placing them into a correctional setting without needed mental health treatment and linkage to resources in their own community.

The United States Department of Justice recently released a scathing investigative report on the lack of community mental health models in Alameda County. Justice Department Finds that Alameda County, California, Violates the Americans with Disabilities Act and the U.S. Constitution.

Disability Rights California has filed litigation based on the same premise.

<https://www.disabilityrightsca.org/press-release/disability-rights-california-files-lawsuit-against-alameda-county-for-its-failed>

Berkeley is one of two mental health divisions in the state that has its own mental health division, independent from the County, with its own mental health streams of funding. Thus, Berkeley is responsible, in large part, for establishing its own community mental

health programs. Yet, Berkeley has provided no alternative for persons in mental health crisis to seek stabilization, on a voluntary basis, nor an alternative for law enforcement to transport persons in mental health crisis, when the Berkeley Police Department is actively engaging with a person in mental health crisis, other than the same County facilities, being John George and the Santa Rita Jail, that the Department of Justice has found to be deficient in providing needed mental health services, and as overly restrictive and punitive.

It has been estimated that 40%-50% of Berkeley's 5150 transports are homeless. Thus, the unhoused are greatly impacted by the inappropriate and punitive transports to John George and Santa Rita because of the lack of community mental health models. The unhoused are also greatly impacted by the lack of models so that they are frequently returned to the streets, in the same situation, instead of facilitating linkage to resources in the Berkeley community. The substantial number of unhoused persons that receive 5150 transport has resulted in 2.4 million of Measure P monies, allocated for homeless services, directed towards this transport.

BACKGROUND

On November 15, 2021, the Homeless Commission passed a motion as follows:

That City Council refer to the City Manager to develop a crisis stabilization program based on the Bend, Oregon crisis stabilization model tailored to Berkeley, consistent and that this report be incorporated into the Homeless Commission's recommendation.

Vote: Ayes: Marasovic, Gomez, Kealoha-Blake.

Noes: None. *Abstain:* Andrew. *Absent:* Behm-Steinberg.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Following the implementation of a crisis stabilization program, a substantial number of persons in mental health crisis will be diverted away from transport to farther away unnecessary institutionalization and incarceration into a community-based model in their own Berkeley community.

RATIONALE FOR RECOMMENDATION

As an independent mental health division, Berkeley has a responsibility to step up and establish appropriate treatment community mental health models that are community-based. At this juncture, persons in mental health crisis have no local place to stabilize and voluntarily seek assistance, to take respite and to intensively linked up with other services on a 24/7 model. The Berkeley Police Department has no location to bring persons in mental health crisis other than the inappropriate ones provided by the County.

Bend, Oregon has successfully implemented a 23-hour crisis stabilization program that is an excellent model for Berkeley to tailor to Berkeley needs.

There are multiple reasons that the Bend model would work in Berkeley. First, Bend's population, at 93,917, is similar to Berkeley's in numbers. The Bend program is a 24/7 program with recliners where people rest while they are provided intensive mental health support and linkage to community resources as needed. Unlike some crisis stabilization programs elsewhere, Bend's crisis stabilization program is focused on mental health needs. It is not a program directed exclusively towards sobriety or a homeless shelter as are some programs elsewhere. Albeit that they have behavioral health clinicians on staff, Bend's focus is not a medical model. With Bend's current increasing homelessness, they estimate that 30% of persons in mental health crisis utilizing their crisis stabilization program are of homeless status.

Bend's program takes walk-ins unlike some programs. Any person seeking mental health crisis stabilization can walk in voluntarily on a 24/7 basis. There are no financial eligibility requirements. Thus, whether or not a person is medically insured, they will be easily welcomed and accepted into Bend's mental health crisis stabilization program. Persons can come in from any source as long as they voluntarily choose to do so.

When law enforcement engages with a person in mental health crisis in Bend, they present them with three options: the inpatient mental health facility, the jail or the crisis stabilization program. The choice is that of the person in crisis. They will not otherwise be involuntarily directed into the program but provided the three options where they can be transported. Persons in mental health crisis frequently choose the crisis stabilization program. Doing so not only allows them to receive respite and linkage to resources within their own community, it frees them from the stigma of being involuntarily committed or incarcerated.

A survey of participants in the Bend crisis stabilization program revealed that 3% of persons in mental health crisis who had come to the program (37 persons) had stated that had they not come to the program, they would have taken their lives. There is no greater cost-effectiveness than the cost of saving human lives.

Bend also found that when there was a transport from law enforcement, law enforcement spent only an average of four minutes transitioning persons into the crisis stabilization program as opposed to far longer time required of law enforcement when a person in mental health crisis was directed towards institutionalization or incarceration.

Berkeley's direction will have one distinction in that the Bend program is operated by their County which has an elaborate crisis system. Berkeley's program would be based in Berkeley and contracted out to a nonprofit provider competent to provide 24/7 crisis stabilization program services.

The issues that will have to be addressed by the City Manager's office will be funding issues, staffing (both numbers and qualifications) and location.

ALTERNATIVE ACTIONS CONSIDERED:

The only alternative is to do nothing and to be complicit with the County in providing a lack of appropriate community-based mental health services for persons in mental health crisis.

CITY MANAGER: See companion report.

CONTACT PERSON

Josh Jacobs, Homeless Services Coordinator, (510) 981-5435.



Homeless Commission

ACTION CALENDAR

April 26, 2022

To: Honorable Mayor and Members of the City Council

From: Homeless Commission

Submitted by: Paul Kealoha-Blake, Chairperson, Homeless Commission

Subject: Expansion of Storm Shelter Program to Emergencies not Otherwise Covered

RECOMMENDATION

To direct the City Manager to expand the Berkeley Emergency Storm Shelter (BESS) to emergencies not otherwise covered including outside the dates of the current contract with Dorothy Day House.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts of the recommendation are best identified by the City Manager's office. Since the scope of the recommendation is to extend the Berkeley Emergency Storm Shelter to emergencies, the nature of emergencies is that they are unpredictable. Thus, it is unknown to what degree this recommendation needs additional monies to be implemented and whether it requires a referral to the Council Budget Committee or not.

CURRENT SITUATION AND ITS EFFECTS

Dorothy Day House has operated the Berkeley Emergency Storm Shelter for almost 20 years, providing overnight shelter on a first come-first served basis for up to 45 people per night. Initially, the contract for BESS was for 45 days per year but in the last two years has been expanded. The BESS shelter opens if rain or temperatures at or below 40 degrees are expected overnight. The City's contract requires that Dorothy Day House take on this role beginning November 16th of this year.

On October 25, 2021-October 26, 2021, the City of Berkeley had a severe storm. Since this storm transpired prior to the November 10th BESS opening date, unhoused persons throughout Berkeley were left subject to the elements, endangering their health and safety, because they could not access the BESS shelter.

In addition to potential storm conditions, such as the one on October 25th-October 26th, there are no provisions for the emergency storm shelter to be open in other unrelated emergencies such as an earthquake, a fire, pipes bursting in another shelter or any other unanticipated emergency. The shelter should be expanded for these purposes.

BACKGROUND

On November 15, 2021, the Homeless Commission passed a motion as follows:

That City Council refer to the City Manager to expand the emergency storm shelter program to emergencies not otherwise covered including outside the dates of the current contract with Dorothy Day House.

M/S/C Marasovic/Kealoha-Blake move that City Council refer to the City Manager to expand the emergency storm shelter program to emergencies not otherwise covered including outside the dates of the current contract with Dorothy Day House.

Vote: Ayes: Marasovic, Andrew, Gomez, Kealoha-Blake.

Noes: None. **Abstain:** None. **Absent:** Behm-Steinberg.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

It is the environment that controls the issues in this recommendation. This recommendation is consistent with emergency preparedness needs for the unhoused community.

RATIONALE FOR RECOMMENDATION

The need for emergency shelter is not necessarily governed by definitive dates. As the October 25, 2021/ October 26, 2021 storm showed, nature operates on its own timing. In addition, an emergency storm shelter should be available for the unhoused in other emergencies such as earthquakes, fires or conditions that render where they might be staying uninhabitable.

ALTERNATIVE ACTIONS CONSIDERED

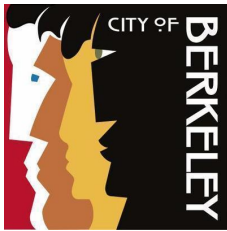
The contract could remain the same in which case the City will not be prepared to provide emergency shelter in any situations outside the scope of the current contract.

CITY MANAGER

See companion report.

CONTACT PERSON

Josh Jacobs, Homeless Services Coordinator (510) 225-8035



Councilmember Sophie Hahn
City of Berkeley, District 5

CONSENT CALENDAR

April 26, 2022

To: Honorable Mayor and Members of the City Council
From: Councilmembers Sophie Hahn (Author) and Susan Wengraf (Co-Sponsor)
Subject: Co-Sponsorship and Budget Referral for the Solano Avenue Stroll

RECOMMENDATION

1. Adopt a Resolution for the City of Berkeley to Co-Sponsor the Solano Avenue Association's 2022 and 2023 Solano Avenue Stroll events, currently scheduled for Sunday, September 11, 2022 and Sunday, September 10, 2023, taking place on Solano Avenue in both Berkeley and Albany; and
2. Resolve to provide in-kind City services previously provided at no cost to the Solano Stroll, including but not limited to police, fire, zero waste, and public works, at no cost to the September 2022 and 2023 Solano Stroll events, and allocate \$20,000 per year for FY 2023 and 2024 (\$40,000 total) for the Solano Avenue Stroll, to support the September 2022 and 2023 Stroll events.

CURRENT SITUATION AND ITS EFFECTS

This year the need for people to reconnect with their community in safe and celebratory ways is more important than ever. The Solano Avenue Stroll (the "Stroll" or the "Solano Stroll"), a multicultural outdoor event that draws visitors of all ages, backgrounds, and abilities from Berkeley and neighboring communities, provides the perfect opportunity, especially in light of the fact that some individuals continue to feel more comfortable in outdoor settings. It's been a long 2 years of hibernation and the community is hungry for this singular opportunity to stroll, dance, sing, learn, eat, shop, and enjoy the lively company of neighbors, friends, artists, musicians, shopkeepers, and the broader East Bay community.

The annual Solano Avenue Stroll is a public event which brings together the expression, enjoyment, and diversity of our communities in *an inclusive, no-barrier, family-friendly, outdoor celebration that is and always has been free* to the public. It is the largest street fair in the East Bay, drawing crowds of up to 250,000 people over the course of a single day, and spans two cities: Berkeley and Albany. The scale and importance of this free public celebration and event is unique in Berkeley and the region, and requires a singular level of support and partnership from both the cities of Berkeley and Albany.

The 2022 Stroll, the Association's 48th Annual event (the pandemic resulted in cancellation of the past two years' events), is scheduled to take place on Sunday, September 11 and, with the City of Berkeley's co-sponsorship and support, will once again span the entirety of Solano Avenue, both in Berkeley and Albany. The 2023 Stroll is currently scheduled to take place on Sunday, September 10, 2023. These events are each expected to draw up to 250,000 participants, who can feel comfortable attending celebratory outdoor events after an extended period of social isolation.

Producing the Stroll is a uniquely complex and time-consuming undertaking. The Solano Avenue Association, with a board of 15 volunteers - who also own and run their own local businesses - works diligently to produce the Stroll on an exceptionally frugal "shoestring" budget.

In light of the extra importance of an event like the Stroll at this time, and increased costs over the years, the organizers look forward to continued partnership from the City of Berkeley through both in-kind donations of City services and an annual sponsorship amount of \$20,000, to support the North Berkeley Bart shuttle and other out-of-pocket expenses. They also look forward to working more closely than ever with the City of Berkeley, all Councilmembers, Visit Berkeley, and the Berkeley Chamber, among others, to ensure everyone in Berkeley knows *their Stroll is back, and they are cordially invited.*

To facilitate continuity of planning and support for this long-standing annual event, this item seeks to commit City sponsorship, free in-kind services, and a modest sponsorship donation for both the September 2022 and September 2023 events (which fall in FY 2023 and 2024).

BACKGROUND



The Solano Avenue Association was organized in 1974 and achieved nonprofit status in 1983. The Solano Avenue Stroll, the Association's signature annual event, draws approximately 250,000 people over the course of a free, outdoor, closed-street, family-friendly, smoke- and alcohol-free one-day event which spans 26 blocks and more than a full mile of Solano Avenue in both Berkeley and Albany, from The Alameda to San Pablo Avenue. In 2000, the Solano Avenue Stroll became an official "[Local Legacy](#)," installed into the United States Library of Congress with the help of Congresswoman Barbara Lee, and was recognized as celebrating "America's rich diverse culture."

Now in its 48th year, the Solano Avenue Stroll has been sponsored with both services and funds by the Cities of Berkeley and Albany for longer than the Solano Avenue Association has records; meaning at least 20 years.

The Stroll draws both locals and visitors. In 2013, a zip code survey was taken from 453 event goers and recorded 139 different zip codes from across the Bay Area. On the east end, the Stroll is referred to as "Berkeley's Reunion," and on the west end much of Albany turns out. Both ends are united by the festive Parade that kicks-off the event, starting at the top of the street with dancers, bands, floats and youth and families from many schools and organizations.

The Solano Avenue Association works actively to minimize the environmental impact of the Stroll. In addition to regular AC Transit service, free event-day shuttles provide rides from 10AM to 7PM to and from the North Berkeley Bart Station and up and down the length of Marin Avenue, making stops at intersections with stop lights on Marin. Free valet bicycle parking is available at Wells Fargo bank (1800 Solano at Modoc) and a vacant lot (1254 Solano at Masonic). Recycling and composting are part of the zero waste ethos of the event.

This year, the Solano Avenue Association will be requiring all vendors to provide only compostable bags and foodware, unless items are not available due to supply chain challenges, or for health and safety reasons (to avoid spilling of hot liquids, for example). Recycling and composting bins have and will continue to be provided along the entire route of the event.

The Solano Stroll typically features over 500 vendors, including 50 entertainers representing a wide variety of cultures, food from 50 booths and local restaurants representing cuisines from all the continents, 150 government and non-profit agencies, 150 juried handcrafters, a 75-participant parade with local bands, performers, schools, and organizations, safe mechanical rides for children, and more.

The Stroll gives people from near and far a rare opportunity to see, experience and learn about everything our unique community has to offer. The event is family friendly and supported by diverse not for profit and government organizations. Approximately 75% of participating non-profits use Berkeley booth locations to broadcast their mission to the public. The event allows for meaningful outreach and direct contact with the populations that these vital community organizations serve, including low income clients who may have few other free and public opportunities to learn of available programs and services, and offers a unique opportunity to recruit volunteers and donors.

There is a “green zone” for environmental organizations, an area for health and wellness organizations, affordable housing and homeless services providers, libraries, police, fire and other city and county departments, schools, sports teams, transit providers, student and neighborhood associations, faith institutions, and political parties and associations, among others. Many elected officials from the State, County, region and local cities and school districts also participate, to connect in person with the hundreds of thousands of constituents who attend the Stroll. All of these groups and individuals rely on the unique exposure the Solano Stroll provides and consider participation a key annual activity to connect with stakeholders and potential clients. Ninety-two percent of participating organizations and vendors return each year. After a two-year hiatus, the opportunities provided by the Stroll to connect with the public are particularly important.

A list of recent Stroll business, arts, and organizational participants is attached to hereto.

Due to the popularity and reputation of the Solano Avenue Stroll, both the cities of Berkeley and Albany, as well as the community at large, have benefitted from the exposure the event has garnered. Many local businesses and organizations have gained a loyal following by first participating as a vendor at the event, and some have found permanent store-front homes along Solano Avenue and now contribute to the local economy with community-oriented goods and services. The Stroll draws significant traffic to local restaurants, retail businesses, and arts and culture venues who participate in the event. Most recently, there are a number of businesses that have made Solano home during the pandemic, risking an investment in our local economy at a very challenging time, and the Stroll will provide a great opportunity for the community to discover and welcome them to the neighborhood.

Solano Avenue merchants, longstanding and newly arrived, benefit from the exposure to approximately 250,000 potential customers who see Solano’s products and services. While not every business registers a boost in sales the day of the Stroll, positive economic activity generated by the event continues for months.¹

While there remains some uncertainty due to the pandemic, the Solano Avenue Association has consulted with organizations hosting similar outdoor events in the region and has learned that many are successfully planning and executing their events despite the challenges. Many past Stroll participants and supporters have been reaching out to the Association in hopes of attending or participating in the Solano Stroll this year, and going forward. Examples of outreach the Association has received, asking for the event to move forward, include the following:

“We are very much in support of the return of the Solano Stroll for 2022. As vendors we rely on these types of events for income and this show has always been a highlight on our calendar. It is vital, critical and essential that all cities give proper attention to these

¹ <https://www.solanoavenueassn.org/wordpress/wp-content/uploads/2014/04/solanoavenuestrollhistory.pdf>

cultural events that make our geographic home a living breathing entity. Please bring it back. For Berkeley” – Jacob C.

“Hello, We would LOVE to be able to have a booth at the Solano Stroll on Sunday September 11th! Hopefully it will happen! It was great fun and such a success. Thank you and please keep us updated!” – Kipp H. Berkeley

“We’ve been artists at the “Stroll” for 25 years (!) and we would LOVE to see it return in 2022! It’s always been one of our favorite events for many reasons; it’s very well-organized by the powers that be- and supported by the public fabulously! We’ve heard from SO many past customers and attendees that have missed it and also want it to return! Please allow it to return in September of 2022; don’t let it become a victim of covid!” – Kim & Mark P (After the Gold Rush)

“This is one of my best markets and a big boost to my economy. I see all my old friends and make new! LOVE IT!” – Diane A Multiple Threads

“The Solano Stroll is such a wonderful opportunity to see all of my Berkeley friends. I grew up in Berkeley and miss it. It is well organized and I thank you all who work so hard to make it happen.” – Nicki T. Los Gatos

“California Revels has participated with and supported for many years the Solano Stroll. It’s a highlight of our Fall and we believe our Solstice Ensemble singers provide one of the high points for passers by.”

The Stroll also raises revenues and enhances the City’s reputation locally and regionally, engendering significant goodwill. The event is well-known and beloved by the community and an opportunity for people beyond Berkeley and Albany to discover these communities, and has been a source of pride for both Berkeley and Albany for five decades.

It takes about 600 staff-hours to produce the Solano Stroll, plus thousands of additional volunteer hours, and the event is one of only four in the United States and Canada that operates in two municipalities simultaneously. The scale and complexity of the Solano Stroll is unique and requires coordination among municipalities and with the Solano Avenue Association to ensure security, zero waste, toilet facilities, parade staging, set-up and take-down of performance, commerce, and event spaces, electricity, barricades, and other services and elements. Despite the magnitude of the Stroll, Solano Avenue is virtually spotless and fully restored to normal operations within 24 hours of the close of the event.

This item asks the City of Berkeley to register its official sponsorship of the September 2022 and 2023 Stroll events (taking place in FY 2023 and 2024) with a resolution, a commitment to continue providing services traditionally offered to the Stroll at no cost, and a budget allocation of \$20,000 in sponsorship for each of the two years (for a total of \$40,000 from the FY 2023/2024 Budget). In sponsoring the Stroll in all these ways, Berkeley joins the City of Albany and local businesses including Albany Subaru, Mechanics Bank, Belmont Village, John Muir

UCSF Health, Winkler Real Estate Group, and Safeway, and acknowledges the thousands of volunteer hours donated by the Solano Avenue Association Board of Directors and other volunteers.

FISCAL IMPACTS OF RECOMMENDATION

As noted above, the Solano Avenue Stroll provides day-of and residual income to local businesses, and generates significant regional exposure and goodwill, contributing to the local tax base and economy. The item requests \$40,000 in sponsorships over two years (\$20,000 per year) and donation of in-kind services associated with the Solano Stroll event.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

The Stroll minimizes climate impacts by operating on a street easily accessed by numerous AC Transit bus routes, and offering a popular no-cost shuttle to and from the Berkeley Bart Station, plus free valet bike parking at both ends of Solano Avenue. Ample additional bike parking is available throughout the area of the Stroll, and many participants simply walk from home to participate. In addition, the Solano Stroll provides compost and recycling facilities throughout the event, and will prohibit the use of non-compostable bags and throw-away foodware items by all vendors, except where necessary for health and safety or due to supply chain constraints.

CONTACT PERSON

Councilmember Sophie Hahn, (510) 981-7150

Attachments

1. Resolution
2. Recent Booth and Parade Participants List

RESOLUTION NO. – N.S.
CITY OF BERKELEY CO-SPONSORSHIP AND SUPPORT
FOR THE 2022 AND 2023 SOLANO AVENUE STROLL EVENTS

WHEREAS, The annual Solano Avenue Stroll is a public event which brings together the expression, enjoyment, and diversity of our community in an inclusive, no-barrier, family-friendly, outdoor celebration that is and always has been free to the public; and

WHEREAS, the Solano Avenue Stroll is the largest street fair in the East Bay, drawing crowds of up to 250,000 people over the course of a single day, spanning two cities: Berkeley and Albany; and

WHEREAS, The scale and importance of this free public celebration is unique in Berkeley and the region, and requires a singular level of support and partnership from both the cities of Berkeley and Albany; and

WHEREAS, The Solano Avenue Stroll, now in its 48th year, has been sponsored with both in-kind services and funds by the cities of Berkeley and Albany for longer than the Solano Avenue Association has records; at least 20 years; and

WHEREAS, The Solano Stroll typically features over 500 vendors, including 50 entertainers representing a wide variety of cultures, food from 50 booths and local restaurants representing cuisines from all the continents, 150 government and non-profit agencies, 150 juried handcrafters, a 75-participant parade with local bands, performers, schools, and organizations, safe mechanical rides for children, and more; and

WHEREAS, The Solano Stroll is well-known and beloved by the community and has been a source of pride for both Berkeley and Albany for almost five decades; and

WHEREAS, The Solano Stroll raises revenues and enhances the City's reputation locally and regionally, engendering significant goodwill; and

WHEREAS, The Solano Avenue Association, producer of the Stroll event, works actively to minimize the environmental impact of the Stroll, providing a free Shuttle to and from North Berkeley Bart station, free valet bike parking at both ends of the Avenue, and will require vendors to offer only compostable bags and foodware; and

WHEREAS, in recognition of the diversity and reach of the event, the Solano Avenue Stroll has had the honor of being selected by Congresswoman Barbara Lee for inclusion at the Library of Congress in Washington D.C. as a "National Local Legacy"; and

WHEREAS, the City of Berkeley has a longstanding practice of providing annual support for the Solano Avenue Stroll through cash grants and the provision of in-kind services at no cost to the Solano Avenue Association; and

WHEREAS, This and next year's Solano Avenue Strolls are especially important to connect our community after two years of COVID-related isolation;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley shall be an official Co-Sponsor of the Solano Avenue Association's 2022 and 2023 Solano Avenue Stroll events, currently scheduled for Sunday, September 11, 2022 and Sunday, September 10, 2023, taking place on Solano Avenue in both Berkeley and Albany; and

BE IT FURTHER RESOLVED THAT the City of Berkeley shall provide in-kind City services to the Solano Stroll, including but not limited to police, fire, zero waste, and public works services, at no cost to the September 2022 and 2023 Solano Avenue Stroll events, and shall further support the 2022 and 2023 Stroll events with grants of \$20,000 for each event, for a total of \$40,000 over Fiscal Years 2023 and 2024.

Solano Stroll Booth and Parade Participants

A Slice of Delight - Bath and Body - 21	Arts and Crafts
A.Walther&C.Gardelle - 17	Arts and Crafts
A1 Sun Solar Installation	Association Member off-Solano
AC Transit (Alameda Contra Costa Transit)	Non-Profit / Government
AC Transit (Alameda Contra Costa Transit)*	Parade
Addison Philly Cheesesteaks	Food
Adopt a Homeless Senior	Non-Profit / Government
Aesthetic Pruners Association	Non-Profit / Government
Africa by Design (x2)	Commercial
AFS - USA Intercultural Programs	Commercial
After The Gold Rush - 22	Arts and Crafts
Alameda Alliance for Health	Non-Profit / Government
Alameda County - General Services Agency (6 of 14)	Non-Profit / Government
Alameda County - General Services Agency (8 of 14)	Non-Profit / Government
Alameda County - Mosquito Abatement District	Non-Profit / Government
Alameda County - Mosquito Abatement District	Parade
Alameda County - Vector Control Services	Non-Profit / Government
Alameda County Supervisor Keith Carson	Parade
Albany - Berkeley Girls Softball League	Non-Profit / Government
Albany - Berkeley Soccer Club	Non-Profit / Government
Albany - Berkeley Soccer Club (location alert)	Parade
Albany American Legion Post 292	Non-Profit / Government
Albany and Berkeley Rotary Club	Parade
Albany Armada Aquatics	Non-Profit / Government
Albany Armada Aquatics	Parade
Albany Athletic Boosters	Non-Profit / Government
Albany Chamber of Commerce (Citizen and Youth of the Year)	Parade
Albany Climate Action Coalition	Non-Profit / Government
Albany Democratic Club	Non-Profit / Government
Albany High School Jazz Band	Entertainer
Albany Jazz Big Band	Entertainer
Albany Law Office of Elaine Videa Esq.	Association Member off-Solano
Albany Lions Club	Parade
Albany Police / Fire Department (with C.E.R.T.)	Non-Profit / Government
Albany Police and Fire Department(s)	Parade
Albany Preschool	Association Member off-Solano
Albany Preschool (SAA member)	Parade
Albany Property Rights Advocates (APRA)	Association Member off-Solano
Albany Science Olympiad	Non-Profit / Government
Albany Science Olympiad	Parade
Albany Strollers & Rollers 1/2	Non-Profit / Government
Albany Strollers & Rollers 2/2	Non-Profit / Government
Albany Subaru (Sponsor)	Parade
Albany Subaru*	Event Sponsor
Albany Teachers Association	Parade
Albany Unified School District	Non-Profit / Government

Alta Bates Summit Medical Center (x2)	Non-Profit / Government
Aly Maky	Commercial
American Chemical Society - CA Section	Non-Profit / Government
American Civil Liberties Union	Non-Profit / Government
American Promise	Non-Profit / Government
Amy's Face Painting	Commercial
Ann Parker, M.D. – Neurodevelopmental Pediatrician	Association Member off-Solano
April Gavin Textile Art - 131	Arts and Crafts
Aquamarine Jewelry Studio - 39	Arts and Crafts
Aquarian Minyan	Non-Profit / Government
Arca Design Group, Inc.	Association Member off-Solano
Aries Kae	Entertainer
Arivka Jewelry - 42	Arts and Crafts
Artemis Rowing	Non-Profit / Government
ASH Designs - 15	Arts and Crafts
Ash Khajvandi	Entertainer
Ashby Village	Association Member off-Solano
Assembly District 15 (Wicks)	Non-Profit / Government
At First Glance Ultrasound	Commercial
Atime4u - Color Street Independent Consultant	Commercial
Aunt Betty's #2 Gourmet Corn Dogs	Food
Ava All-Starz Cheer & Dance	Parade
BandWorks	Entertainer
Bay Area Alternative Press	Non-Profit / Government
Bay Area Children's Theatre	Non-Profit / Government
Bay Area for Warren	Non-Profit / Government
Bay Area Intactivists	Non-Profit / Government
Bay Area Rapid Transit Police (B.A.R.T.)	Non-Profit / Government
Bay Area Skeptics	Non-Profit / Government
Bay Area Zionists	Non-Profit / Government
Bayou Noir Cajun Band	Entertainer
Beat Seekers	Entertainer
BeHOME Berkeley	Non-Profit / Government
Belmont Village Senior Living – Albany*	Event Sponsor
Berkeley Architectural Heritage Association	Non-Profit / Government
Berkeley Ballet Theater	Non-Profit / Government
Berkeley Buddhist Priory	Non-Profit / Government
Berkeley Camera Club	Non-Profit / Government
Berkeley Chess School (x2)	Non-Profit / Government
Berkeley City Council	Parade
Berkeley City Council (Hahn)	Non-Profit / Government
Berkeley Democratic Club	Non-Profit / Government
Berkeley Disaster Prep Neighborhood Network	Non-Profit / Government
Berkeley Folk Dancers	Entertainer
Berkeley Friends Church	Non-Profit / Government
Berkeley Garden Club	Non-Profit / Government
Berkeley High School Crew Team	Non-Profit / Government
Berkeley High School Jazz	Entertainer

Berkeley High School Mountain Bike Team	Non-Profit / Government
Berkeley Historical Society	Non-Profit / Government
Berkeley Historical Society	Parade
Berkeley Humane (x2)	Non-Profit / Government
Berkeley Lab (x2)	Non-Profit / Government
Berkeley Morris	Entertainer
Berkeley Pathwanderers Association	Non-Profit / Government
Berkeley Playhouse	Non-Profit / Government
Berkeley Police and Fire Department(s)	Parade
Berkeley Police Department	Non-Profit / Government
Berkeley Public Schools Fund	Non-Profit / Government
Berkeley Repertory Theater	Non-Profit / Government
Berkeley Unified School District	Non-Profit / Government
Berkwood Hedge School	Non-Profit / Government
Bèselan Botanicals	Commercial
Betsy Stern	Entertainer
Bibles for America	Commercial
Bird vs. Bird Designs - 12	Arts and Crafts
Black Pine Circle Middle School	Non-Profit / Government
Black Pine Circle Middle School Band	Entertainer
Blue Bear School of Music	Non-Profit / Government
Blues Daddies	Entertainer
Bong (LED Gifts)	Commercial
Bonnie Jo Jams	Food
Bottle of Clouds - 33	Arts and Crafts
Bouncy Zone	Commercial
Boy Scouts of America (MDSC)	Non-Profit / Government
Boy Scouts of America (MDSC) Troop 14 (Color Guard)	Parade
Boy Scouts Troop 19 / Berkeley	Food
Brenda's Ceramics and Jewelry - 128	Arts and Crafts
Bridges Rock Gym*	Commercial
Brushstrokes Studio	Commercial
C/F Preservation of Pioneer Jewish Cemeteries	Non-Profit / Government
California Corn Roast	Food
California Revels	Non-Profit / Government
Candle du Jour - 133	Arts and Crafts
Cazadero Performing Arts Camp	Association Member off-Solano
Cazadero Performing Arts Family Camp	Non-Profit / Government
Center for Elders' Independence	Non-Profit / Government
Chabad of El Cerrito	Non-Profit / Government
Charlie Frank's Pies	Food
Cheeky Clothing, Jewelry & Accessories	Commercial
Child Therapy Institute of Marin	Non-Profit / Government
Children's Community Center	Non-Profit / Government
City of Albany KALB 33 / Albany FilmFest*	Event Sponsor
City of Berkeley Animal Care Services	Non-Profit / Government
City of Berkeley Auditor	Non-Profit / Government
City of Berkeley Parks / Landscaping Services	Non-Profit / Government

City of Berkeley Parks / Recreation Administration	Non-Profit / Government
City of Berkeley Rent Board	Non-Profit / Government
ClimateChangeEducation.org (x2)	Non-Profit / Government
Coder School Berkeley	Commercial
Color Street (LF)	Commercial
Community Campaign to Save Alta Bates	Non-Profit / Government
Community Campaign to Save Alta Bates	Parade
Compass Rose Design - 103	Arts and Crafts
Corn Bread Willie	Entertainer
Cornell School Chinese After-School Program (AUSD)	Parade
Crazy Hats	Commercial
Crisis	Entertainer
Crowden Music Center	Non-Profit / Government
Curbside Kitchen	Food
Cutie Pop Nail Shop	Commercial
Del Crisol Jewelry - 19	Arts and Crafts
Del Mars	Entertainer
Delicious Kettle Corn	Food
Delightful Foods	Food
Demby Co - 10	Arts and Crafts
Diamond Equine Services	Parade
Diana Yoshida - 05	Arts and Crafts
Didi Jewelry Project - 118	Arts and Crafts
Dinart - 096	Arts and Crafts
Dogs4Diabetics	Non-Profit / Government
Dogs4Diabetics (Dogs for Diabetics)	Parade
Don Velez, Woodturner (Woodjammin) - 28	Arts and Crafts
Dusty Rose Designs - 08	Arts and Crafts
East Bay Community Energy	Non-Profit / Government
East Bay Community Energy	Parade
East Bay German International School	Non-Profit / Government
East Bay Gourd Patch - 105	Arts and Crafts
East Bay Heritage Quilters - 29	Arts and Crafts
East Bay Municipal Utility District (E.B.M.U.D.)	Non-Profit / Government
East Bay Regional Park District	Non-Profit / Government
East Bay Rose Society	Non-Profit / Government
Eckankar Center of Berkeley	Non-Profit / Government
Ecole Bilingue de Berkeley	Non-Profit / Government
Edward A. Jasmin - 126	Arts and Crafts
El Cerrito High Mountain Bike Team	Non-Profit / Government
El Cerrito Preschool Cooperative	Parade
El Cerrito Tennis Club	Non-Profit / Government
Ellia Fashion (x2)	Commercial
Elysium Advanced Skin Care	Commercial
Emeryville Taiko	Entertainer
Epworth United Methodist Church	Non-Profit / Government
Escuela Bilingue Internacional	Non-Profit / Government
Etzal Designs - 52	Arts and Crafts

Everest Cozy / California Distributors	Commercial
Evolve California	Non-Profit / Government
Fabula Tea	Food
Failure to Disperse	Entertainer
Farm Fresh to You	Commercial
Field Day - 04	Arts and Crafts
Four-Legged Bandits	Arts and Crafts
Frances Ancheta	Entertainer
Freight and Salvage	Non-Profit / Government
Friends of Berkeley Animal Care Services	Non-Profit / Government
Friends of the Albany Library	Association Member off-Solano
Fused Glass by Phyllis - 127	Arts and Crafts
Gather, Inc.	Commercial
Gemforest / Marco Lazo	Arts and Crafts
Getaround	Commercial
Gilman District	Non-Profit / Government
Girl Scouts of Albany - Berkeley	Non-Profit / Government
Girls Rock! - 41	Arts and Crafts
Give Fleece a Chance - 18	Arts and Crafts
Golden 1 Credit Union*	Commercial
Golden Lion Martial Arts Academy	Association Member off-Solano
Gourmet Faire	Food
Graduate Theological Union / ResoNation	Non-Profit / Government
Grape Craft Leather - 36	Arts and Crafts
Green Party of Alameda County	Non-Profit / Government
Green Science Policy Institute	Non-Profit / Government
Grizzly Peak Flyfishers	Non-Profit / Government
Growing Light Montessori	Commercial
Haircuts with Heart	Non-Profit / Government
Half Price Books	Commercial
Hanabi Judo	Association Member off-Solano
Hanabi Judo (SAA Member)	Parade
Handmade by Teresa - 23A	Arts and Crafts
Harvest Land - 116	Arts and Crafts
Hassler Heating and Air Conditioning	Commercial
Head Over Heels Athletic Arts	Entertainer
Head Over Heels Athletic Arts	Parade
Healthy California Now	Non-Profit / Government
Healthy California Now/PNHP	Parade
Hertz Corporation	Association Member off-Solano
Highwire Coffee Roasters (MCE, Inc.)	Food
Himalayan Handmade Crafts	Commercial
Holm Patches and Hats (Holm Sales, Inc.)	Commercial
Honey Drop Gems - 11	Arts and Crafts
Indivisible Berkeley	Non-Profit / Government
Innate Chiropractic and Wellness Studio	Association Member off-Solano
Iyoba Handmade Apothecary - 16	Arts and Crafts
Jamba Juice 1/2	Food

Jamba Juice 2/2	Food
Jayne Thomas Designs - 30	Arts and Crafts
Jewish Voice for Peace	Non-Profit / Government
Joe Joffe Music	Commercial
John Brothers Piano Company	Entertainer
John Muir / UCSF Health*	Event Sponsor
John Muir Chapter of Trout Unlimited	Non-Profit / Government
Julie Winkelstein	Non-Profit / Government
KALW 91.7 FM (San Francisco)	Event Sponsor
Katie's Dance Studio & Company	Entertainer
KC Barbeque	Food
Kelly-Moore Paints	Association Member off-Solano
Kelly's Kona Cones	Food
Kenny the Clown	Entertainer
Kensington Fire Protection District	Parade
Kensington Symphony Orchestra	Non-Profit / Government
Kieren Dutcher Illustration - 70	Arts and Crafts
Kiwanis Club of Berkeley	Non-Profit / Government
Kiwanis Club of Berkeley Foundation	Non-Profit / Government
Kohkoro, LLC dba West Wind Schools	Commercial
Koko's Korean Teriyaki	Food
Lady Bug Design - 104	Arts and Crafts
LeafFilter North, LLC.	Commercial
League of Women Voters	Non-Profit / Government
Lifelong Medical Care	Non-Profit / Government
Linda Vogel Face Painting and Glitter Tattoos	Commercial
Lisa Inez - 51	Arts and Crafts
Little Star Pizza	Association Member off-Solano
Liz Patton Design - 09	Arts and Crafts
LJ Glass and Art - 99	Arts and Crafts
Los Nadies	Entertainer
Love the Bulb	Non-Profit / Government
Mad Mimsy - 14	Arts and Crafts
Mainstreet Food Concessions	Food
Maru Hair Salon	Commercial
Ma's Trading Company	Commercial
Masami - 35	Arts and Crafts
Mau House Cat Hotel	Commercial
Mavericks Soccer Club	Non-Profit / Government
Mayor of Berkeley Jesse Arreguin	Non-Profit / Government
McDunn ADUs	Commercial
Mechanics Bank**	Event Sponsor
Mel-o-dee Cocktails	Commercial
Mel-o-dee Cocktails (Karaoke)	Entertainer
Mentoring Academy	Non-Profit / Government
Mercy Kit	Entertainer
Merrie Mary Show	Entertainer
Mickaboo Companion Bird Rescue	Non-Profit / Government

Mind Body Dojo	Commercial
Mission Soaring Center	Commercial
Moms Demand Action / Everytown	Non-Profit / Government
Montessori Family School	Non-Profit / Government
Montessori Family School	Parade
Moon and Leaf - 115	Arts and Crafts
MoonJi Art - 102	Arts and Crafts
Morita Arts - 54	Arts and Crafts
Multiple Threads reincarnated clothing - 75	Arts and Crafts
Nan's Gourmet Foods	Food
National Coalition Building Institute	Non-Profit / Government
Nest Bedding, Inc. (x2)	Commercial
Netto D'Souza and Band	Entertainer
Neuroptimal Brain Training	Commercial
Nick Pilch, Albany City Council (with EBCE)	Parade
Nightside Studios - 36	Arts and Crafts
Nomura Preschool	Commercial
NorCal Sabeel	Non-Profit / Government
NorCal Sabeel	Parade
North and East Leather - 129	Arts and Crafts
Northern California Ki Society	Commercial
Northland Nautical Foundation	Non-Profit / Government
Oakland Ski Club	Non-Profit / Government
Ocean View Brew Works	Parade
One Generation Camp	Non-Profit / Government
OneTrail Gear*	Commercial
Onna Lo, M.D.	Association Member off-Solano
Organic Attire - 23B	Arts and Crafts
Origin Jewelry - 98	Arts and Crafts
Our Revolution East Bay	Non-Profit / Government
Our Revolution East Bay	Parade
Palomacy Pigeon & Dove Adoptions	Non-Profit / Government
Paper Sweetly - 61	Arts and Crafts
Party Animals - 40	Arts and Crafts
Patricia Tostenson Jewelry - 114	Arts and Crafts
Peace Chain Joe - 111	Arts and Crafts
Pete for America	Non-Profit / Government
Peter Pan Parent Nursery School	Non-Profit / Government
PhaseFit	Association Member off-Solano
Pioneers in Engineering	Non-Profit / Government
Poindexter	Entertainer
Polymer Garden - 71	Arts and Crafts
Ponyland	Commercial
Ponyland Petting Zoo	Commercial
Pop Nation	Food
Potters' Studio 31 / 32	Arts and Crafts
POW Dental (Pediatric Oral Wellness)	Association Member off-Solano
Prism Jewels - 130	Arts and Crafts

Quarry Persons	Entertainer
RandomTechnology Design - 125	Arts and Crafts
Red Doors	Entertainer
Renewal by Andersen* 1/3	Commercial
Renewal by Andersen* 2/3	Commercial
Renewal by Andersen* 3/3	Commercial
Represent Us Bay Area	Non-Profit / Government
REV.RABIA	Entertainer
Ricciardi Design - 07	Arts and Crafts
Richmond Art Center	Non-Profit / Government
Ride-Um George - 76	Arts and Crafts
Ring Around the Toezees - 132	Arts and Crafts
RJae HAAS Band	Entertainer
Rock it Man Stoneworks - 03	Arts and Crafts
Rosie the Riveter Trust and National Park	Non-Profit / Government
Rouse Rentals 1/2	Commercial
Rouse Rentals 2/2	Commercial
Royal Scottish Country Dancers	Entertainer
SAA Grand Marshal Iraj Vafaeina	Parade
Sacramento Metals Guild - 13	Arts and Crafts
Saint Alban's Episcopal Church	Association Member off-Solano
Saint Mary's College High School	Non-Profit / Government
Salesian College Preparatory	Non-Profit / Government
Salpicon Tostadas	Food
Samuel Merritt University - Office of Diversity	Non-Profit / Government
San Francisco BBQ	Food
San Francisco Chronicle* 1/2	Commercial
San Francisco Chronicle* 2/2	Commercial
Saraba African Arts* (x2)	Commercial
Sarah Gregory Ceramics - 27	Arts and Crafts
Sassy Succulent Designs (kim patillo) - 20	Arts and Crafts
School of the Madeline	Non-Profit / Government
Seacology	Association Member off-Solano
Senior Helpers of the East Bay	Commercial
SGI USA (Buddhist Association)	Non-Profit / Government
Shari Milner Designs - 113	Arts and Crafts
Sherry's Crafts - 99	Arts and Crafts
Shotgun Players	Non-Profit / Government
Shu Ren International School	Commercial
Shu Ren International School	Parade
Shumei America	Non-Profit / Government
Sierra Club California	Non-Profit / Government
Simply Salmas Treasures	Commercial
Sisters of the Holy Names - 01	Arts and Crafts
Skincare by Feleciai	Arts and Crafts
Slow Moon Rise - 34	Arts and Crafts
Snowregion 2/2	Association Member off-Solano
Solano Community Church	Association Member off-Solano

Sonic.NET, LLC.*	Commercial
Sonic.NET, LLC.*	Parade
Spark Decks	Non-Profit / Government
Spurs FC Soccer Club	Non-Profit / Government
Spurs FC Soccer Club	Parade
Squeezebox Sabroso	Entertainer
State Farm Insurance (x2)	Commercial
State Farm Neighborhood of Good / Together We Rise (x2)	Non-Profit / Government
STCraftCo	Arts and Crafts
Sticks and Stones Tees & More	Arts and Crafts
Su Yun's Chinese Learning Center	Association Member off-Solano
Sue Fox Pottery - 124	Arts and Crafts
Sugar Magnolia	Food
Suitcase Ron's Kettle Korn	Food
Sundrop Jewelry - 60	Arts and Crafts
SunPower by the Solar Quote*	Commercial
Supercapes - 37	Arts and Crafts
Supple: Skincare + Selfcare + Sanctuary	Association Member off-Solano
Synergy Organic Clothing	Commercial
Teaco Amusements 1/3 and 2/3	Commercial
Teaco Amusements 3/3	Commercial
Temple Beth Hillel	Non-Profit / Government
The Berkeley School	Non-Profit / Government
Things Inspired by Faith	Commercial
Thousand Grandmothers Bay Area	Parade
Tiendita El Sagrado Corazon (x2)	Commercial
Tomte Workshop, LLC	Commercial
Toni Faye Catelani - 02	Arts and Crafts
Treats by the Bay	Food
Tree Hanko-McCabe - 6	Arts and Crafts
Troupe Tangiers & Sharifa's Habibi's	Entertainer
Tutu School Berkeley (SAA Member)	Parade
Unitarian Universalist Church of Berkeley	Parade
Unitarian Universalist Church of Berkeley (x2)	Non-Profit / Government
United Nations Association East Bay Chapter	Non-Profit / Government
Uptima Business Bootcamp	Non-Profit / Government
Visit Berkeley	Non-Profit / Government
Walden Center and School	Non-Profit / Government
Walter Hand and the Blue Hand Band	Entertainer
Waste Management*	Commercial
Western Institute for Social Research	Non-Profit / Government
Women's Daytime Drop-In Center	Non-Profit / Government
worldOneradio / Public Radio KeCg	Entertainer
YMCA of the East Bay (Albany Branch)	Association Member off-Solano
Young People's Symphony	Non-Profit / Government
Young Punks - 53	Arts and Crafts
Youth Musical Theater Company	Non-Profit / Government
ZOOMEEZ - 112	Arts and Crafts

Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
April 14	Special Meeting – Reimagining Public Safety
April 19	1. Fire Department Standards of Coverage Study 2. BART Station Planning
April 26	Special Meeting - Berkeley Strategic Transportation Plan Update
June 21	1. Ballot Measure Development/Discussion
July 19	

There are no Worksessions scheduled for Fall 2022 due to limited meeting dates and cultural/religious holidays.

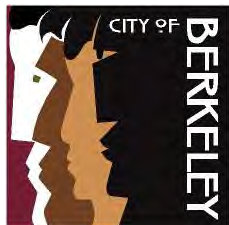
Unscheduled Workshops
1. Cannabis Health Considerations 2. Alameda County LAFCO Presentation

Unscheduled Presentations (City Manager)
1. Civic Arts Grantmaking Process & Capital Grant Program 2. Mid-Year Budget Report FY 2022 (April 2022)

	<p>City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling</p>
1.	<p>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i></p> <p>From: City Manager</p> <p>Recommendation: 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>Financial Implications: None</p> <p>Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000</p> <p>Note: <i>Referred to Agenda & Rules for future scheduling.</i></p>

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
1643-47 California St (new basement level and second story)	ZAB		4/26/2022
1205 Peralta Avenue (conversion of an existing garage)	ZAB		5/10/2022
Remanded to ZAB or LPC			
Notes			

4/7/2022



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: November 10, 2020

Item Number: 20

Item Description: Annual Commission Attendance and Meeting Frequency Report

Submitted by: Mark Numainville, City Clerk

The attached memo responds to issues and questions raised at the October 26 Agenda & Rules Committee Meeting and the October 27 City Council Meeting regarding the ability of city boards and commissions to resume regular meeting schedules.



Office of the City Manager

November 9, 2020

To: Mayor and Council
From: Dee Williams-Ridley, City Manager
Subject: Commission Meetings Under COVID-19 Emergency (Item 20)

This memo provides supplemental information for the discussion on Item 20 on the November 10, 2020 Council agenda. Below is a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration and the data collected by the City Manager on the ability of commissions to resume meetings in 2021.

On March 10, 2020 the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020 Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to

complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

In response to questions from the Agenda & Rules Committee and the Council, the City Manager polled all departments that support commissions to obtain information on their capacity to support the resumption of regular commission meetings. The information in Attachment 1 shows the information received from the departments and notes each commission's ability to resume a regular, or semi-regular, meeting schedule in 2021.

In summary, there are 24 commissions that have staff resources available to support a regular meeting schedule in 2021. Seven of these 24 commissions have been meeting regularly during the pandemic. There are five commissions that have staff resources available to support a limited meeting schedule in 2021. There are seven commissions that currently do not have staff resources available to start meeting regularly at the beginning of 2021. Some of these seven commissions will have staff resources available later in 2021 to support regular meetings. Please see Attachment 1 for the full list of commissions and their status.

With regards to commission subcommittees, there has been significant discussion regarding the ability of staff to support these meetings in a virtual environment. Under normal circumstances, the secretary's responsibilities regarding subcommittees is limited to posting the agenda and reserving the meeting space (if in a city building). With the necessity to hold the meetings in a virtual environment and be open to the public, it is likely that subcommittee meetings will require significantly more staff resources to schedule, train, manage, and support the work of subcommittees on Zoom or a similar platform. This additional demand on staff resources to support commission subcommittees is not feasible for any commission at this time.

One possible option for subcommittees is to temporarily suspend the requirement for ad hoc subcommittees of city commissions to notice their meetings and require public participation. Ad hoc subcommittees are not legislative bodies under the Brown Act and are not required to post agendas or allow for public participation. These requirements are specific to Berkeley and are adopted by resolution in the Commissioners' Manual. If it is the will of the Council, staff could introduce an item to temporarily suspend these

requirements which will allow subcommittees of all commissions to meet as needed to develop recommendations that will be presented to the full commission.

The limitations on the meetings of certain commissions are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Some of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new duties specifically related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager and the Health Officer in consultation with Department Heads and the City Council.

Attachments:

1. List of Commissions with Meeting Status
2. Resolution 69,331-N.S.

<u>Boards and Commissions</u>	<u>Meetings Held Under COVID March - Oct</u>	<u>Regular Mtg. Date</u>	<u>Secretary</u>	<u>Dept.</u>	<u>Resume Regular Schedule in January 2021?</u>	<u>Note</u>
Fair Campaign Practices Commission	9	3rd Thur.	Sam Harvey	CA	YES	Have been meeting regularly under COVID Emergency
Open Government Commission	6	3rd Thur.	Sam Harvey	CA	YES	Have been meeting regularly under COVID Emergency
Animal Care Commission	0	3rd Wed.	Amelia Funghi	CM	YES	
Police Review Commission	10	2nd & 4th Wed.	Katherine Lee	CM	YES	Have been meeting regularly under COVID Emergency
Disaster and Fire Safety Commission	4	4th Wed.	Keith May	FES	YES	
Community Health Commission	0	4th Thur.	Roberto Terrones	HHCS	YES	
Homeless Commission	0	2nd Wed.	Josh Jacobs	HHCS	YES	
Homeless Services Panel of Experts	5	1st Wed	Josh Jacobs	HHCS	YES	
Human Welfare & Community Action Commission	0	3rd Wed.	Mary-Claire Katz	HHCS	YES	
Mental Health Commission	1	4th Thur.	Jamie Works-Wright	HHCS	YES	
Sugar-Sweetened Beverage Product Panel of Experts	0	3rd Thur.	Dechen Tsering	HHCS	YES	
Civic Arts Commission	2	4th Wed.	Jennifer Lovvorn	OED	YES	
Elmwood BID Advisory Board	1	Contact Secretary	Kieron Slaughter	OED	YES	
Loan Administration Board	0	Contact Secretary	Kieron Slaughter	OED	YES	
Solano Avenue BID Advisory Board	2	Contact Secretary	Eleanor Hollander	OED	YES	
Design Review Committee	6	3rd Thur.	Anne Burns	PLD	YES	Have been meeting regularly under COVID Emergency
Energy Commission	0	4th Wed.	Billi Romain	PLD	YES	
Landmarks Preservation Commission	6	1st Thur.	Fatema Crane	PLD	YES	Have been meeting regularly under COVID Emergency
Planning Commission	3	1st Wed.	Alene Pearson	PLD	YES	Have been meeting regularly under COVID Emergency
Zoning Adjustments Board	11	2nd & 4th Thur.	Shannon Allen	PLD	YES	Have been meeting regularly under COVID Emergency
Parks and Waterfront Commission	4	2nd Wed.	Roger Miller	PRW	YES	
Commission on Disability	0	1st Wed.	Dominika Bednarska	PW	YES	
Public Works Commission	4	1st Thur.	Joe Enke	PW	YES	
Zero Waste Commission	0	4th Mon.	Heidi Obermeit	PW	YES	
Commission on the Status of Women	0	4th Wed.	Shallon Allen	CM	YES - LIMITED	Secretary has intermittent COVID assignments

<u>Boards and Commissions</u>	<u>Meetings Held Under COVID March - Oct</u>	<u>Regular Mtg. Date</u>	<u>Secretary</u>	<u>Dept.</u>	<u>Resume Regular Schedule in January 2021?</u>	<u>Note</u>
Commission on Aging	0	3rd Wed.	Richard Castrillon	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Housing Advisory Commission	0	1st Thur.	Mike Uberti	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Measure O Bond Oversight Committee	0	3rd Monday	Amy Davidson	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Transportation Commission	2	3rd Thur.	Farid Javandel	PW	REDUCED FREQUENCY	Staff assigned to COVID response
Children, Youth, and Recreation Commission	0	4th Monday	Stephanie Chu	PRW	NO - SEPT 2021	Staff assigned to COVID response
Youth Commission	0	2nd Mon.	Ginsi Bryant	PRW	NO - SEPT 2021	Staff assigned to COVID response
Community Environmental Advisory Commission	0	2nd Thur.	Viviana Garcia	PLD	NO - JUNE 2021	Staff assigned to COVID response
Cannabis Commission	0	1st Thur.	VACANT	PLD	NO - JAN. 2022	Staff vacancy
Peace and Justice Commission	0	1st Mon.	VACANT	CM	NO	Staff vacancy
Commission on Labor	0	3rd Wed., alternate mon	Kristen Lee	HHCS	NO	Staff assigned to COVID response
Personnel Board	1	1st Mon.	La Tanya Bellow	HR	NO	Staff assigned to COVID response

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 Numalville, City Clerk



Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

From: *DWR* Dee Williams-Ridley, City Manager

Subject: Commission Meetings During COVID-19 Emergency

This memo serves to provide a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration.

On March 10, 2020, the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020, Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

Page 2
October 22, 2020
Re: Commission Meetings During COVID-19 Emergency

To assist commissions with the development of their work plan and to provide the City Council with a consistent framework to review the work plans, the City Manager has developed the following items to consider in developing the work plan that is submitted to the City Council agenda.

Prompts for Commissions to use in work plan:

- What commission items for 2021 have a direct nexus with the COVID-19 response or are the result of a City Council referral pertaining to COVID-19?
- What commission items for 2021 are required for statutory reasons?
- What commission items for 2021 are required for budgetary or fund allocation reasons?
- What commission items for 2021 support council-adopted or voter-adopted mission critical projects or programs?
- What are the anticipated staff demands (above and beyond baseline) for analysis, data, etc., to support commission work in 2021 (baseline duties = posting agendas, creating packets, attend meetings, minutes, etc.)?

The limitations on commission meetings are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Many of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new specific duties related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager in consultation with Department Heads and the City Council. More frequent meetings by commissions will be permitted as the conditions under COVID-19 dictate.

Thank you for your service on our boards and commissions. The City values the work of our commissions and we appreciate your partnership and understanding as we address this pandemic as a resilient and vibrant community.

Attachments:

1. Resolution 69,331-N.S.
2. List of Commissions with Meeting Data

cc: Mayor and City Councilmembers
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 Numalville, City Clerk



Office of the City Attorney

Date: March 3, 2021
 To: Agenda and Rules Committee
 From: Office of the City Attorney
 Re: Continuing Use of Teleconferencing for Public Meetings

Assembly Bill 361 amended the Ralph M. Brown act to authorize the City to continue to hold teleconferenced meetings during a Governor-declared state of emergency without complying with a number of requirements ordinarily applicable to teleconferencing. For example, under AB 361, the City may hold teleconferenced meetings without:

1. Posting agendas at all teleconference locations
2. Listing each teleconference location in the notice and agenda for the meeting
3. Allowing the public to access and provide public comment from each teleconference location
4. Requiring a quorum of the body to teleconference from locations within City boundaries

(Cal. Gov. Code § 54953(b)(3) & (e)(1).)

Under AB 361, the City can continue to hold teleconferenced meetings without adhering to the above practices as long as the state of emergency continues and either (1) “state or local officials have imposed or recommended measures to promote social distancing,” or (2) the City determines that “meeting in person would present imminent risks to the health or safety of attendees.” (Cal. Gov. Code § 54953(e)(1).)

Every thirty days, the City must review and determine that either of the above conditions continues to exist. (Cal. Gov. Code § 54953(e)(3).) Since September 28, 2021, the City Council has passed a recurring resolution every thirty days determining that both of the above conditions continue to exist and therefore teleconferencing under AB 361 is warranted. The Council may continue to renew the teleconferencing resolution every thirty days, and thereby continue to hold teleconferenced meetings under the procedures it has used throughout the pandemic, until the state of emergency ends. (See Cal. Gov. Code § 54953(e)(3)(A).)

The state of emergency for COVID-19 has been in effect since it was issued by the Governor on March 4, 2020. There is no clear end date for the state of emergency at this time. As recently as February 17, 2022, the Governor stated that, for now, the state will continue to operate under the state of emergency, but that his goal is “to unwind the state

March 2, 2022

Page 2 Re: Continuing Use of Teleconferencing for Public Meetings

of emergency as soon as possible.”¹ Additionally, per a February 25, 2022 *Los Angeles Times* article, Newsom administration officials have indicated that the state of emergency is necessary for the State’s continued response to the pandemic, including measures such as waiving licensing requirements for healthcare workers and clinics involved in vaccination and testing.²

On March 15, 2022, the California State Senate Governmental Organization Committee will consider a resolution (SCR 5) ending the state of emergency.³ Some reporting suggests that the Republican-sponsored resolution is unlikely to pass. Notably, Senate Leader Toni Atkins’ statement on the Senate’s consideration of SCR 5 articulates strong support for the state of emergency.⁴

The Governor has issued an executive order (N-1-22) which extends to March 31, 2022 sunset dates for teleconferencing for state legislative bodies (under the Bagley-Keene Open Meeting Act) and student body organizations (under the Gloria Romero Open Meetings Act).⁵ Executive Order N-1-22 does not affect the Brown Act teleconferencing provisions of AB 361, which have a sunset date of January 1, 2024. Therefore, until January 1, 2024, the City may utilize the teleconferencing provisions under AB 361 as long as the state of emergency remains in effect.

¹ *New York Times*, California Lays Out a Plan to Treat the Coronavirus as a Manageable Risk Not an Emergency (Feb. 17, 2022), <https://www.nytimes.com/2022/02/18/us/california-lays-out-a-plan-to-treat-the-coronavirus-as-a-manageable-risk-not-an-emergency.html>.

² *Los Angeles Times*, Newsom scales back some special pandemic rules, but not California’s state of emergency (Feb. 25, 2022), <https://www.latimes.com/california/story/2022-02-25/newsom-scales-back-special-pandemic-rules-but-not-california-state-of-emergency>.

³ Text of SCR 5 available at: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SCR5.

⁴ Press release: Senator Toni G. Atkins, Senate Leader Atkins Issues Statement on SCR 5 and the State of Emergency (Feb. 17, 2022), <https://sd39.senate.ca.gov/news/20220217-senate-leader-atkins-issues-statement-scr-5-and-state-emergency>.

⁵ Text of Executive Order N-1-22 available at: <https://www.gov.ca.gov/wp-content/uploads/2022/01/1.5.22-Bagley-Keene-waiver-EO.pdf>.

Hybrid Meeting Policies for City Council Meetings Revised April 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

Pre-entry negative testing

Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).

Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees' duties and responsibilities).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID contact resulting from the meeting.

III. Face Coverings/Mask

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons. The relevant capacity limits will be posted at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

I. **Vaccination Status**

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

~~No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.~~

II. **Health ~~Check~~Status Precautions**

If an in-person attendee is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees’ duties and responsibilities).

~~A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.~~

~~Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature~~

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.~~

~~Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.~~

III. **Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

IV. **Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

~~Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to~~

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees.~~ Conference room capacity is limited to ~~42-15~~ persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

V. **Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, temperature checks, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. **Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. **Air Flow/Circulation/Sanitizing**

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is ~~100~~200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided.
- Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

I. **Vaccination Status**

No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.

II. **Health Check**

A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.

Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

III. **Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting. Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees. Conference room capacity is limited to 12 persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status, temperature checks, and mask requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

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BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 100 persons. The overflow area will have a broadcast of the meeting in progress

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided.
- Box lunches only. Total of 18 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff, Extras [2])
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.



URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)
Rules of Procedure Chapter III.C.5

THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES

Meeting Date: September 28, 2021

Item Description: Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)
Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.
- Immediate Action Required (54954.2(b)(2) - two-thirds vote required)
There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:

Assembly Bill 361 (Rivas) was signed by the Governor on September 16, 2021. This bill allows local legislative bodies to meet using videoconference technology while maintaining the Brown Act exemptions in Executive Order N-29-20 for noticing and access to the locations from which local officials participate in the meeting. Local agencies may only meet with the exemption if there is a state declared emergency.

The bill also requires that local legislative bodies meeting only via videoconference under a state declared emergency to make certain findings every 30-days regarding the need to meet in a virtual-only setting.

The agenda for the September 28, 2021 was finalized and published prior to the Governor signing AB 361 in to law. Thus, the need to take action came to the attention of the local agency after the agenda was distributed. This item qualifies for addition to the agenda with a two-thirds vote of the Council under Government Code Section 54954.2(b)(2).



Office of the City Attorney

CONSENT CALENDAR
September 28, 2021

To: Honorable Mayor and Members of the City Council
Madame City Manager

From: Farimah Faiz Brown, City Attorney

Subject: Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RECOMMENDATION

Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88.040, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. On March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public.

These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 will expire on September 30, 2021.

COVID-19 continues to pose a serious threat to public health and safety. There are now over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley. Additionally, the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease.

As a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination. Holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time

Assembly Bill 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, amended a portion of the Brown Act (Government Code Section 54953) to authorize the City Council, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore City legislative bodies must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the City Council must review and ratify such a determination every thirty (30) days. Therefore, if the Council passes this resolution on September 28, 2021, the Council will need to review and ratify the resolution by October 28, 2021.

This item requests that the Council review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination. This item further requests that the Council determine that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference, and that City legislative bodies shall continue to comply with all provisions of the Brown Act, as amended by SB 361.

BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 4,700 confirmed cases of COVID-19 and at least 57 deaths in the City of Berkeley.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20 which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) to allow teleconferencing of public meetings to be used as a tool for ensuring social distancing. As a result, City legislative bodies have held public meetings via teleconference throughout the pandemic. The provisions of Executive Order N-29-20 allowing teleconferencing to be used as a tool for social distancing will expire on September 30, 2021.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

RATIONALE FOR RECOMMENDATION

The Resolution would enable the City Council and its committees, and City boards and commissions to continue to hold public meetings via videoconference and teleconference in order to continue to socially distance and limit the spread of COVID-19.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998
Mark Numainville, City Clerk, (510) 981-6908

Attachments:

1: Resolution Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RESOLUTION NO. –N.S.

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)(3) AND DIRECTING CITY LEGISLATIVE BODIES TO CONTINUE TO MEET VIA VIDEOCONFERENCE AND TELECONFERENCE

WHEREAS, in accordance with Berkeley Municipal Code section 2.88.040 and sections 8558(c) and 8630 of the Government Code, which authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a City exist, the City Manager, serving as the Director of Emergency Services, beginning on March 3, 2020, did proclaim the existence of a local emergency caused by epidemic 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, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency pursuant to the California Emergency Services Act, in particular, Government Code section 8625; and

WHEREAS, the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020 continues to be in effect; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law AB 361, which authorizes the City Council to determine that, due to the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley; and

WHEREAS, the City Council recognizes that the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease; and

WHEREAS, as a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination; and

WHEREAS, holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time; and

WHEREAS, the City Council will need to again review the need for the continuing necessity of holding City legislative body meetings via videoconference and teleconference by October 28, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that, pursuant to Government Code section 54953, the City Council has reviewed the circumstances of the continued state of emergency posed by the spread of COVID-19, and finds that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination; and

BE IT FURTHER RESOLVED that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference; and

BE IT FURTHER RESOLVED that all City legislative bodies shall comply with the requirements of Government Code section 54953(e)(2) and all applicable laws, regulations and rules when conducting public meetings pursuant to this resolution.



OFFICE OF THE GOVERNOR

June 2, 2021

VIA EMAIL

Graham Knaus, Executive Director
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RE: Transition Period Prior to Repeal of COVID-related Executive Orders

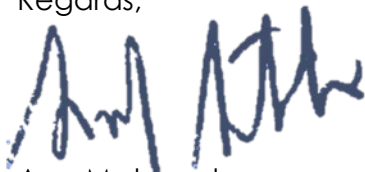
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

Thank you for your correspondence of May 18, 2021, inquiring what impact the anticipated June 15 termination of the Blueprint for a Safer Economy will have on Executive Order N-29-20, which provided flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic.

Please be assured that this Executive Order Provision will not terminate on June 15 when the Blueprint is scheduled to terminate. While the Governor intends to terminate COVID-19 executive orders at the earliest possible date at which conditions warrant, consistent with the Emergency Services Act, the Governor recognizes the importance of an orderly return to the ordinary conduct of public meetings of state and local agencies and boards. To this end, the Governor's office will work to provide notice to affected stakeholders in advance of rescission of this provision to provide state and local agencies and boards time necessary to meet statutory and logistical requirements. Until a further order issues, all entities may continue to rely on N-29-20.

We appreciate your partnership throughout the pandemic.

Regards,

A handwritten signature in blue ink, appearing to read 'Ana Matosantos', written in a cursive style.

Ana Matosantos
Cabinet Secretary



NEWS RELEASE

Release

June 4, 2021

Number: 2021-58

Standards Board Readopts Revised Cal/OSHA COVID-19 Prevention Emergency Temporary Standards

The revised Cal/OSHA standards are expected to go into effect no later than June 15

Sacramento — The Occupational Safety and Health Standards Board on June 3 readopted Cal/OSHA's revised COVID-19 prevention emergency temporary standards.

Last year, the Board adopted health and safety standards to protect workers from COVID-19. The standards did not consider vaccinations and required testing, quarantining, masking and more to protect workers from COVID-19.

The changes adopted by the Board phase out physical distancing and make other adjustments to better align with the state's June 15 goal to retire the Blueprint. Without these changes, the original standards, would be in place until at least October 2. These restrictions are no longer required given today's record low case rates and the fact that we've administered 37 million vaccines.

The revised emergency standards are expected to go into effect no later than June 15 if approved by the Office of Administrative Law in the next 10 calendar days. Some provisions go into effect starting on July 31, 2021.

The [revised standards](#) are the first update to Cal/OSHA's temporary COVID-19 prevention requirements adopted in November 2020.

The Board may further refine the regulations in the coming weeks to take into account changes in circumstances, especially as related to the availability of vaccines and low case rates across the state.

The standards apply to most workers in California not covered by Cal/OSHA's Aerosol Transmissible Diseases [standard](#). Notable revisions include:

- **Face Coverings:**
 - Indoors, fully vaccinated workers without COVID-19 symptoms do not need to wear face coverings in a room where everyone else is fully vaccinated and not showing symptoms. However, where there is a mixture of vaccinated and unvaccinated persons in a room, all workers will continue to be required to wear a face covering.
 - Outdoors, fully vaccinated workers without symptoms do not need to wear face coverings. However, outdoor workers who are not fully vaccinated must continue to wear a face covering when they are less than six feet away from another person.
- **Physical Distancing:** When the revised standards take effect, employers can eliminate physical distancing and partitions/barriers for employees working indoors and at outdoor mega events if they provide respirators, such as N95s, to unvaccinated employees for voluntary use. After July 31, physical distancing

and barriers are no longer required (except during outbreaks), but employers must provide all unvaccinated employees with N95s for voluntary use.

- **Prevention Program:** Employers are still required to maintain a written COVID-19 Prevention Program but there are some key changes to requirements:
 - Employers must review the California Department of Public Health's [Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#).
 - COVID-19 prevention training must now include information on how the vaccine is effective at preventing COVID-19 and protecting against both transmission and serious illness or death.
- **Exclusion from the Workplace:** Fully vaccinated workers who do not have COVID-19 symptoms no longer need to be excluded from the workplace after a close contact.
- **Special Protections for Housing and Transportation:** Special COVID-19 prevention measures that apply to employer-provided housing and transportation no longer apply if all occupants are fully vaccinated.

The Standards Board will file the readoption rulemaking package with the Office of Administrative Law, which has 10 calendar days to review and approve the temporary workplace safety standards enforced by Cal/OSHA. Once approved and published, the full text of the revised emergency standards will appear in the Title 8 sections [3205](#) (COVID-19 Prevention), [3205.1](#) (Multiple COVID-19 Infections and COVID-19 Outbreaks), [3205.2](#) (Major COVID-19 Outbreaks) [3205.3](#) (COVID-19 Prevention in Employer-Provided Housing) and [3205.4](#) (COVID-19 Prevention in Employer-Provided Transportation) of the [California Code of Regulations](#). Pursuant to the state's [emergency rulemaking process](#), this is the first of two opportunities to readopt the temporary standards after the initial effective period.

The Standards Board also convened a representative subcommittee to work with Cal/OSHA on a proposal for further updates to the standard, as part of the emergency rulemaking process. It is anticipated this newest proposal, once developed, will be heard at an upcoming Board meeting. The subcommittee will provide regular updates at the Standards Board monthly meetings.

The [Occupational Safety and Health Standards Board](#), a seven-member body appointed by the Governor, is the standards-setting agency within the Cal/OSHA program. The Standards Board's objective is to adopt reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for permanent variances from adopted standards and respond to petitions for new or revised standards.

The California Division of Occupational Safety and Health, or [Cal/OSHA](#), is the division within the Department of Industrial Relations that helps protect California's workers from health and safety hazards on the job in almost every workplace. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

Contact: Erika Monterroza / Frank Polizzi, Communications@dir.ca.gov, (510) 286-1161.

The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#)



Office of the City Manager

June 1, 2021

To: Agenda & Rules Committee

From: Dee Williams-Ridley, City Manager

Subject: Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies

Introduction

This memo responds to the request from the Agenda & Rules Committee on May 17, 2021 for information from the City Manager on the options and timing for a return to in-person meetings for City legislative bodies. The analysis below is a preliminary summary of the considerations and options for returning to in-person meetings.

With the onset of the COVID-19 pandemic, the shelter-in-place order, and the issuance of Executive Order N-29-20 (“Executive Order”) in the spring of 2020, the City quickly adjusted to a virtual meeting model. Now, almost 15 months later, with the Blueprint for a Safer Economy scheduled to sunset on June 15, 2021, the City is faced with a new set of conditions that will impact how public meetings may be held in Berkeley. While the June 15, 2021 date appears to be certain, there is still a great deal of uncertainty about the fate of the Executive Order. In addition, the City is still awaiting concrete, specific guidance from the State with regards to regulations that govern public meetings and public health recommendations that will be in place after June 15, 2021.

For background, Executive Order N-29-20 allows legislative bodies to meet in a virtual setting and suspends the following Brown Act requirements:

- Printing the location of members of the legislative body on the agenda;
- Posting the agenda at the location of members of the legislative body that are remote; and
- Making publicly available remote locations from which members of the legislative body participate.

Meeting Options

There are three groups of City Legislative bodies that are considered in this memo

- City Council;
- City Council Policy Committees; and
- Boards and Commissions.

The three meeting models available are:

- In-person only;
- Virtual only; or
- Hybrid (in-person and virtual).

The scenarios below show the options available for each given set of facts.

Summary Recommendations of Meeting Options	Physical Distancing			No Physical Distancing		
	In-Person	Hybrid	Virtual*	In-Person	Hybrid	Virtual*
	City Council	X	X	X	X	X
Policy Committees			X	X		X
Board and Commissions			X	X		X

* The ability to hold virtual-only meetings is dependent on the status of Executive Order N-29-20

Currently, the Centers for Disease Control recommends physical distancing for unvaccinated persons. While the City and the community have made tremendous progress with regards to vaccination, the City would use the guidelines for unvaccinated persons when making determinations regarding public meetings.

Meeting Type Considerations

Our previous experience pre-pandemic and our experience over the past 15 months demonstrates that the City can conduct all in-person and all virtual meetings. However, the possibility of hybrid meetings presents new questions to consider. The primary concern for a return to in-person meetings using a hybrid model is the impact on the public experience and the legislative process.

Will the legislative body be able to provide a transparent, coherent, stable, informative, and meaningful experience for the both the public in attendance and virtually?

Will the legislative body be able to conduct the legislative process in an efficient, coherent, and meaningful manner with the members split between in-person and virtual, and considering the additional delays and logistical challenges of allowing for public participation in a hybrid model?

For the City Council, testing has shown that the larger space and technology infrastructure at the Boardroom will allow the Council to conduct all three types of meetings (in-person, hybrid, virtual).

For Policy Committees and Commissions, only the “all virtual” or “all in-person” meetings are recommended. Preliminary testing has shown that the audio/visual limitations of the meeting rooms available for these bodies would result in inefficient and cumbersome management of the proceedings in a hybrid model. In addition, there are considerations to analyze regarding the available bandwidth in city facilities and all members having access to adequate devices. Continuing the all virtual model for as long as possible, then switching to an all in-person model when conditions permit provides the best access, participation, and legislative experience for the public and the legislative body.

Other Considerations

Some additional factors to consider in the evaluation of returning to in-person or hybrid meetings are:

- How to address vaccination status for in-person attendees.
- Will symptom checks and/or temperature checks at entry points be required?
- Who is responsible for providing PPE for attendees?
- How are protocols for in-person attendees to be enforced?
- Physical distancing measures for the Mayor and City Councilmembers on the dais.
- Installation of physical barriers and other temporary measures.
- Will the podium and microphone need to be sanitized after every speaker?
- High number of touch points in meeting rooms.
- Will chairs for the public and staff need to be sanitized if there is turnover during the meeting?
- Determining the appropriate capacity for meeting locations.
- The condition and capacity of meeting room ventilation system and air cycling abilities.
- How to receive and share Supplemental Items, Revisions, Urgent Items, and submissions by the public both in-person and virtually.
- Budget including costs for equipment, physical improvements, A/V, PPE, and sanitization.

Conclusion

As stated above, conditions are changing daily, and there is a high degree of uncertainty surrounding the future guidance, regulations, and actions at the state level. Planning, testing and analysis are already underway to prepare for an eventual return to in-person meetings. Staff will continue to monitor the evolving legislative and public health circumstances and advise the committee at future meetings.

Attachment:

1. Executive Order N-29-20

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-29-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

WHEREAS time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

WHEREAS social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

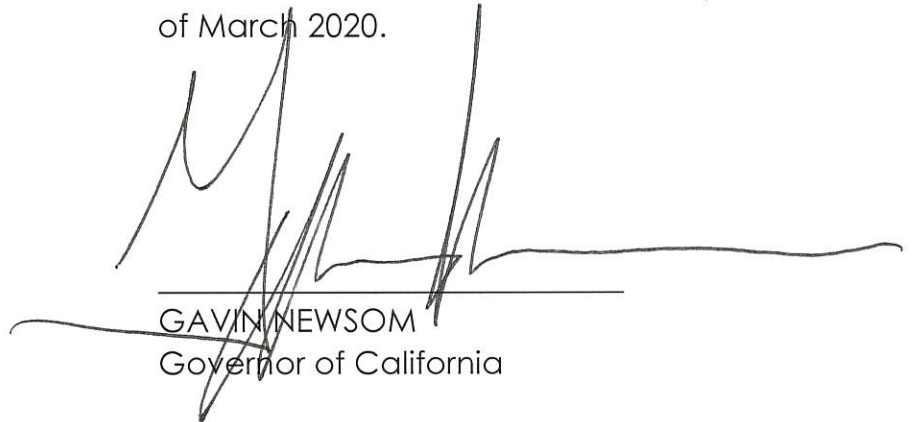
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

