



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

**MONDAY, MAY 16, 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/86363667602>. 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: **863 6366 7602**. 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: May 9, 2022**
- 2. Review and Approve Draft Agenda:**
  - a. 5/31/22 – 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 Tuesday, May 31, 2022

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### **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, May 12, 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](mailto:policycommittee@cityofberkeley.info).*



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

**MONDAY, MAY 9, 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. All present.

**Public Comment** – 4 speakers

## **Review of Agendas**

**1. Approval of Minutes: April 25, 2022**

**Action:** M/S/C (Wengraf/Arreguin) to approve the minutes of 4/25/22.

**Vote:** All Ayes.

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

a. 5/24/22 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Arreguin/Wengraf) to request a change to the recommendation for Councilmember Bartlett's Item 8.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to approve the agenda of 5/24/22 with the changes noted below.

- *Item Added: Office Relinquishment (Wengraf) – Councilmember Hahn added as a co-sponsor*
- *Item Added: Budget Committee Referral (Harrison)*
- *Item 4 Audit Report (City Auditor) – Moved to Action Calendar*
- *Item 7 AC Transit (Taplin) – Councilmembers Hahn and Robinson added as co-sponsors*
- *Item 8 Staff Expenditures (Bartlett) – Revision requested by Committee*
- *Item 10 SB 379 (Harrison) – Councilmember Hahn added as a co-sponsor*
- *Item 13 CalPERS Contract (City Manager) – Moved to first item on Action Calendar*
- *Item 14 Waterfront (Commission) – Moved to Consent Calendar*
- *Item 16 Autonomous Vehicles (Taplin) – Referred to FITES Committee*

Order of Items on Action Calendar

Item 13 CalPERS Contract

Item 11 Fees

Item 12 Budget Hearing

Item 4 Audit Report

Item 15 Warrantless Searches

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

## Referred Items for Review

8. **Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**  
**Action:** 4 speakers. No action taken.
9. **Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies**  
**Action:** 3 speakers. No action taken.

## 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

- **None**

## Adjournment – Next Meeting Monday, May 16, 2022

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

Adjourned at 3:22 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on May 9, 2022.

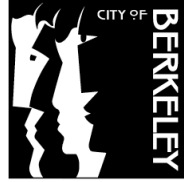
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Mark Numainville, City Clerk

## **Communications**

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**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, May 31, 2022**  
**6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*Proof of up-to-date COVID-19 vaccination or verified negative COVID-19 test is required for in-person attendance. In-person attendees are required to wear a mask that covers their nose and mouth for the duration of the meeting. If you are feeling sick, please do not attend in-person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

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

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

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating 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](mailto: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. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

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

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

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

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

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

## Consent Calendar

**1. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From: City Manager**

**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, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, and May 10, 2022.

**Financial Implications:** To be determined

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

**2. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of April 12 (closed and regular), April 19, closed and special), April 21 (special), April 26 (special and regular).

**Financial Implications:** None

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

**3. Resolution Supporting the Sale of 3404 King Street and transfer of the Turning Point transitional housing program for homeless youth from Fred Finch Youth Center to Larkin Street Youth Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution supporting the sale of the property at 3404 King Street, currently owned by Fred Finch Youth Center (FFYC), to Larkin Street Youth Services (LSYS) to continue operating the Turning Point transitional housing program for homeless transition-aged youth. The proposed resolution would: Immediately forgive in full an outstanding Housing Trust Fund loan on the property, with an outstanding balance of \$305,000, otherwise set to be forgiven in 2027; Authorize the City Manager to enter into contract and necessary amendments with LSYS and reallocate the balance of the funding currently committed to FFYC through the FY20-23 Community Agency Funding RFP process, in an amount not to exceed \$89,255 in FY23; Reallocate funding from contract with Covenant House California (Contract No. 31900239) when said contract terminates at the end of June 2022, in an amount not to exceed \$318,000 for FY23, to LSYS.

**Financial Implications:** See report

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

## Consent Calendar

**4. Amendments to Berkeley Municipal Code Chapters 7.52.190 (Homeless Services Panel of Experts)**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending Chapter 7.52.190 of the Berkeley Municipal Code, the enabling legislation for the Homeless Services Panel of Experts (HSPOE) to add the functions of the Homeless Commission as found in Resolution No. 60,647-N.S.

**Financial Implications:** See report

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

**5. Assessments: Berkeley Tourism Business Improvement District**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Annual Report of FY 2022 and preliminary budget for FY23 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.

**Financial Implications:** See report

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

**6. Assessments: Downtown Berkeley Property Based Business Improvement District**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2023.

**Financial Implications:** See Report

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

**7. Assessments: North Shattuck Property Based Business Improvement District**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2023.

**Financial Implications:** See Report

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

**8. Assessments: Telegraph Property Based Business Improvement District**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the TBID for FY 2023.

**Financial Implications:** See Report

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

## Consent Calendar

**9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 31, 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 - \$535,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

**10. Notice of Appropriations Limit for Fiscal Year 2023**

**From: City Manager**

**Recommendation:** Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2023 at its meeting of June 28, 2022; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 13, 2022.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

**11. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**

**From: City Manager**

**Recommendation:** Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Foster Care Program in the projected amount of \$93,187 for FY 2023.

2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for FY 2023.

3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for FY 2023.

4. Tobacco Prevention Program in the projected amount of \$78,960 for FY 2023.

**Financial Implications:** See report

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

**12. Revenue Grant: Funding Support from Alameda County to Public Health Infrastructure Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2023.

**Financial Implications:** See report

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

## Consent Calendar

**13. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$120,000 for April 1, 2022 to March 30, 2023.

**Financial Implications:** See report

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

**14. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services**

**From: City Manager**

**Recommendation:** Adopt five Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$358,309 for FY 2023.

2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$381,147 for FY 2023.

3. Tobacco Trust Fund in the projected amount of \$300,000 in FY 2023.

4. Immunization Program: In the projected amount of \$1,185,901 for FY 2023.

5. Public Health Emergency Preparedness (PHEP)/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected allocation of \$265,000 for FY 2023.

**Financial Implications:** See report.

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

**15. Revenue Grant: Funding Support from the State of California for the Tuberculosis Control Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tuberculosis Control Program in the projected amount of \$14,000 for FY 2023.

**Financial Implications:** See report.

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

## Consent Calendar

- 16. Contract: Interior Motions for Health, Housing, and Community Services Public Health Division Furniture**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Interior Motions for new furniture for the Public Health Division offices. The contract will be in an amount not to exceed \$135,000 for the period April 1, 2022 through December 30, 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 17. Expenditure Contract: California Mental Health Student Services Act Grant Funds for Berkeley Unified School District for Coordination and Provision of Mental Health Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Berkeley Unified School District (BUSD) to transfer grant funds in the amount of \$2,247,252 requested for BUSD and received from the Mental Health Services Accountability and Oversight Commission (MHSAOC). These funds will be used by BUSD to coordinate and provide mental health staffing and services in BUSD in Fiscal Years 2022 through 2027.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 18. Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2023**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

### 19. **Berkeley Strategic Transportation Plan Update and Grant Application Opportunities**

**From: City Manager**

**Recommendation:**

1. Adopt two Resolutions authorizing the City Manager to submit grant applications to the California Active Transportation Program, accept the grants awarded, and execute any resultant agreements and amendments.
2. Adopt a Resolution: a. Approving the Berkeley Strategic Transportation Plan Third Addendum. b. Authorizing the City Manager to submit unfunded Five-Year Priority Projects from the Berkeley Strategic Transportation Plan Third Addendum to the Alameda County Transportation Commission for funding through the County's Fiscal Year (FY) 2024 – FY 2028 Comprehensive Investment Plan. c. Authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds.

**Financial Implications:** See report

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

### 20. **Declaration of Intent – Fiscal Year 2023 Street Lighting Assessments**

**From: City Manager**

**Recommendation:** Adopt two Resolutions granting the City Manager the authority to approve the Engineer's Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 28, 2022 meeting; and authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2023 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.

**Financial Implications:** See report.

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

### 21. **Contract: Nema Construction for FY 2022 Street Light Maintenance Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2022 Project, Specification No. 22-11506-C; accepting the bid of the lowest responsive and responsible bidder, Nema Construction; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$428,950.

**Financial Implications:** Street Light Assessment Fund - \$428,950

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



## Consent Calendar

- 22. Contract: Zanker Recycling for Construction and Demolition Materials Hauling, Sorting and Marketing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zanker Recycling LLC to provide construction and demolition materials hauling, sorting and marketing services for an initial five-year term commencing on July 1, 2022. The contract includes an option to extend for one five (5) year period for a maximum ten (10) year contract term and a total amount not to exceed \$21,551,718.  
**Financial Implications:** Zero Waste Fund - \$21,551,718  
Contact: Liam Garland, Public Works, (510) 981-6300
- 23. Contract No. 102498-1 Amendment: TK Elevator for Elevator Maintenance and Repair Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 102498-1 with TK Elevator (formerly Thyssenkrupp Elevator) to increase the contract amount by \$500,000 for a total contract amount not to exceed \$1,640,000 and to extend the contract term through June 30, 2025.  
**Financial Implications:** Various Funds - \$500,000  
Contact: Liam Garland, Public Works, (510) 981-6300
- 24. Contract No. 108037-1 Amendment: MSR Mechanical, LLC for on-call heating, ventilation and air conditioning services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 108037-1, with MSR Mechanical LLC: to increase the contract amount by \$50,000 for a total contract amount not to exceed \$130,000; and to extend the contract term through June 30, 2024.  
**Financial Implications:** Various Funds - \$50,000  
Contact: Liam Garland, Public Works, (510) 981-6300
- 25. Contract No. 31900031 Amendment: Downtown Streets Team for Expanded Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 31900031 with Downtown Streets Team (DST) to: 1. Increase the contract by \$400,000 for a new not to exceed amount of \$1,675,304 and extend the contract term through December 31, 2023; and 2. Expand DST services to include the cleanup of litter and illegally dumped materials at encampment sites and adjacent neighborhoods throughout the City of Berkeley as needed; and 3. Negotiate new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts in Fiscal Year 2024.  
**Financial Implications:** Various Funds - \$400,000  
Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

- 26. Contract No. 32000246 Amendment: CF Contracting, Inc. for Sacramento Complete Streets Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000246 with CF Contracting, Inc. for work on the Sacramento Complete Streets Improvement Project (“Project”), Specification No.20-11379-C, increasing the contract amount by \$250,000 for an amended total not to exceed \$2,725,200.  
**Financial Implications:** Measure BB Fund - \$250,000  
Contact: Liam Garland, Public Works, (510) 981-6300
- 27. Purchase Order: Papé Machinery, Inc. for the completed rebuild and repair of Zero Waste Division’s John Deere Wheel Loader, Unit No. 6505**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order with Papé Machinery, Inc. for the completed rebuild, major component replacement and repair of Zero Waste Division’s John Deere Wheel Loader, Unit No. 6505, in an amount not to exceed \$345,188.  
**Financial Implications:** Equipment Maintenance Fund - \$345,188  
Contact: Liam Garland, Public Works, (510) 981-6300
- 28. Authorization for Additional Civic Arts Commission Meeting in 2022**  
**From: Civic Arts Commission**  
**Recommendation:** Adopt a Resolution for one additional meeting of the Civic Arts Commission in 2022.  
**Financial Implications:** None  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
- 29. Arts Commission Budget Referral: Festival Grants Budget Allocation**  
**From: Civic Arts Commission**  
**Recommendation:** Refer to the City’s Budget Process for Fiscal Year 2023 an increased budget allocation of \$41,685 for Festival Grants to bring the allocation for these grants to \$200,000 annually beginning in Fiscal Year 2023.  
**Financial Implications:** See Report  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

## Council Consent Items

- 30. Budget Referral: Ceasefire Program Staffing**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer \$1,000,000 (\$1M) to the budget process to provide full staffing for a Berkeley Ceasefire program.  
**Financial Implications:** General Fund - \$1,000,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Council Consent Items

- 31. Budget Referral: Fund Mental Health Wellness Support and Services Coordinator at the Berkeley High School Health Center**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to the FY 23 and FY 24 Annual Budget Process \$350,000 to provide a coordinator position to deliver mental health wellness support and services to the City-run Berkeley High School (BHS) Mental Health Center, and to expand services and training as appropriate, consistent with the May 5, 2022 Council action to reimagine public safety. This includes: 1. Counseling services for students experiencing depression, anxiety, self-harm, suicidal ideations, etc.; 2. Teacher training for mental health awareness; 3. Facilitator/support resources to assist with coordination and scheduling of services.  
**Financial Implications:** General Fund - \$350,000  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 32. Budget Referral: Fund Additional HHCS Community Development Project Coordinator Position to Assist with Workforce Standards and Enforcement**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to the FY 23 and FY 24 Annual Budget Process approximately \$104,863 in General Funds with additional benefits to hire another Community Development Project Coordinator in the Health, Housing and Community Services (HHCS) Department to assist with enforcement of existing and prospective labor laws and regulations.  
**Financial Implications:** General Fund - \$104,863  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 33. Support for SB-1076 Lead-based paint (Archuleta)**  
**From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Send a letter of support to Senator Archuleta for his proposed legislation: SB-1076 Lead-based paint, with a copy to Nancy Skinner.  
**Financial Implications:** Staff time  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 34. Budget Referral: Purchase of Electric Bicycles for City Use**  
**From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer \$25,000 to the June 2022 budget process to purchase electric bicycles, electric cargo bicycles, and any related safety, storage, or security equipment for use by employees on City business.  
**Financial Implications:** General Fund - \$25,000  
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.*

## Action Calendar

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

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

## Action Calendar – Public Hearings

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

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

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

### **35. Updating Published Charges: Mental Health Clinical Services**

#### **From: City Manager**

**Recommendation:** Conduct a Public Hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for Fiscal Year 2022. Published Charges are effective July 1, 2021.

**Financial Implications:** See report.

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

## Action Calendar – New Business

### **36. Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election**

#### **From: City Manager**

**Recommendation:** Discuss the results of the recent community survey, provide direction to the City Manager on the type of and dollar amounts for revenue measures for the November ballot, and provide input on the Vision 2050 Program Plan.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

## Action Calendar – New Business

37. **City Council Comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program**  
**From: City Manager**  
**Recommendation:** Provide comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

## Council Action Items

38. **Referral to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Policy Committee to Consider Strategies and Make Recommendations to Council and Staff to Ensure Potential Infrastructure Bond Expenditure Is Consistent With Climate Action Goals and Other Environmental Policies** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee Policy Committee to consider strategies and make recommendations to the Council and staff to ensure that potential infrastructure bond is consistent with Climate Action goals and other environmental policies.  
*Policy Committee Recommendation: Send the enclosed non-binding recommendations to Council with a qualified positive recommendation and support for Staff's ongoing work to establish public-facing metrics to measure projected and actual outcomes around potential bond projects that support Climate Action goals and other environmental policies.*  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Action Calendar – Policy Committee Track Items

39. **Budget Referral: Small Business Rental and Legal Support**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer to the Fiscal Year 2023 Budget Process and the City Manager, \$1,000,000 from American Rescue Plan Act (ARPA) funding to launch a needs-based grant program for Berkeley-based small businesses (under 50 employees) to provide supplemental assistance to cover outstanding commercial rent debt and to fund legal assistance to small businesses. The City Manager shall create the criteria and formula to distribute the funds as described in the report.  
**Financial Implications:** American Rescue Plan Act - \$1,000,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Action Calendar – Policy Committee Track Items

40. **Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs**  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager to conduct a feasibility study on funding and operating a Re-entry Employment Program and to seek grant funding for a Guaranteed Income pilot program, following operational recommendations in the Reimagining Public Safety process. In addition, the City Manager’s Office, and subsequently an Office of Racial Equity as appropriate, shall periodically report on performance metrics, administrative capacity, and fiscal sustainability for partnering CBOs and other NGOs performing violence prevention services, mental health crisis responses, and any other services under the auspices of Reimagining Community Safety.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Information Reports

41. **Referral Response: Further Supporting Worker Cooperatives**  
**From: City Manager**  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
42. **On-Call Energy Efficiency Services Contracts through On-Bill Financing**  
**On-Call Energy Efficiency Services Contracts through On-Bill Financing**  
**From: City Manager**  
Contact: Alene Pearson, Planning and Development, (510) 981-7400

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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

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<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

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 made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>  
and may be read at reference desks at the following locations:

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

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

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

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

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



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

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Civic Arts Commission

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Modesto Covarrubias, Chairperson, Civic Arts Commission  
 Subject: Authorization for Additional Civic Arts Commission Meeting in 2022

RECOMMENDATION

Adopt a Resolution for one additional meeting of the Civic Arts Commission in 2022.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Civic Arts Commission requests approval to hold a Special Meeting in October 2022 as a retreat in order to have dedicated time to review progress on the *City of Berkeley Arts & Culture Plan 2018-2027 Update* and the *Civic Arts Commission 2022-2023 Work Plan*. Submission of this report for authorization of the additional meeting was approved by the Civic Arts Commission at its April 27, 2022 meeting as follows: M/S/C (Anno/Bullwinkel) Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, La, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

BACKGROUND

Resolution No. 68,705–N.S. governs the number of meetings for boards and commissions and authorizes the Civic Arts Commission to meet ten times per year. In 2022, the Civic Arts Commission plans to hold its ten regular meetings in addition to this Special Meeting.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts or opportunities associated with this report.

RATIONALE FOR RECOMMENDATION

The additional meeting requested for October 2022 will provide an opportunity for the Commission to have uninterrupted time to focus on the review of progress on the previously approved *Arts and Culture Plan* and *Annual Work Plan* and to discuss activities for the remainder of 2022 and activities for 2023 in furtherance of the goals and objectives outlined in these plans.

[Title of Report]

CONSENT CALENDAR  
May 31, 2022

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

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

CONTACT PERSON

Jennifer Lovvorn, Secretary to the Civic Arts Commission, (510) 981-7533

Attachments:

1: Resolution

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

AUTHORIZING ADDITIONAL MEETING FOR THE CIVIC ARTS COMMISSION

WHEREAS, Resolution No. 68,705–N.S. stipulates how many annual meetings are allowed for Berkeley’s commissions and authorizes the Civic Arts Commission to meet ten times per year; and

WHEREAS, the Civic Arts Commission plans to hold an additional meeting in October 2022 to review progress on the *City of Berkeley Arts & Culture Plan 2018-2027 Update* and the *Civic Arts Commission 2022-2023 Work Plan*.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Civic Arts Commission is authorized to hold one additional meeting in 2022.





Civic Arts Commission

CONSENT CALENDAR

May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Civic Arts Commission

Submitted by: Lisa Bullwinkel, Vice Chair

Subject: Budget Referral: Festival Grants Budget Allocation

RECOMMENDATION

Refer to the City's Budget Process for Fiscal Year 2023 an increased budget allocation of \$41,685 for Festival Grants to bring the allocation for these grants to \$200,000 annually beginning in Fiscal Year 2023.

FISCAL IMPACTS OF RECOMMENDATION

Additional \$41,685 annual allocation from the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The Festival Grants Budget Allocation is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy.

On April 27, 2022, Berkeley's Civic Arts Commission voted unanimously to request that City Council Refer to the City's Budget Process for Fiscal Year 2023 an increased budget allocation of \$41,685 for Festival Grants to bring the allocation for these grants to \$200,000 annually beginning in Fiscal Year 2023. Submission of this Budget Referral Request was approved by the Civic Arts Commission at its April 27, 2022 meeting as follows: M/S/C (Anno/Blecher) Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, La, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

BACKGROUND

Prior to the pandemic, the Festival Grant Program allocation was \$158,315. When the pandemic hit, it was dropped to zero. However, the arts community responded with the ability to produce many of the festivals in some sort of virtual formats and the Council increased the allocation to \$80,000, or about one half the prior allocation. As the ability to produce actual live events and/or hybrid events increased, the allocation in Fiscal Year 2022 was proposed to be restored to \$158,315, however the Mayor added almost \$50,000 from his budget for a total Festival Grants allocation of \$200,000 in Fiscal Year 2022. The currently proposed allocation for Fiscal Year 2023 is back to \$158,315 which the arts community would like to increase and maintain annually at \$200,000. The Civic Arts Commission is requesting an annual increase to the Festival Grants allocation of \$41,685 to bring the baseline allocation for Festival Grants to \$200,000 starting in Fiscal

Year 2023. Each year approximately 20 to 25 dynamic Berkeley festivals are funded through this program. For FY23, we received 35 Festival Grant applications, which are currently being reviewed for scoring.

RATIONALE FOR RECOMMENDATION

Established festivals need the added support as their model will most likely include a hybrid model for all future events. There are also may new festivals being created post-pandemic and so the need is greater than before.

CITY MANAGER

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

CONTACT PERSON

Jennifer Lovvorn, Secretary, Civic Arts Commission, Office of Economic Development,  
981-7533



CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Taplin  
 Subject: Budget Referral: Ceasefire Program Staffing

RECOMMENDATION

Refer \$1,000,000 (\$1M) to the budget process to provide full staffing for a Berkeley Ceasefire program.

FINANCIAL IMPLICATIONS

\$1 million in General Fund costs per annum in FY 23-24 biennial budget.

According to the Everytown Economic Cost of Gun Violence Calculator Tool, a single gun homicide directly costs state taxpayers \$1 million, and costs Californians \$9 million when including externalities imposed on family members, survivors, and the community at large.<sup>1</sup>

CURRENT SITUATION AND ITS EFFECTS

Berkeley Ceasefire is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

Gun violence is increasing at an alarming rate in the city of Berkeley. In 2021, there was a 30% increase in reported gun violence in Berkeley, with 52 confirmed shooting incidents compared to 40 in 2020. In 2021, the Berkeley Police Department recovered a total of 118 firearms, an increase of 38.8%. In 2021, 33 of the firearms seized were ghost guns compared to 6 in 2020 and 8 in 2019.<sup>2</sup>

On November 9, 2021, the Berkeley City Council unanimously approved a budget referral for \$200,000 in consulting costs to begin developing a multi-jurisdictional Gun Violence Intervention (GVI) program, a.k.a. Ceasefire, in Berkeley. On May 5, 2022, the City Council approved an omnibus budget referral to pursue a phased approach to the Reimagining Public Safety process, which included an additional \$200,000 for Ceasefire.

BACKGROUND

<sup>1</sup> <https://everytownresearch.org/report/economic-cost-calculator/>

<sup>2</sup> <https://berkeleyca.gov/sites/default/files/2022-04/2022-02-22%20Item%2033%202021%20Year%20End%20Crime.pdf>

David Muhammad, Executive Director of the National Institute for Criminal Justice (NICJR), has provided the following cost estimates for a fully staffed Ceasefire program in Berkeley:

- Full time Director: \$120-\$140k
- Program Manager/Supervisor: \$80-90k
- 5 Life Coaches: \$70k each - \$350k
- 3 Outreach Workers - \$62k each -- \$186k
- Fringe (25%): \$190,250
- Gun Violence Problem Analysis: \$35k

Total: \$986,250

The National Network for Safe Communities defines GVI programs as “a partnership of law enforcement, community members, and social service providers with a common goal but distinct roles,” each role “conveying a powerful community message about disapproval for violence and in support of community aspirations; concrete opportunities for both immediate and longer term assistance and support; and clear prior notice of the legal risks associated with continued violence.”<sup>3</sup>

Ceasefire programs are credited with major reductions in homicide rates in cities that have implemented them, including Stockton<sup>4</sup> and Richmond.<sup>5</sup>

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

### CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

<sup>3</sup> <https://nnscommunities.org/wp-content/uploads/2020/08/GVI-Issue-Brief-1.pdf>

<sup>4</sup> Braga, A. A. (2008). Pulling levers focused deterrence strategies and the prevention of gun homicide. *Journal of criminal justice*, 36(4), 332-343.

<sup>5</sup> <https://www.advancepeace.org/wp-content/uploads/2020/03/AP-Richmond-Impact-2019.pdf>





Kate Harrison  
Vice Mayor, District 4

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Vice Mayor Harrison  
 Subject: Budget Referral: Fund Mental Health Wellness Support and Services Coordinator at the Berkeley High School Health Center

RECOMMENDATION

Refer to the FY 23 and FY 24 Annual Budget Process \$350,000 to provide a coordinator position to deliver mental health wellness support and services to the City-run Berkeley High School (BHS) Mental Health Center, and to expand services and training as appropriate, consistent with the May 5, 2022 Council action to reimagine public safety. This includes:

1. Counseling services for students experiencing depression, anxiety, self-harm, suicidal ideations, etc.;
2. Teacher training for mental health awareness;
3. Facilitator/support resources to assist with coordination and scheduling of services.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

In response to a recent tragic incident involving a BHS student and ongoing insufficient mental health services and training within the Berkeley Unified School District, concerned students have led a petition with nearly 500 signatures calling for urgent mental health resources. Many students indicate that there are obstacles to communicating with teachers and counselors about mental health issues. Students report a sense of isolation, perpetuating personal and academic stress. The decline of students' mental health is a national phenomenon (see below).

HHCS leadership confirms providing an additional position at the City-supported Health Center would enhance student mental health. The City already provides BHS with limited counseling services through the Health Center, but the resources are not consistently available or accessible and teaching staff are not provided with regular training to identify signs of mental health needs and to help connect students to resources as appropriate. It is in the public interest to fund a City Mental Health Coordinator in the BHS Health Center to facilitate services and training, develop a mental health prevention and awareness program to promote mental health and resilience, and to address emerging challenges.

## BACKGROUND

The mental health crisis among youth has increased dramatically in the past few years. A recent journal study found that between 1999 and 2016 national suicide rates have increased 30%.<sup>1</sup> Young people have been disproportionately represented in this tragic trend.

During the height of the pandemic, emergency room visits related to suspected suicide attempts rose 50% among girls 12-17.<sup>2</sup> A 2022 survey found that almost 50% of LGBTQ youth contemplated suicide in the last year.<sup>3</sup> According to the Centers for Disease Control and Prevention “suicide is the third leading cause of death for young people” and “[f]or youth ages 10-14, suicide is the second leading cause of death.”<sup>4</sup> Suicide is the second-leading cause of death for college students.<sup>5</sup>

Although the overall suicide rate among people aged 10–24 was statistically stable from 2000 to 2007, the CDC found that suicides increased 57.4% in 2018.<sup>6</sup> The New York Times also recently reported that mental health disorders are beginning to eclipse binge drinking, drunken driving, teenage pregnancy and smoking. In 2019, “13 percent of adolescents reported having a major depressive episode.”

The recent loss of a student at BHS caused a significant number of students trauma and grief. Many of these students are seeking support and needed time to process their emotions. Unfortunately, many students report that Berkeley High School does not have sufficient resources available to respond properly to this and other similar incidents. Students report that many teachers were unprepared following the tragedy, and did not adjust academic work appropriately. As a result, students were forced to suppress their emotional needs to focus on their school work.

Even prior to the recent incident, students reported a scarcity of mental health support. Students report that there are few counselors and very limited drop-in appointments available and that counselors are focused on academic concerns. Wait list for mental

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<sup>1</sup> Deborah M. Stone, ScD et al, “Trends in State Suicide Rates — United States, 1999–2016 and Circumstances Contributing to Suicide — 27 States, 2015,” 2018, [https://www.medscape.com/viewarticle/897984\\_1](https://www.medscape.com/viewarticle/897984_1).

<sup>2</sup> Aria Bendix, “Adolescents accounted for larger share of suicides in many states in 2020,” April 25, 2022, NBC News, <https://www.nbcnews.com/health/health-news/teen-suicides-increased-many-states-pandemic-rcna25825>

<sup>3</sup> Meghan Roos, “Nearly Half of LGBTQ Youth Considered Suicide in Last Year: Survey,” May 4, 2022, Newsweek, <https://www.newsweek.com/nearly-half-lgbtq-youth-considered-suicide-last-year-survey-1703607>.

<sup>4</sup> “Disparities in Suicide,” Centers for Disease Control and Prevention, May 3, 2022, <https://www.cdc.gov/suicide/facts/disparities-in-suicide.html>

<sup>5</sup> “University and college campus suicide prevention,” American Foundation for Suicide Prevention, <https://afsp.org/university-and-college-campus-suicide-prevention>.

<sup>6</sup> Sally C. Curtin, M.A., “State Suicide Rates Among Adolescents and Young Adults Aged 10–24: United States, 2000–2018” September 11, 2020, National Vital Statistics Reports, <https://www.cdc.gov/nchs/data/nvsr/nvsr69/nvsr-69-11-508.pdf>

health services are weeks long. Students are unable to receive proper support and are left to manage on their own.

An informal needs assessment survey conducted by BHS students reveals:

- 68% of students report that they have to put in a lot of effort to receive help.
- 57% of students stated they would feel more supported if there were more on-site therapists.
- Only 17% of students reported teachers/counselors/staff checking in on them regarding their mental health.

Following the recent Berkeley tragedy, students assembled the “Wellness and Support Project.” Their plan is primarily to implement mental health training for both teachers and students at BHS. This will increase general knowledge, decrease stigma, and create a supportive community on campus. They also seek an expansion in the availability of psychologists and therapists for students at BHS, as well as a Mental Health Coordinator to coordinate such trainings and services. The group’s recommendations follow extensive research, and numerous meetings with administrators, teachers, parents, students, and community members.

The BHS Health Center is operated by the City of Berkeley HHCS and offers first aid, medical, health education, youth development and counseling/therapy services. The Mental Health Coordinator position will support the provision of critical mental health aid for students and staff at Berkeley High School, and provide better access to urgent and equitable health services.

There are currently no immediate plans considered by the City or School District that would sufficiently address the urgent needs of students and teachers. While on April 22, 2022, the Berkeley City Council approved the Mental Health Services Oversight and Accountability Commission revenue grant for \$2,500,000 (\$500,000 for each of five years) for Coordination and Provision of Mental Health Services in Berkeley Unified School District, this money was allocated to the BUSD school district in its entirety (not BHS), and is still being processed. City staff expect much of it will be dedicated to supporting the middle schools. Even with this new funding, there is no guarantee of a position within the BHS Health Center to coordinate such services.

Having someone specifically at BHS (the District’s largest school with students at a particularly volatile age) who will build a system of behavioral health supports for students, and that also involves teachers, staff, and families, will create more robust and sustainable supports specifically for BHS. In addition, since coordinating teacher and staff training can be challenging, having someone dedicated to this function will make a significant difference in supporting teacher and staff awareness of emerging mental health issues.

This budget item, informed by discussion with HHCS leadership, will fund a coordinator position to leverage existing and new funding to expand BHS services, and organize

various stakeholders and partners to deliver upon the current critical wellbeing and mental health needs of students and educators.

FISCAL IMPACTS OF RECOMMENDATION

Impact on General Fund of \$350,000.

ENVIRONMENTAL SUSTAINABILITY

No discernable impact.

CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140



Kate Harrison  
Vice Mayor, District 4

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Harrison  
Subject: Budget Referral: Fund Additional HHCS Community Development Project Coordinator Position to Assist with Workforce Standards and Enforcement

RECOMMENDATION

Refer to the FY 23 and FY 24 Annual Budget Process approximately \$104,863 in General Funds with additional benefits to hire another Community Development Project Coordinator in the Health, Housing and Community Services (HHCS) Department to assist with enforcement of existing and prospective labor laws and regulations.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

The HHCS department is responsible for staffing and enforcing each of the City’s labor ordinances and regulations, including the Minimum Wage, Paid Sick Leave, Berkeley Family Friendly and Environment Friendly, and Living Wage Ordinances. Currently, the Department has a single employee tasked with enforcing Berkeley’s workforce standards. In consultation with HHCS leadership and a former employee who staffed the division, current labor enforcement staffing levels may not adequate for existing programs, let alone the adoption of possible new legislation such as the Fair Work Week Ordinance. It is in the public interest to expand staffing in this division to enhance implementation and enforcement of Berkeley’s workforce standards.

BACKGROUND:

The City of Berkeley currently enforces four workforce standards ordinances with the following provisions:

**Minimum Wage**

Employers must pay all staff who work in Berkeley at least two hours per week the minimum wage standard set by the City. The minimum wage standard in Berkeley is listed below:

The minimum wage standard applies to all employees who work at least two hours in the geographical limits of Berkeley, regardless of where the employer is located or where the employee lives. The standard applies to both for-profit and

non-profit employers. Employees' tips do not count towards covering the minimum wage payment.

### **Paid Sick Leave**

Employers must give their staff one hour of paid sick leave for every 30 hours worked.

Small business employers (with fewer than 25 employees) may cap an employee's accrued paid sick leave at 48 hours and may cap the use of paid sick leave to 48 hours per year.

Employers with 25 or more employees may cap an employee's accrual of paid sick leave at 72 hours, but may not cap how much paid sick leave an employee uses in a calendar year.

### **Berkeley Family Friendly and Environment Friendly Ordinance**

Under this ordinance, an employee has the right to request a flexible or predictable work schedule. The employer does not have to grant the request, but does have to respond in writing within 21 days. If denying the request, the written response must include a business reason for denial.

The ordinance applies to employers with ten or more employees. Employees must have worked at least three months and must work at least eight hours per week on a regular basis to be covered by the ordinance.

An employer may revoke or modify a flexible or predictable working schedule for business reasons, with reasonable notice to the employee. Within 21 days, the employer must provide a schedule and must provide in writing to the employee a business reason for the change.

### **Living Wage Ordinance**

Vendors paid more than \$25,000 per year by the City of Berkeley must comply with the Living Wage Ordinance. To comply, vendors must pay a living wage (set by the City), provide health benefits or cash in lieu, and provide paid time off.

HHCS is responsible for implementing and enforcing such ordinances, including collecting complaints and helping to adjudicate alleged violations. Complaints are currently collected via email, in person or by mail. Complaints may be submitted by employees or any other person. In addition, HHCS is responsible for enforcing against employers who retaliate against any employee who asserts their right under the ordinances. Such responsibilities are vast and require additional staffing.

In addition, Council is actively considering the Fair Work Week Ordinance, which could require HHCS to adopt significant additional implementation and enforcement responsibilities.

FISCAL IMPACTS OF RECOMMENDATION

Impact on General Fund of \$104,863.

ENVIRONMENTAL SUSTAINABILITY

No discernable impact.

CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140







Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Wengraf (Author) Councilmember Taplin (Co-sponsor)  
 Subject: Support for SB-1076 Lead-based paint (Archuleta)

RECOMMENDATION

Send a letter of support to Senator Archuleta for his proposed legislation: SB-1076 Lead-based paint, with a copy to Nancy Skinner.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

Berkeley has old housing stock in neighborhoods throughout the city. Housing built before 1978 may contain lead paint. Exposure to lead can seriously harm a child's health, including damage to the brain and nervous system, slowed growth and development, learning and behavior problems, and hearing and speech issues. Children from low-income households and those who live in housing built prior to 1978 are at the greatest risk of lead exposure.

Lead-based paint was used in over 38 million homes in the U.S. until it was banned from residential use in 1978. As a result, 7.8 million homes in California that were built before 1978 are considered at high risk of lead contamination. Renovation, repair and painting projects disturb surfaces covered in lead-based paint and create lead-contaminated dust that endangers residents young and old, and workers repairing the building. Lead is harmful to children and adults, though children under the age of six years old are most vulnerable to lead poisoning. Lead can affect children's developing brains and nervous systems, causing reduced IQ, learning disabilities, and behavioral problems with life-long impacts. Lead poisoning in adults can cause high blood pressure and reproductive harm. Lead poisoning can also cause premature birth and miscarriage.

Low-income communities of color are exposed to lead at higher rates due to lack of access to affordable housing in good repair. In Los Angeles County, for example, 85% of elevated blood lead levels in children under six years of age are Latinos. Workers doing painting, remodeling and repair are also at high risk of exposure, as are their families, because dust contaminated with lead may be tracked in to homes from work clothes and shoes.

Support for SB-1076 Lead-based paint (Archuleta)

CONSENT CALENDAR

May 31, 2022

While California's lead protection laws and the federal Renovation and Repair Program (RRP) complement each other in many ways, subtle differences and inconsistencies between the two make the regulatory framework confusing. Renovators and contractors have to figure out how to deal with the inconsistencies on their own, and as a consequence, they can easily, and unintentionally, violate both California or federal lead laws. Federal enforcement of the RRP is also lacking. Only a few federal employees are assigned to a multi-state region to enforce the RRP's requirements, and most federal enforcement efforts target large, or high-profile contractors -- not the typical contractors performing renovations and repairs in local neighborhoods. The solution to this confusing situation is to align state and federal lead laws so that the state of California can assume management and enforcement of the RRP. Such alignment would also allow the state to recoup certification fees that are currently paid to the US Treasury, and use those revenues to fund programs and enforcement activities.

SB 1076 (Archuleta), is a bill that addresses the confusing inconsistencies in current regulations and aims to coordinate state and federal training and certification requirements for lead safe work practices. If SB 1076 passes, California would also assume management of the Lead Renovation, Repair, and Painting (RRP) program.

#### ENVIRONMENTAL SUSTAINABILITY

Lead-based paint chips and dust blow into soil, contaminating any food grown in the soil as well as the dirt itself. Contaminated soils are also toxic for animal life, streams and the run off into the bay. This legislation would reduce the distressing consequences lead paint continues to have on our environment.

#### CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

#### Attachments:

1: Letter

2: [SB-1076 Lead-based paint](#)

May 31, 2022

The Honorable Bob Archuleta  
California State Senate  
1021 O Street, Suite 6720  
Sacramento, CA 95814

**RE: SB-1076 Lead-based paint  
Support from the Berkeley City Council**

Dear Senator Archuleta,

Thank you for your proposed legislation, SB-1076, to help reduce lead poisoning. The City of Berkeley has concentrations of old housing stock with lead-based paint in neighborhoods throughout the city. As you know, exposure to lead can seriously harm a child's health, including damage to the brain and nervous system, slowed growth and development, learning and behavior problems, and hearing and speech issues. Children from low-income households and those who live in housing built before 1978 are at the greatest risk of lead exposure. As Councilmembers charged with protecting the health and safety of our residents, we are committed to working towards zero lead-paint contact for everyone.

The City of Berkeley is in full support of SB-1076. It is a bill that addresses confusing inconsistencies in current regulations that are currently reducing regulation compliance. SB-1076 would coordinate state and federal training and certification requirements for lead safe work practices. Your bill would also allow California to assume management of the Lead Renovation, Repair, and Painting (RRP) program. SB-1076 is a bill that reduces lead poisoning.

In support,

The Berkeley City Council

cc:

State Senator Nancy Skinner

AMENDED IN SENATE APRIL 18, 2022

AMENDED IN SENATE MARCH 7, 2022

**SENATE BILL**

**No. 1076**

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**Introduced by Senator Archuleta**

February 15, 2022

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An act to amend Section 105254 of, and to add Section 105250.5 to, the Health and Safety Code, relating to lead-based paint.

LEGISLATIVE COUNSEL'S DIGEST

SB 1076, as amended, Archuleta. Lead-based paint.

Existing law requires the State Department of Public Health to implement and administer a residential lead-based paint hazard reduction program, as specified, including adopting regulations regarding accreditation of providers of health and safety training to employees who engage in or supervise lead-related construction work, as defined, and certification of employees who have successfully completed that training. Existing law requires the department to adopt regulations to establish and impose fees for those accreditations and certifications and for licensing entities engaged in lead-related occupations, as specified. Existing law requires those fees to be deposited into the Lead-Related Construction Fund, as specified, and to be available for specified uses upon appropriation by the Legislature.

This bill would require the department to review and amend its regulations governing lead-related construction work, including training and certification for workers and accreditation for trainers in lead-safe work practices, to comply with existing state regulations and the United States Environmental Protection Agency's Lead Renovation, Repair, and Painting Rule, as specified. The bill would require the adoption of those regulations to establish fee provisions for those certifications and

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accreditations. The bill would require the fees to be deposited into the Lead-Related Construction Fund. The bill would require the department to adopt emergency regulations to implement these provisions, as specified.

Existing law requires certain persons engaged in lead construction work to have a certificate. A violation of that provision is a crime.

This bill, on and after January 1, 2024, would further require a firm, as defined, and at least one person onsite and employed by a firm, doing renovation, repair, or painting work that will disturb lead-based paint or presumed lead-based paint, as defined, to have a certificate. The bill would also make a violation of these provisions punishable by imprisonment in the county jail, by a fine of not more than \$37,500, or by both that imprisonment and fine. *a civil or criminal penalty, as specified.* By creating a new crime, the bill would impose a state-mandated local program.

This bill, on or before July 1, 2023, would require the department and the Contractors State License Board to collaborate to develop and implement an education and outreach program for every person and firm that is required to have a certificate, to include information on who is required to have a certificate and the requirements and process to obtain a certificate.

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 no reimbursement is required by this act for a specified reason.

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. Section 105250.5 is added to the Health and
- 2 Safety Code, to read:
- 3 105250.5. (a) The department shall review and amend its
- 4 regulations governing lead-related construction work, including
- 5 training and certification for workers and accreditation for trainers
- 6 in lead-safe work practices to comply with regulations adopted
- 7 pursuant to Sections 105250 and 124160 and the United States
- 8 Environmental Protection Agency's Lead Renovation, Repair and
- 9 Painting Rule (40 C.F.R. 745).

1 (b) The amended regulations adopted pursuant to subdivision  
 2 (a) shall include, but not be limited to, requiring a copy of the  
 3 worker and firm certification to be provided before the start of the  
 4 job to the prime contractor or other employers on the site and to  
 5 be posted on the job site beside the Division of Occupational Safety  
 6 and Health Lead-Work Pre-Job Notification required by  
 7 subdivision (p) of Section 1532.1 of Title 8 of the California Code  
 8 of Regulations.

9 (c) Consistent with Section 105250, the department shall also  
 10 adopt regulations establishing fees for the certifications or  
 11 accreditations established pursuant to this section. The fees  
 12 imposed under this section shall be established at levels not  
 13 exceeding an amount sufficient to cover the costs of developing,  
 14 administering, and enforcing the standards and regulations adopted  
 15 under this section. The fees established pursuant to this section  
 16 shall be deposited into the Lead-Related Construction Fund,  
 17 established pursuant to Section 105250.

18 (d) (1) Notwithstanding the rulemaking provisions of the  
 19 Administrative Procedure Act (Chapter 3.5 (commencing with  
 20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
 21 Code), the department may implement and administer this section  
 22 through all-county letters or similar instructions from the  
 23 department until regulations are adopted. The department shall  
 24 adopt emergency regulations implementing these provisions. The  
 25 department may readopt any emergency regulation authorized by  
 26 this section that is the same as, or substantially equivalent to, an  
 27 emergency regulation previously adopted under this section.

28 (2) The initial adoption of emergency regulations pursuant to  
 29 this section and one readoption of emergency regulations shall be  
 30 deemed an emergency and necessary for the immediate  
 31 preservation of the public peace, health, safety, or general welfare.  
 32 Initial emergency regulations and the one readoption of emergency  
 33 regulations authorized by this section shall be exempt from review  
 34 by the Office of Administrative Law. The initial emergency  
 35 regulations and the one readoption of emergency regulations  
 36 authorized by this section shall be submitted to the Office of  
 37 Administrative Law for filing with the Secretary of State, and each  
 38 shall remain in effect for no more than 180 days, by which time  
 39 final regulations may be adopted.

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1 SEC. 2. Section 105254 of the Health and Safety Code is  
2 amended to read:

3 105254. (a) The following persons engaged in the following  
4 types of lead construction work shall have a certificate:

5 (1) Persons who receive pay for doing lead hazard evaluations,  
6 including, but not limited to, lead inspections, lead risk  
7 assessments, or lead clearance inspections, in residential or public  
8 buildings.

9 (2) Persons preparing or designing plans for the abatement of  
10 lead-based paint or lead hazards from residential or public  
11 buildings.

12 (3) Persons doing work designed to reduce or eliminate lead  
13 hazards on a permanent basis (to last 20 years or more) from  
14 residential or public buildings.

15 (4) Persons inspecting for lead or doing lead abatement activities  
16 in a public elementary school, preschool, or day care center.

17 (5) Persons doing lead-related construction work in a residential  
18 or public building that will expose a person to airborne lead at or  
19 above the eight-hour permissible exposure limit of 50 micrograms  
20 per cubic meter.

21 (b) On and after January 1, 2024, the following shall also have  
22 a certificate: a firm, as defined by Section 745.83 of Title 40 of  
23 the Code of Federal Regulations, and at least one person onsite  
24 and employed by a firm, doing renovation, repair, or painting work  
25 for compensation in a residential or public building that will disturb  
26 lead-based paint, as defined in Section 35033 of Title 17 of the  
27 California Code of Regulations, or presumed lead-based paint, as  
28 defined in Section 35043 of Title 17 of the California Code of  
29 Regulations, which regulations were adopted by the State  
30 Department of Public Health pursuant to Sections 105250 and  
31 124160.

32 (c) Persons performing routine maintenance and repairs in  
33 housing are not required to have a certificate if they are not  
34 performing any of the activities listed under subdivisions (a) and  
35 (b).

36 (d) The department may adopt regulations to modify certification  
37 requirements for persons engaged in lead construction work based  
38 on changes to state or federal law, or programmatic need.

39 (e) The department or any local enforcement agency may,  
40 consistent with Section 17972, enter, inspect, and photograph any

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SB 1076

1 premises where abatement, a lead hazard evaluation, or renovation,  
 2 repair, or painting is being conducted or has been ordered, enter  
 3 the place of business of any person who conducts abatement, lead  
 4 hazard evaluations, or renovation, repair, or painting, and inspect  
 5 and copy any business record of any person who conducts  
 6 abatement, lead hazard evaluation, or renovation, repair, or painting  
 7 to determine whether the person is complying with this section.

8 (f) (1) A violation of subdivision (a) shall be punishable by  
 9 ~~imprisonment for not more than six months in the county jail, a~~  
 10 ~~fine of not more than one thousand dollars (\$1,000), or by both~~  
 11 ~~that imprisonment and fine: a civil penalty of no less than five~~  
 12 ~~thousand dollars (\$5,000), per violation per day.~~

13 (2) A violation of subdivision (b) shall be punishable by  
 14 ~~imprisonment for not more than six months in the county jail, by~~  
 15 ~~a fine of not more than thirty-seven thousand five hundred dollars~~  
 16 ~~(\$37,500), or by both that imprisonment and fine: a civil penalty~~  
 17 ~~of no less than ten thousand dollars (\$10,000), per violation per~~  
 18 ~~day.~~

19 (3) *Each subsequent violation of this section may be subject to*  
 20 *imposition of a civil penalty of no more than thirty-seven thousand*  
 21 *five hundred dollars (\$37,500) per violation per day or punishable*  
 22 *by imprisonment for no more than six months in the county jail, a*  
 23 *fine of no more than one thousand dollars (\$1,000), or by both*  
 24 *that imprisonment and fine. In assessing the amount of the criminal*  
 25 *or civil penalty, any one or more of the relevant circumstances*  
 26 *shall be considered: the nature and seriousness of the misconduct,*  
 27 *the number of violations, the persistence of the misconduct, the*  
 28 *length of time over which the misconduct occurred, the willfulness*  
 29 *of the misconduct, and the violator's assets, liabilities, net worth,*  
 30 *and other relevant factors.*

31 (g) The State Department of Public Health and the Contractors  
 32 State License Board shall collaborate to develop and implement  
 33 an education and outreach program for every person and firm that  
 34 is required to have a certificate pursuant to subdivisions (a) and  
 35 (b). The program shall include information on who is required to  
 36 have a certificate and the requirements and process to obtain a  
 37 certificate. The program shall be implemented on or before July  
 38 1, 2023.

39 SEC. 3. No reimbursement is required by this act pursuant to  
 40 Section 6 of Article XIII B of the California Constitution because



**SB 1076**

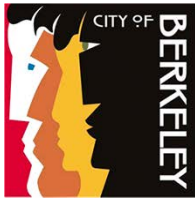
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1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

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CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author) and Councilmember Kate Harrison (Co-Sponsor)

Subject: Budget Referral: Purchase of Electric Bicycles for City Use

RECOMMENDATION

Refer \$25,000 to the June 2022 budget process to purchase electric bicycles, electric cargo bicycles, and any related safety, storage, or security equipment for use by employees on City business.

BACKGROUND

The City of Berkeley has a vested interest in encouraging our residents, visitors, and employees to shift towards using sustainable modes of transportation. The City's Climate Action Plan states, "Transportation modes such as public transit, walking and bicycling must become the primary means of fulfilling our mobility needs, and remaining motor vehicle use must be far less carbon-intensive. More active modes of transportation will become the mainstream when they are as convenient and cost effective as driving."<sup>1</sup>

As one of the largest employers in Berkeley, the City of Berkeley should lead by example and provide our workforce with ample alternatives to driving. There are some trips conducted on City business that necessitate the use of cars or other heavy vehicles. However, there are also many trips that do not. City staff can currently use City vehicles to perform job duties that do not involve transporting supplies or large equipment — for example, conducting site visits and inspections; attending community meetings and City events; and doing in-person outreach to residents and businesses.

Electric bicycles are a great option for many of these use cases. In July 2021, Walk Bike Berkeley conducted an assessment that showcased how e-bikes could be used for City of Berkeley building inspections.<sup>2</sup> Their test run of a typical inspection route found that riding an e-bike instead of driving a car only added 4 extra minutes to a 51-minute route, with minimal exertion and no mid-route recharging necessary.

E-bikes require far less physical exertion than a human-powered bicycle, making them suitable for uphill rides and accessible to a wide range of bicycling abilities. Cargo e-

<sup>1</sup> <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Climate-Action-Plan.pdf>

<sup>2</sup> Preliminary assessment of using e-bikes for City of Berkeley building inspections, Tom Lent. Walk Bike Berkeley, July 24, 2021, <https://bit.ly/BerkeleyMuniFleetE-bikeAssessment>

bikes provide additional space for equipment, allowing employees to replace car trips even when transporting items that would not fit on a typical bicycle. Bicycling is also better than driving for situational awareness, community engagement, and delivering a high level of service during peak traffic times. E-bikes are 20 times more efficient than electric cars, using the equivalent of anywhere from 1000 to 4000 MPGe.<sup>3</sup> Lastly, e-bikes are much cheaper than motor vehicles, costing as little as \$1,500 per bike. Therefore, with e-bikes, the City can achieve cost savings by reducing capital investment in vehicles while meeting our climate goals faster.

Berkeley has the fourth highest bicycle commute mode share of any city in the United States as of 2014.<sup>4</sup> A significant percentage of our workforce already bikes, either to get to work or for other purposes. There is likely a readiness and eagerness among many City employees to switch to e-bikes for on-the-job trips. No employee would be required to ride a bicycle to carry out their job functions — this funding would simply provide the e-bike option alongside existing options.

Council previously referred to the City Manager to “prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility, where feasible, as part of ongoing efforts to achieve a zero-emissions fleet by 2030.”<sup>5</sup> Funding a small number of e-bikes in this budget cycle could act as a pilot for interested employees, allowing the City to test how well e-bikes work for different uses across departments while simultaneously working towards a comprehensive assessment of our municipal fleet.

#### FINANCIAL IMPLICATIONS

\$25,000 from the General Fund.

#### ENVIRONMENTAL SUSTAINABILITY

Aligns with the City’s Climate Action Plan goals to reduce the number of vehicle trips and encourage bicycling.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Angie Chen, Legislative Assistant

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<sup>3</sup> Results to date from the E-bike Monitoring Project, Walk Bike Berkeley EBike 1000 MPG Project, <https://sites.google.com/view/ebikestudy/results>

<sup>4</sup> <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf>

<sup>5</sup>

<https://records.cityofberkeley.info/PublicAccess/api/Document/AXPO34zYAp1UNrq3gLfj8tV9L8YSr7bjBvMSz4KidtpxUddx%C3%89pZLY38Dp50JWSyHRY%C3%89guTOJaaM8Fv%C3%89pkooA6I%3D/>



Kate Harrison  
Vice Mayor, District 4

ACTION CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Harrison

Subject: Referral to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Policy Committee to Consider Strategies and Make Recommendations to Council and Staff to Ensure Potential Infrastructure Bond Expenditure Is Consistent With Climate Action Goals and Other Environmental Policies

RECOMMENDATION

Refer to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee Policy Committee to consider strategies and make recommendations to the Council and staff to ensure that potential infrastructure bond is consistent with Climate Action goals and other environmental policies.

POLICY COMMITTEE RECOMMENDATION

On May 4, 2022, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Robinson/Taplin) to send the enclosed non-binding recommendations to Council with a qualified positive recommendation and support for Staff's ongoing work to establish public-facing metrics to measure projected and actual outcomes around potential bond projects that support Climate Action goals and other environmental policies. Vote: All Ayes.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The City is facing a historic crisis of underinvestment in its infrastructure. Perhaps the most visible area is the City's streets, sidewalks, and other infrastructure vulnerable to climate change.

Council agreed at its January 20, 2022 special Council meeting to provide direction to staff to explore and prepare a draft \$300-\$600 million infrastructure bond and/or parcel tax ahead of the November 2022 election.

While the condition of the City's streets is of paramount concern to the Berkeley community, in the spirit of the Vision 2050 report, the Climate Action Plan, Climate Emergency Declaration and various other policies, Berkeley cannot afford to merely rebuild the same infrastructure dating from the past century. Rather, new expenditures on infrastructure should holistically contribute to building a Berkeley of the future, which

is much less carbon intensive, greener, modern, and more equitable. Doing so will require intentional policies and consideration.

To this end, it is in the public interest to refer to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee Policy Committee to consider strategies and make recommendations to the Council and staff to ensure that potential infrastructure bond is consistent with Climate Action goals and other environmental policies.

### BACKGROUND

At the Council's direction, the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee has spent two years investigating the overall paving situation, paving policies, and multi-faceted paving funding/bonding solutions. As part of its work, the Committee collaborated with staff and the Public Works Commission to update the City's Paving Policy to include certain environmental and green paving considerations. However, the Paving Policy was largely adopted in light of status quo paving funding levels, and was not designed for a potential once in a generation opportunity to reenvision the City's infrastructure.

If carefully crafted, the Bond could simultaneously stabilize PCI and include critical complimentary upgrades that support health, safety, and the environment/climate.

For example, the Committee should consider investigating and making recommendations with respect to the following concepts:

- **Future-proofing / Curbside EV** Integrate conduit and infrastructure to support public curbside EV charging, fiber optic cables, and electrification infrastructure upgrades (e.g., transformers) with paving work. Work with regional agencies such as EBCE to explore opportunities to leverage capital and other resources;
- **Green Paving Techniques** Explore how the bond expenditures can be structured to maximize durability/lifecycle and minimize greenhouse gasses, to include concrete, pavers and potentially stabilized gravel or hybrid. For example, Marin Avenue has not been substantially paved for nearly a half century because of its design;
- **Efficiency** Consider strategies to pave whole neighborhoods or sections of the City at once to capitalize on equipment and labor economies of scale, reduce greenhouse gas emissions associated with repositioning equipment, and as an opportunity to make projects attractive to unionized labor;
- **Bike/Pedestrian/Transit Upgrades** Explore the maximum amount of mobility goals we can accomplish as part of the Bond and how to best achieve Vision 2050, Vision Zero, and Climate Action goals;

- **Trees and Bio Diversity** Explore how to integrate street trees and plants into upgrades to improve local air quality and urban canopy as well as reduce heat islanding;
- **Road Diets** Explore narrowing certain wider streets by extending curbs and reducing maintenance and paving costs overtime, calming traffic, and reducing embodied greenhouse gases;
- **Car-free Zones** Carefully, strategically, and equitably consider whether and which streets might be made vehicle-free (e.g., Telegraph) except for emergency, certain delivery, and senior/disabled access;
- **Climate Adaptation** Provide feedback and input on climate impacts and resilience aspects of the bond, including identifying areas vulnerable to sea level rise.
- **Tax Equity** Consider applying any parcel taxes to unimproved spaces and garages to broaden base and ensure a more progressive and equitable distribution of potential tax impacts.

#### FISCAL IMPACTS OF RECOMMENDATION

Carefully considering the potential infrastructure bond in the context of existing climate and infrastructure policies could lead to cost savings in terms of lifecycle and upfront expenditures.

#### ENVIRONMENTAL SUSTAINABILITY

FITES recommendations can help guide how potential bond funds are spent to further accelerate mode shifts away from fossil fuel vehicles, reduce embodied carbon, and enhance urban bio diversity.

#### CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140







TO: Members of the City Council  
 FROM: Mayor Jesse Arreguín  
 SUBJECT: Budget Referral: Small Business Rental and Legal Support

### **RECOMMENDATION**

Refer to the Fiscal Year 2023 Budget Process and the City Manager, \$1,000,000 from American Rescue Plan Act (ARPA) funding to launch a needs-based grant program for Berkeley-based small businesses (under 50 employees) to provide supplemental assistance to cover outstanding commercial rent debt and to fund legal assistance to small businesses.

Specifically the funding should be used to create a program to:

- Provide needs-based grants for small businesses that can demonstrate their inability to pay their commercial rental debt accumulated during the COVID-19 pandemic due to business shutdowns and declining revenues. Determine criteria to provide minimum and maximum grants to eligible businesses, including the potential for greater grant amount based on significant hardship or across the board grants of specific amounts;
- Add capacity to existing services that provide pro-bono legal assistance to business owners;
- Add capacity to existing mediation programs to support both small business tenants and property owners;
- Engage in a public education campaign regarding regulations and resources available.

The City Manager shall create the criteria and formula to distribute the funds as described above.

### **BACKGROUND**

Several small businesses have contacted the Mayor's Office raising concerns about their ability to pay significant commercial rental debt. Due to mandated COVID-19 shelter-in-place orders and the economic impacts of the pandemic, many small businesses have struggled to keep their doors open and have been unable to pay back rent accumulated. This has also impacted commercial property owners who have taken losses due to economic hardship faced by their tenants.

The COVID-19 Emergency Response Ordinance, BMC Chapter 13.110, prohibits the eviction of commercial tenants due to back rent and treats the rent owed as a commercial debt. The eviction moratorium has helped prevent commercial evictions, but now that we are transitioning to the next phase of the pandemic, it is critical we think about what resources are in place to help small businesses pay back rent, including legal and financial assistance.

While there are several resources available to provide legal advice and technical assistance to businesses on commercial lease issues, including the applicability of the eviction moratorium, there is a need to bolster existing programs that provide pro-bono legal assistance and also provide funding to help further the ability of small businesses to pay their commercial rental debt.

Both small business tenants and the property owners from which they rent have suffered tremendous financial hardship caused by the pandemic. This item further seeks to strengthen existing mediation programs designed to bring property owners and their small business tenants together to seek innovative repayment plans that maintain the ability of these small businesses to keep their doors open.

After years of economic growth in our commercial corridors, the COVID-19 pandemic forced many businesses to close in March 2020, significantly impacting many sectors of our economy, notably our food & beverage, hospitality, and arts & entertainment businesses. While most restrictions are now lifted, we are all acutely aware of the toll this took, which required our government to take action to support impacted businesses.

Today, unemployment levels are on path to reach pre-pandemic levels soon and most businesses have resumed pre-pandemic operations, yet we know there is still work to be done as we continue our economic recovery. We will continue to deploy all the tools in our toolkit to support our local businesses as we transition from a pandemic to an endemic, and beyond.

### **FINANCIAL IMPLICATIONS**

\$1,000,000 from American Rescue Plan Act (ARPA) funding

### **CONTACT**

Mayor Jesse Arreguín  
mayor@cityofberkeley.info | 510-981-7100

CONSENT CALENDAR

May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Harrison (co-sponsor)

Subject: Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs

RECOMMENDATION

Refer to the City Manager to conduct a feasibility study on funding and operating a Re-entry Employment Program and to seek grant funding for a Guaranteed Income pilot program, following operational recommendations in the Reimagining Public Safety process. In addition, the City Manager's Office, and subsequently an Office of Racial Equity as appropriate, shall periodically report on performance metrics, administrative capacity, and fiscal sustainability for partnering CBOs and other NGOs performing violence prevention services, mental health crisis responses, and any other services under the auspices of Reimagining Community Safety.

FINANCIAL IMPLICATIONS

The City Council's omnibus budget referral for Reimagining Public Safety passed on May 5, 2022 included \$1M for staffing the Office of Racial Equity, and \$100,000 for Grant Writing Services. Implementing this recommendation would be contingent on those funds.

CURRENT SITUATION AND ITS EFFECTS

Studying employment and poverty reduction programs in the Office of Racial Equity is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

Poverty, crime, and racial inequality are deeply interconnected phenomena throughout US history. In particular, the lack of employment opportunities for the formerly incarcerated increases recidivism, fueling a vicious cycle of repeated offenses, high crime and poverty in majority-minority communities.

Research has generally found that high-quality jobs with good wages are most effective at reducing recidivism, particularly for those who have served prison sentences for property crimes.<sup>1</sup> In addition to re-entry programs, cash transfer programs from Kenya to California (colloquially dubbed "basic" or "guaranteed income") have repeatedly been shown to successfully reduce the social and psychological impacts of poverty, and a

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<sup>1</sup> Yu, T. (2018). Employment and Recidivism. *Evidence Based Policy Society*. Retrieved from <https://www.ebpsociety.org/blog/education/297-employment-recidivism>

new guaranteed income pilot program in Alachua County, Florida is specifically aimed at reducing recidivism.<sup>2</sup>

Cities across the country have seen remarkable success with such programs. The City of Chicago supports capital investment for a Green ReEntry program managed by the nonprofits Chicago CRED and the Inner-City Muslim Action Network, which provides vocational training for skilled trades, weekend programs, and housing assistance for formerly incarcerated individuals.<sup>3</sup> In 2019, former Mayor Michael Tubbs launched the Stockton Economic Empowerment Demonstration (SEED) pilot program. SEED provides \$500 per month for two years to 125 randomly selected residents of Stockton in neighborhoods with below median income. In a one-year follow-up study, recipients reported improved mental health, financial stability, and employment opportunities.<sup>4</sup>

### BACKGROUND

In June 2020, the City Council passed a budget referral authored by Councilmember Rashi Kesarwani to establish a framework for a new Office of Racial Equity within the Office of the City Manager.<sup>5</sup> This is consistent with best practices in neighboring cities, such as Oakland and San Francisco, which have recently established such an office. The duties of such an office can be manifold, but a primary responsibility to support CBOs and programs that provide cash assistance, workforce development and employment opportunities for the formerly incarcerated to reduce recidivism (similar to Berkeley YouthWorks).

The City of Oakland's Guaranteed Income pilot provides monthly cash payments to a randomly selected pool of low-income residents, and is funded entirely through private philanthropic donations, with collaborative management by the City and nonprofit agencies.<sup>6</sup>

On May 5, 2022, the Berkeley City Council passed a budget referral to advance Reimagining Public Safety initiatives, which included \$100,000 for grant writing services, and slightly over \$1 million for staffing a new Office of Racial Equity.<sup>7</sup> These

<sup>2</sup> McDonough, S. (2022). A bold new experiment out of Florida: Guaranteed income for the formerly incarcerated. Vox. Retrieved from <https://www.vox.com/22911023/ubi-guaranteed-income-prison-florida>

<sup>3</sup> ABC7 Chicago. (2020). Chicago Re-Entry Program Rebuilds Lives with Hands-On Training. ABC News. Retrieved from <https://abc7chicago.com/iman-inner-city-muslim-action-network-job-training-reentry-program/5988288/>

<sup>4</sup> West, S. et al. (2020). Preliminary Analysis: SEED's First Year. *Stockton Economic Empowerment Demonstration*. Retrieved from [https://static1.squarespace.com/static/6039d612b17d055cac14070f/t/603ef1194c474b329f33c329/1614737690661/SEED\\_Preliminary+Analysis-SEEDs+First+Year\\_Final+Report\\_Individual+Pages+-2.pdf](https://static1.squarespace.com/static/6039d612b17d055cac14070f/t/603ef1194c474b329f33c329/1614737690661/SEED_Preliminary+Analysis-SEEDs+First+Year_Final+Report_Individual+Pages+-2.pdf)

<sup>5</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/06\\_June/Documents/06-09\\_Annotated\\_Agenda\\_4pm\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/Documents/06-09_Annotated_Agenda_4pm_pdf.aspx)

<sup>6</sup> <https://oaklandresilientfamilies.org/about>

<sup>7</sup> [https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001a%20Fulfilling%20the%20Promise%20of%20Berkeley\\_0.pdf](https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001a%20Fulfilling%20the%20Promise%20of%20Berkeley_0.pdf)

services could assist in researching and soliciting funding for these and other promising programs to improve public safety and advance economic justice.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Terry Taplin      Council District 2      510-981-7120



| Upcoming Worksessions and Special Meetings<br><i>start time is 6:00 p.m. unless otherwise noted</i> |                                          |
|-----------------------------------------------------------------------------------------------------|------------------------------------------|
| Scheduled Dates                                                                                     |                                          |
| June 2                                                                                              | Special Meeting – BART Development       |
| June 21                                                                                             | 1. Ballot Measure Development/Discussion |
| July 19                                                                                             | 1. Fire Facilities Study Report          |

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

| Unscheduled Workshops                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Cannabis Health Considerations</li> <li>2. Alameda County LAFCO Presentation</li> </ol> |

| Unscheduled Presentations (City Manager)                                                                        |
|-----------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Civic Arts Grantmaking Process &amp; Capital Grant Program</li> </ol> |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 1. | <p><b>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers</b> <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i></p> <p><b>From: City Manager</b></p> <p><b>Recommendation:</b> Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.</p> <p><b>Financial Implications:</b> None</p> <p>Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000</p> <p><b>Note:</b> <i>Referred to Agenda &amp; Rules for future scheduling.</i></p> |



| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
| 1643-47 California St (new basement level and second story)                 |                      |                       |                   |
| Deadline for ZAB action: July 25, 2022                                      |                      |                       |                   |
| 1205 Peralta Avenue (conversion of an existing garage)                      |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

5/11/2022





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)

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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







## Hybrid Meeting Policies for City Council Meetings Revised May 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. These administrative policies supplement the City Council Rules of Procedure and Order.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

### 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 are 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).

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-19 contact resulting from the meeting.

### **III. Face Coverings/Mask**

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, except when speaking publicly from the dais or at the public comment podium.

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. The relevant capacity limits will be posted at the meeting location. 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.

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

Distancing is encouraged for the dais and partitions will be used as needed for the seating positions on the dais.

**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**

Berkeley Unified 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 Volatile Organic Compounds, CO<sub>2</sub>, 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 if staff determines that attendance is likely to exceed the capacity of the Boardroom. 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. 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.

**X. In-Meeting Procedures**

**Revised and Supplemental Materials**

All revised and supplemental materials for items on the agenda submitted after 12:00pm (noon) the day prior to the meeting must be submitted to the City Clerk in both paper AND electronic versions.

- Paper: 42 copies delivered to the Boardroom (distributed per normal procedure)
- Electronic: e-mailed to the Agenda Inbox (posted online)

**Communications from the Public**

The public may submit communications in hard copy at the Boardroom or electronically to [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info). To ensure that both in-person and remote Councilmembers receive the communication, the public should submit 10 copies at the Boardroom and send the electronic version to the e-mail listed above.

## Hybrid Meeting Policies for City Council Meetings Revised May 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.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

### 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.
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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.

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- Paper: If requested by the Presiding Officer, the document can be displayed in the Boardroom and screen shared on the Zoom.
- Electronic: If requested by the Presiding Officer, the document can be displayed in the Boardroom and screen shared on the Zoom.



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

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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 § 549539(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.”<sup>1</sup> 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.<sup>2</sup>

On March 15, 2022, the California State Senate Governmental Organization Committee will consider a resolution (SCR 5) ending the state of emergency.<sup>3</sup> 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.<sup>4</sup>

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).<sup>5</sup> 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.

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<sup>1</sup> *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>.

<sup>2</sup> *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>.

<sup>3</sup> Text of SCR 5 available at: [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SCR5](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SCR5).

<sup>4</sup> 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>.

<sup>5</sup> 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.
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**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 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.

### 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 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

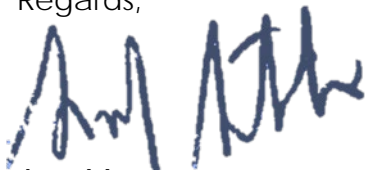
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

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  
Number: 2021-58

June 4, 2021

### 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](mailto:Communications@dir.ca.gov), (510) 286-1161.

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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.

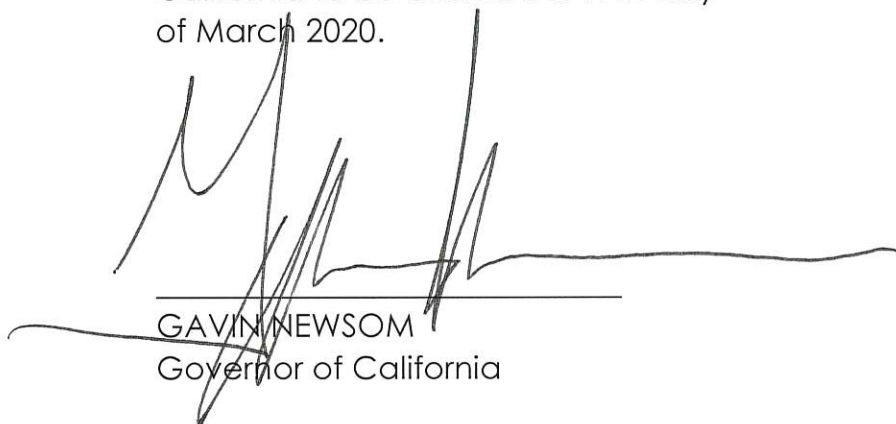


All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency 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

