



Human Welfare and Community Action Commission

AGENDA

Wednesday, April 19, 2023
6:30 PM

PUBLIC ADVISORY: THIS MEETING WILL BE AVAILABLE TO ATTEND AT TWO DIFFERENT LOCATIONS.

MEETING LOCATION #1

Frances Albrier Community Center
2800 Park Street
Berkeley, CA 94702

MEETING LOCATION #2

1447 Kains Avenue
Berkeley, CA 94702

Preliminary Matters

1. Roll Call
2. Agenda Approval
3. Public Comment

Update/Action Items

The Commission may take action related to any subject listed on the agenda, except where noted.

Berkeley Community Action Agency Board Business

4. Approve minutes from the 2/15/2023 Regular Meeting (Attachment A) – All
5. Review City of Berkeley Single Audit for FY 2022 (Attachment B) – All
6. Review City of Berkeley funded agency Program and Financial reports (Attachment C) — Staff
 - a. Through The Looking Glass program and financial reports

Other Discussion Items

7. Discussion and possible action on holding a concurrent meeting with the Commission on Disabilities regarding action items of mutual interest, including but not limited to road plans; integral universal design planning and oversight; and gaps and redundancies in existing service, as well as accessibility on the City's website and next steps when the City fails to comply with local, state, and or federal law – Behm-Steinberg

8. Update and discussion about the City’s current mechanisms for City employees and service providers to communicate (Attachment D) – Commissioner Behm-Steinberg
9. Discussion and possible action regarding draft Council item “Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports” – Commissioner Behm-Steinberg (Attachment E)
10. Discussion and possible action regarding draft Council item “Eligibility for Service as a Representative of the Poor” – Commissioner Behm-Steinberg
11. Discussion and possible action regarding draft Council item “Accessibility and Availability of Materials on City Website” – Commissioner Behm-Steinberg (Attachment F)
12. Discussion and possible action for the letter of support for Center for Independent Living’s action on Pathways STAIR Center - Commissioner Behm-Steinberg (Attachment G)
13. Discussion and possible action regarding draft Council item “Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided” (Attachment H)
14. Review latest City Council meeting agenda
15. Announcements
16. Future Agenda Items

Adjournment

Attachments

- A. Draft Minutes of the 2/15/2023 Meeting
- B. City of Berkeley Single Audit
- C. Program and financial reports from Through The Looking Glass
- D. “The Hunger Games of Homeless Services” article from www.shelterforce.org
- E. Draft letter “Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports”
- F. Draft letter “Accessibility and Availability of Materials on City Website”
- G. Draft Pathways STAIR Center Letter

H. Draft Council item “Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided”

Review City Council Meeting Agenda at City Clerk Dept. or
<http://www.cityofberkeley.info/citycouncil>

Communications

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information. Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Housing and Community Services Department located at 2180 Milvia Street, 2nd Floor.

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. **Please refrain from wearing scented products to this meeting.**

Secretary:

Mary-Claire Katz
Health, Housing & Community Services Department
510-981-5414
mkatz@CityofBerkeley.info

Mailing Address:

Human Welfare and Community Action Commission
Mary-Claire Katz, Secretary
2180 Milvia Street, 2nd Floor
Berkeley, CA 94704



Human Welfare and Community Action Commission

DRAFT MINUTES

Wednesday, February 15, 2023

6:30 PM

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

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

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL –<https://zoom.us/j/4863098496>

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 1-669-900-6833 and Enter Meeting ID: 486 309 8496.** If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Preliminary Matters

1. Roll Call
Present: Behm-Steinberg, Sood, Zou.
Absent: None.
Quorum: 3 (Attended: 3).
Staff Present: Mary-Claire Katz.
Public Present: Michai Freeman.
2. Agenda Approval
No agenda changes were made.
3. Public Comment
None.

Update/Action Items

The Commission may take action related to any subject listed on the agenda, except where noted.

Berkeley Community Action Agency Board Business

4. Approve minutes from the 2/8/2023 Regular Meeting (Attachment A) – All
Action: M/S/C (Behm-Steinberg/Sood) to approve the minutes.
Vote: Ayes – Behm-Steinberg, Sood, Zou; Noes – None; Abstain – None; Absent – None.

5. Elect Vice Chair
Action: M/S/C (Behm-Steinberg/Sood) to elect Zou as vice chair.
Vote: Ayes – Behm-Steinberg, Sood, Zou; Noes – None; Abstain – None; Absent – None.
6. Review City of Berkeley funded agency Program and Financial reports (Attachment B) — Staff
 - a. Berkeley Free Clinic program and financial reports
No action taken.

Other Discussion Items

7. Presentation regarding the Hopkins Corridor Plan – Chair Freeman of the City of Berkeley Commission on Disability
8. No action taken.
9. Update and possible action regarding a mechanism for City employees and service providers to communicate (Attachment C)– Commissioner Behm-Steinberg
No action taken.
10. Discussion and possible action regarding draft Council item “Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports” – Commissioner Behm-Steinberg (Attachment D)
No action taken.
11. Discussion and possible action regarding draft Council item “Eligibility for Service as a Representative of the Poor” – Commissioner Behm-Steinberg (Attachment E)
No action taken.
12. Discussion and possible action regarding draft Council item “Accessibility and Availability of Materials on City Website” – Commissioner Behm-Steinberg (Attachment F)
No action taken.
13. Discussion and possible action regarding draft Council item “Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided” (Attachment G)
No action taken.
14. Review latest City Council meeting agenda
No action taken.

15. Announcements

None.

16. Future Agenda Items

None.

Adjournment

Action: M/S/C (Behm-Steinberg/Sood) to adjourn at 8:00PM.

Vote: Ayes – Behm-Steinberg, Sood, Zou; Noes – None; Abstain –None; Absent – None.

Attachments

- A. Draft Minutes of the 2/8/2023 Meeting
- B. Program and financial reports from Berkeley Free Clinic
- C. Draft Council item “Project Wiki for City Staff and contracted agencies to share information”
- D. Draft Council item “Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports”
- E. Draft Council item “Eligibility for Service as a Representative of the Poor”
- F. Draft Council item “Accessibility and Availability of Materials on City Website”
- G. Draft Council item “Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided”

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Secretary:

Mary-Claire Katz
 Health, Housing & Community Services Department

Mailing Address:

Human Welfare and Community Action Commission
 Mary-Claire Katz, Secretary

Draft Minutes – HWCAC
February 15, 2023
Page 4 of 4

510-981-5414
mkatz@CityofBerkeley.info

2180 Milvia Street, 2nd Floor
Berkeley, CA 94704

City of Berkeley

Berkeley, California

Single Audit Report

For the year ended June 30, 2022



City of Berkeley

Single Audit Report

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Independent Auditor's Report

To the Honorable Mayor and Members of the City Council
of the Berkeley, City of
Berkeley, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of City of Berkeley, California (City), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise City's basic financial statements, and have issued our report thereon dated December 15, 2022.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City's internal control. Accordingly, we do not express an opinion on the effectiveness of City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements, on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

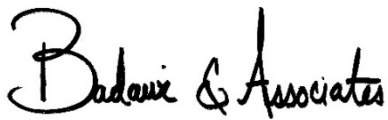
Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

To the Honorable Mayor and Members of City Council
of the City of Berkeley
Berkeley, California
Page 2

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink that reads "Badawi & Associates". The signature is written in a cursive, flowing style.

Badawi & Associates, CPAs
Berkeley, California
December 15, 2022

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM
AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE**

To the Honorable Mayor and Members of City Council
of the City of Berkeley
Berkeley, California

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited the City of Berkeley, California (City)'s compliance with the types of compliance requirements identified as subject to audit in the OMB *Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended June 30, 2022. The City's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2022.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to the City's federal programs.

To the Honorable Mayor and Members of City Council
of the City of Berkeley
Berkeley, California
Page 2

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Other Matters

The results of our auditing procedures disclosed one instance of noncompliance which is required to be reported in accordance with the Uniform Guidance and which is described in the accompanying schedule of findings and questioned costs as item 2022-001. Our opinion on each major federal program is not modified with respect to these matters.

Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the noncompliance findings identified in our compliance audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

To the Honorable Mayor and Members of City Council
of the City of Berkeley
Berkeley, California
Page 3

Report on Internal Control over Compliance

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, as discussed below, we did identify one deficiency in internal control over compliance that we consider to be a significant deficiency.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as item 2022-001 to be a significant deficiency.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

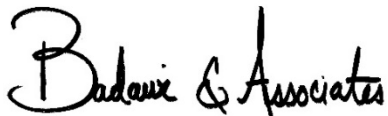
Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the internal control over compliance findings identified in our compliance audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

To the Honorable Mayor and Members of City Council
of the City of Berkeley
Berkeley, California
Page 4

Report on Schedule of Expenditures of Federal Awards and Other Supplementary Schedules

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City, as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated December 15, 2022, which contained unmodified opinions on those financial statements. Our audit was performed for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards and other supplementary schedules on pages 16-21, are presented for purposes of additional analysis as required by the Uniform Guidance and pass-through entities and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards and other supplementary schedules on pages 16-21 are fairly stated in all material respects in relation to the basic financial statements as a whole.



Badawi & Associates, CPAs
Berkeley, California
March 27, 2023, except for the schedule of expenditures
of federal awards and supplementary schedules on
pages 16-21, which are as of December 15, 2022

City of Berkeley
Schedule of Expenditures of Federal Awards
For the year ended June 30, 2022

Grantor Agency and Grant Title	Assistance Listing Number	Federal Award/ Pass-through Number	Federal Expenditures	Subrecipient Payments
U.S. Department of Agriculture:				
Pass-through State Department of Health Services:				
Special Supplemental Nutrition Program for Women, Infants and Children	10.557	19-10133	\$ 565,835	\$ -
Total U.S. Department of Agriculture			<u>565,835</u>	<u>-</u>
U.S. Department of Commerce:				
Economic Development Cluster				
Direct Program:				
Business Economic Development Administration Revolving Loan Fund	11.307	07-39-02523	804,335	-
COVID-19 Business Economic Development Administration Revolving Loan Fund	11.307	07-79-07605	814,000	-
		Subtotal Economic Development Cluster	<u>1,618,335</u>	<u>-</u>
Total U.S. Department of Commerce			<u>1,618,335</u>	<u>-</u>
U.S. Department of Housing and Urban Development:				
CDBG - Entitlement Grants Cluster				
Direct Programs:				
Community Development Block Grant	14.218	B-22-MC-06-0008	1,344,290	719,360
Community Development Block Grant - Program Income	14.218	B-22-MC-06-0008	1,041,748	1,041,748
COVID-19 - Community Development Block Grant-CARE Act	14.218	B-20-MW-06-0008	1,935,890	-
		CDBG - Entitlement Grants Cluster	<u>4,321,928</u>	<u>1,761,108</u>
Direct Programs:				
Shelter Plus Care Program	14.238	CA0749L9T022011/ COACH, CA0116L9T022013/ TRA	5,928,882	-
Pass-through Alameda County:				
Shelter Plus Care Program	14.238	C - 21792	883,047	-
		Subtotal ALN 14.238	<u>6,811,929</u>	<u>-</u>
Direct Programs:				
Emergency Solutions Grant Program	14.231	E-21-MC-06-0008	232,492	232,492
Emergency Solutions Grant Program-CARES Act	14.231	E-20-MW-06-0008	3,856,213	2,089,977
		Subtotal ALN 14.231	<u>4,088,705</u>	<u>2,322,469</u>
Direct Programs:				
Home Investment in Affordable Housing	14.239	M21-MC060202	16,854	16,854
Home Investment in Affordable Housing (Program Income)	14.239	M21-MC060202	139,829	13,146
		Subtotal ALN 14.239	<u>156,683</u>	<u>30,000</u>
Total U.S. Department of Housing and Urban Development			<u>15,379,245</u>	<u>4,113,577</u>
U.S. Department of Transportation:				
Highway Planning and Construction Cluster				
Pass-through the State Department of Transportation:				
goBerkeley Residential Shared Parking Pilot	20.205	CMLNI-5057(046)	93,724	-
Pass-through Association of Bay Area Governments and MTC:				
Shattuck Reconfiguration	20.205	04-5057F15-F033-SIPL-5057 (045)	79,076	-
Southside Complete Streets	20.205	CMSTPL-5057(051)	171,124	-
		Highway Planning and Construction Cluster Total	<u>343,924</u>	<u>-</u>

See accompanying Notes to Schedule of Expenditures of Federal Awards

City of Berkeley
Schedule of Expenditures of Federal Awards
For the year ended June 30, 2022

Grantor Agency and Grant Title	Assistance Listing Number	Federal Award/ Pass-through Number	Federal Expenditures	Subrecipient Payments
Highway Safety Cluster				
Pass-Through the State of California - Office of Traffic Safety:				
Selective Traffic Enforcement Program	20.600	PT22149	37,580	-
Selective Traffic Enforcement Program	20.600	PT21016	49,527	-
		Subtotal Highway Safety Cluster	87,107	-
Total U.S. Department of Transportation			431,031	-
U.S. Department of Treasury:				
Pass-Through the State of California - Department of Finance:				
COVID-19 Coronavirus State and Local Fiscal Recovery Funds	21.027	Not available	36,686,105	371,454
Total U.S. Department of Treasury			36,686,105	371,454
U.S. Department of Health and Human Services:				
Pass-Through the California Department of Health and Human Services:				
U.S.FDA-Local Retail Food Safety	93.103	5U18FD004690-05	18,114	-
Aging Cluster				
Pass-Through County of Alameda Area Agency on Aging:				
Special Programs for the Aging - Title III, Part C - Nutrition Services	93.045	900161	139,783	-
Special Programs for the Aging - Title III, Part B - Senior Center Activities	93.044	900161	18,630	-
		Aging Cluster Total	158,413	-
Medicaid Cluster				
Pass-Through Alameda County Children & Family Services:				
Services to Enhance Early Development	93.778	900161	49,182	-
		Medicaid Cluster Total	49,182	-
Pass-Through State Department of Health Services:				
Child Health and Disability Prevention	93.994	N/A	92,577	-
Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment	93.994	N/A	41,743	-
Maternal and Child Health Services Block Grant	93.994	202259	271,948	-
Health Care Program for Children in Foster Care	93.994	N/A	5,389	-
		Subtotal ALN 93.994	411,657	-
Pass-Through State Department of Health Services:				
Public Health Emergency Preparedness: CDC Base Allocation	93.074	17-10145	202,465	-
Emergency Preparedness-Cities Readiness Initiative (CRI)	93.074	14-10493	24,407	-
		Subtotal ALN 93.074	226,872	-
Pass-Through State Department of Public Health:				
COVID-19 Epidemiology and Laboratory Capacity for Infectious Diseases (ELC)	93.323	6NU50CK000539-01-08 DHHS-CDC	2,094,475	146,774
Pass-Through Heluna Health:				
COVID-19 Epidemiology and Laboratory Capacity for Infectious Diseases (ELC)	93.323	6 NU90TP922071-01-03	196,887	32,997
		Subtotal ALN 93.323	2,291,362	179,771

See accompanying Notes to Schedule of Expenditures of Federal Awards

City of Berkeley
Schedule of Expenditures of Federal Awards
For the year ended June 30, 2022

Grantor Agency and Grant Title	Assistance Listing Number	Federal Award/ Pass-through Number	Federal Expenditures	Subrecipient Payments
Pass-Through State Department of Community Services and Development:				
Community Services Block Grant	93.569	21F-4001	184,098	120,000
Community Services Block Grant - DISC	93.569	21F-4001	28,250	28,250
Community Services Block Grant	93.569	22F-5001	131,494	80,000
COVID-19 Community Services Block Grant-CARE Act	93.569	20F-3640	170,297	158,267
COVID-19 Community Services Block Grant-CARE Act Discretionary	93.569	20F-3640	31,160	31,160
		Subtotal ALN 93.569	<u>545,299</u>	<u>417,677</u>
Pass-Through Essential Access Health:				
Family Planning Services	93.217	412-5320-71209-21-22	200,869	-
Family Planning Services	93.217	412-5320-71219-22	31,202	-
		Subtotal ALN 93.217	<u>232,071</u>	<u>-</u>
Pass- Through County of Alameda Area Agency on Aging:				
Special Programs for the Aging - Title III, Part E - Family Caregiver	93.052	900161	30,699	-
Pass-Through State Department of Health Care Services (and Advocates for Human Potential Inc.):				
Crisis Care Mobile Unit Program	93.959	7460-CA Mobile Crisis-Berkeley-01	70,000	-
Pass-Through State Department of Health Services:				
Childhood Immunization Grants	93.268	17-100331	786,238	-
Nutrition Education	93.945	19-10370	154,221	-
Total U.S. Department of Health and Human Services			<u>4,974,128</u>	<u>597,448</u>
U.S. Department of Homeland Security:				
Pass-Through California Governor's Office of Emergency Service				
Hazard Mitigation Grant - Retrofit for Hazardous Buildings	97.039	FEMA-4240-DR, CA. Project#21	3,585	-
Hazard Mitigation Grant - Retrofit for Seismically Vulnerable Buildings	97.039	4344-26R-0-82-1-115	686,118	-
		Subtotal ALN 97.039	<u>689,703</u>	<u>-</u>
Direct Programs:				
Urban Areas Security Initiative Program	97.044	EMV-2020-FG-12375	53,065	-
Pass-Through City and County of San Francisco				
Urban Areas Security Initiative Program	97.069	2020-0095	34,357	-
Total U.S. Department of Homeland Security			<u>777,125</u>	<u>-</u>
Total Federal Expenditures			<u>\$ 60,431,804</u>	<u>\$ 5,082,479</u>

See accompanying Notes to Schedule of Expenditures of Federal Awards

City of Berkeley
Single Audit Report
Notes to Schedule of Expenditures of Federal Awards
For the year ended June 30, 2022

1. REPORTING ENTITY

The financial reporting entity, as defined by Governmental Accounting Standards Board (GASB), consists of the primary government, which is the City of Berkeley (City), organizations for which the primary government is financially accountable, and other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete. The City of Berkeley Rent Stabilization Board is the only component unit of the City.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

Funds received under the various grant programs have been recorded within the general, special revenue, capital projects, and enterprise funds of the City. The City utilizes the modified accrual basis of accounting for the general, special revenue, and capital project funds. The accrual basis of accounting is used for the enterprise fund. The accompanying Schedule of Expenditures of Federal Awards (Schedule) is presented in accordance with the requirements of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

Schedule of Expenditures of Federal Awards

The accompanying Schedule presents the activity of all Federal financial assistance programs of the City. Federal financial assistance received directly from Federal agencies as well as Federal financial assistance passed through the State of California and other agencies are included in the Schedule. The Schedule of Expenditures of Federal Awards was prepared from only the accounts of various grant programs and, therefore, does not present the financial position or results of operations of the City.

3. INDIRECT COSTS

The City did not elect to use the 10% de minimis indirect cost rate.

4. CALCULATION OF FEDERAL EXPENDITURES - ALN 11.307

Federal expenditures for the Business Economic Development Administration Revolving Loan Fund (ALN 11.307) were calculated as follows per program requirements:

	<u>07-39-02523</u>	<u>07-79-07605</u>
Balance of RLF principal outstanding on loans at the end of the recipient's fiscal year	\$ 172,696	\$ 433,000
Cash and investment balance in the RLF at the end of the recipient's fiscal year	625,471	381,000
Administrative expenses paid out of RLF income during the recipient's fiscal year	6,168	-
	<u>804,335</u>	<u>814,000</u>
The Federal share of the RLF.	<u>100%</u>	<u>100%</u>
Federal expenditures for FY2021-22	<u>\$ 804,335</u>	<u>\$ 814,000</u>

City of Berkeley
Single Audit Report
Schedule of Findings and Questioned Costs
For the year ended June 30, 2022

Section I - Summary of Auditors' Results

Financial Statements

Types of auditors' report issued: Unmodified

Internal control over financial reporting:

- Material weakness(es) identified? No
- Significant deficiency(ies) identified? None noted

Any noncompliance material to the financial statements noted: No

Federal Awards

Internal control over major programs:

- Material weakness(es) identified? No
- Significant deficiency(ies) identified? Yes

Types of auditors' report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with section 200.516(a): Yes

Identification of major programs:

Assistance

Listing Number	Name of Federal Program or Cluster	Expenditures
14.238	Shelter Plus Care	\$ 6,811,929
21.027	Coronavirus State and Local Fiscal Recovery Funds	36,686,105
93.569	Community Services Block Grant	545,299
Total Expenditures of All Major Federal Programs		\$ 44,043,333
Total Expenditures of Federal Awards		\$ 60,431,804
Percentage of Total Expenditures of Federal Awards		72.9%

Dollar threshold used to distinguish between type A and type B program: \$1,812,954

Auditee qualified as low-risk auditee under section 200.520? Yes

City of Berkeley
Single Audit Report
Schedule of Findings and Questioned Costs, Continued
For the year ended June 30, 2022

Section II –Current Year Findings

A. Current Year Findings – Financial Statement Audit

No findings in the current year.

B. Current Year Findings and Questioned Costs – Major Federal Award Program Audit

2022-001- Tri-Partite Board Compliance

Program:

Community Services Block Grant (CSBG), Assistance Listing Number 93.569, U.S. Department of Health and Human Services, Passed through State of California, Department of Community Services and Development, Contract 21F-4001, 22F-5001, and 20F-3640.

Criteria:

The CSBG Act at 42 USC 9910(b), requires that public organizations administer CSBG through a Tri-Partite board. This board shall have members selected by the organization and shall be composed so as to assure that no less than one-third (1/3) of the members are chosen in accordance with democratic selection procedures adequate to assure that these members are (1) representative of low-income individuals and families served in the neighborhood served, (2) reside the neighborhood served, and (3) are able to actively participate in the development, planning, implementation, and evaluation of the programs funded by CSBG.

Condition:

During the audit of the program, we noted the City had board member vacancies during the year that resulted in noncompliance with the required board composition requirements.

Cause:

The City encountered challenges in filling board vacancies including COVID-19.

Effect:

The City is not in compliance with the Tri-Partite Board requirements.

Questioned Costs:

None

Repeat Finding:

This is not a repeat finding.

Recommendation:

We recommend that the City update policies and procedures over the Tri-Partite Board to comply with the composition requirements of the CSBG Act.

Management Response:

The City is currently working with the State of California Department of Community Services and Development to comply with the Tri-Partite Board requirements.

City of Berkeley
Single Audit Report
Schedule of Findings and Questioned Costs, Continued
For the year ended June 30, 2022

Section III- Prior Year Findings

A. Prior Year Findings - Financial Statement Audit

2021-001 - Restatement of Previously Issued Financial Statements

Criteria:

The City is responsible for the fair presentation of the financial statements in conformity with accounting principles generally accepted in the United States of America.

Condition:

The City recorded prior period adjustments to correct accounts payable and retention payable for the Off Street Parking major fund.

Cause:

The City's internal controls over financial reporting did not identify the misstatement in a timely manner resulting in the restatement. Prior year end closing entries need to be reversed in the beginning of following year, and in fiscal year 2020 the City did not reverse a year end closing entries that caused the overstatement of both account payable and expense in the Off Street Parking Fund.

Context and Effect:

The City's previously issued financial statements for the Off Street Parking major fund were not fairly stated in conformity with accounting principles generally accepted in the United States of America.

Recommendation:

We recommend that the City enhance its internal control over financial reporting to ensure complete and accurate financial reporting. The City can accomplish this by expanding its year-end closing procedures to ensure that all non-routine and nonsystematic transactions are accounted for, the appropriate accounting standards are applied, and transactions are accounted for in the proper period.

Management Response:

In FY 2021, the City added this additional task of reversing entries to the Project Schedule. These entries were reviewed and all the necessary approvals were made and signed off when the entries were completed. The City intends to enhance this process by including a formal checklist to the year-end process in Fiscal year 2022.

Status:

Implemented.

B. Prior Year Findings and Questioned Costs - Major Federal Award Program Audit

No findings and questioned costs in the prior year.

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SUPPLEMENTAL SCHEDULES

**CITY OF BERKELEY
COMMUNITY ACTION AGENCY
SUPPLEMENTAL STATEMENT OF REVENUE AND EXPENDITURES
CFDA 93.569
CSBG CONTRACT 21F-4001 for CY 2021
FOR THE PERIOD July 1, 2021 THROUGH December 31, 2021
Grant Award Thru May 31, 2022**

	January 1, 2021 through June 30, 2021	July 1, 2021 through December 31, 2021	Total Audited Cost	Total Reported Expenses	Total Budget
REVENUE					
Grant Revenue	94,519	182,452	276,971		276,971
Accrued Revenue			-		-
Total Revenue	94,519	182,452	276,971		276,971
EXPENDITURES					
Personnel Costs					
Salaries & Wages	32,619	40,863	73,482	73,482	73,482
Fringe Benefits	20,253	21,371	41,624	41,624	41,624
Other Expense	-		-	-	
Sub-total Personnel Costs	52,872	62,234	115,106	115,106	115,106
Non-personnel Costs					
Professional Services			-	-	-
Subcontractors	40,001	119,999	160,000	160,000	160,000
Other Cost		1,865	1,865	1,865	1,865
Sub-total Non-personnel Costs	40,001	121,864	161,865	161,865	161,865
Total Costs	92,873	184,098	276,971	276,971	276,971
Revenue over (under) costs	1,646	(1,646)	0		

CITY OF BERKELEY
COMMUNITY ACTION AGENCY
SUPPLEMENTAL STATEMENT OF REVENUE AND EXPENDITURES
CFDA 93.569
CSBG CONTRACT 21F-4001 for CY 2021
FOR THE PERIOD July 1, 2021 THROUGH Decemeber 31, 2021
Grant Award Thru May 31, 2022

	January 1, 2021 through June 30, 2021	July 1, 2021 through December 31, 2021	Total Audited Cost	Total Reported Expenses	Total Budget
REVENUE					
Grant Revenue		28,250	28,250		28,250
Accrued Revenue			-		-
Total Revenue	-	28,250	28,250		28,250
EXPENDITURES					
Personnel Costs					
Salaries & Wages			-	-	
Fringe Benefits			-	-	
Other Expense	-		-	-	
Sub-total Personnel Costs	-	-	-	-	-
Non-personnel Costs					
Professional Services			-	-	-
Subcontractors		28,250	28,250	28,250	28,250
Other Cost			-	-	-
Sub-total Non-personnel Costs	-	28,250	28,250	28,250	28,250
Total Costs	-	28,250	28,250	28,250	28,250
Revenue over (under) costs	-	-	-		

**CITY OF BERKELEY
COMMUNITY ACTION AGENCY
SUPPLEMENTAL STATEMENT OF REVENUE AND EXPENDITURES
CFDA 93.569
CSBG CONTRACT 22F-5001 for CY 2022
FOR THE PERIOD January 1, 2022 THROUGH June 30, 2022
Grant Award Thru May 31, 2023**

	January 1, 2022 through June 30, 2022	July 1, 2022 through May 31, 2023	Total Audited Cost	Total Reported Expenses	Total Budget
REVENUE					
Grant Revenue	93,248		93,248		274,202
Accrued Revenue			-		-
Total Revenue	93,248	-	93,248		274,202
EXPENDITURES					
Personnel Costs					
Salaries & Wages	31,494		31,494	31,494	68,521
Fringe Benefits	20,000		20,000	20,000	45,681
Other Expense	-		-	-	
Sub-total Personnel Costs	51,494	-	51,494	51,494	114,202
Non-personnel Costs					
Professional Services			-	-	-
Subcontractors	80,000		80,000	80,000	160,000
Other Cost			-	-	-
Sub-total Non-personnel Costs	80,000	-	80,000	80,000	160,000
Total Costs	131,494	-	131,494	131,494	274,202
Revenue over (under) costs	(38,246)	-	(38,246)		

**CITY OF BERKELEY
COMMUNITY ACTION AGENCY
SUPPLEMENTAL STATEMENT OF REVENUE AND EXPENDITURES
CFDA 93.569
CSBG CONTRACT 20F-3640
FOR THE PERIOD July 1, 2020 THROUGH June 30, 2022
Grant Award Thru August 31, 2022**

	July 1, 2020 through December 31, 2020	January 1, 2022 through June 30, 2022	July 1, 2021 through December 31, 2021	January 1, 2022 through May 31, 2022	Total Audited Cost	Total Reported Expenses	Total Budget
REVENUE							
Grant Revenue	96,045	22,847	75,280	7,243	201,415		373,097
Accrued Revenue	-	83,908	39,949	47,825	171,682		-
Total Revenue	96,045	106,755	115,229	55,068	373,097		373,097
EXPENDITURES							
Personnel Costs							
Salaries & Wages	6,902	11,543	3,250	4,655	26,350	26,350	26,546
Fringe Benefits	3,343	6,723	1,537	2,588	14,191	14,191	18,226
Other Expense	-		-		-	-	
Sub-total Personnel Costs	10,245	18,266	4,787	7,243	40,541	40,541	44,772
Non-personnel Costs							
Professional Services					-	-	-
Subcontractors	85,800	87,600	110,442	47,825	331,667	331,667	328,325
Other Cost		889			889	889	-
Sub-total Non-personnel Costs	85,800	88,489	110,442	47,825	332,556	332,556	328,325
Total Costs	96,045	106,755	115,229	55,068	373,097	373,097	373,097
Revenue over (under) costs	-	-	-	-	-		

**CITY OF BERKELEY
COMMUNITY ACTION AGENCY
SUPPLEMENTAL STATEMENT OF REVENUE AND EXPENDITURES
CFDA 93.569
CSBG CONTRACT 20F-3640
FOR THE PERIOD January 1, 2022 THROUGH June 30, 2022
Grant Award Thru August 31, 2022**

	July 1, 2021 through December 31, 2021	January 1, 2022 through June 30, 2022	Total Audited Cost	Total Reported Expenses	Total Budget
REVENUE					
Grant Revenue	0	31,160	31,160		40,370
Accrued Revenue			-		-
Total Revenue	-	31,160	31,160		40,370
EXPENDITURES					
Personnel Costs					
Salaries & Wages	-	-	-	-	-
Fringe Benefits	-	-	-	-	-
Other Expense	-		-	-	
Sub-total Personnel Costs	-	-	-	-	-
Non-personnel Costs					
Professional Services			-	-	-
Subcontractors	-	31,160	31,160	31,160	40,370
Other Cost			-	-	-
Sub-total Non-personnel Costs	-	31,160	31,160	31,160	40,370
Total Costs	-	31,160	31,160	31,160	40,370
Revenue over (under) costs	-	-	-		

**Confirmation of Audit of Alameda County Programs
for Community Based Organizations (CBO)**

Contractor Name: City of Berkeley
 Supervising Department: BHSVC
 Type of Audit Required: Financial Audit
 If additional sheet included, please check box

Audit Review Coordinator: _____

Audit Period Ended: 6/30/2022

Program Name	CFDA#	List of County Programs				During Audit Period (7/1/21 – 6/30/22)	
		County Dept. (ex. BHCS, HCSA, PH)	Master & Procurement Contract Number(s) MC-PC #	Contract Period (begin & end date mm/dd/yy)	Contract Amount (amount awarded to CBO)	Expenditures (amt spent by CBO)	Amount Received from County
Congregate Meal Program	93.045	SSA-Adult, Aging & Medic-Cal Services	900161-22251	7/1/2021-6/30/2022	\$ 58,723	\$ 49,103	\$ 32,913
Home Delivered Meal Program	93.045	SSA-Adult, Aging & Medic-Cal Services	900161-22265	7/1/2021-6/30/2022	\$ 66,909	\$ 66,867	\$ 46,248
Home Delivered Meal Program-FFCRA	93.045	SSA-Adult, Aging & Medic-Cal Services	900161-20122	3/20/2020-9-30/2021	\$ 31,500	\$ 39,701	\$ 4,575
Information & Assistance Services	93.045	SSA-Adult, Aging & Medic-Cal Services	900161-22295	7/1/2021-6/30/2022	\$ 61,500	\$ 54,691	\$ 43,174
Family Caregiver Support Program	93.052	SSA-Adult, Aging & Medic-Cal Services	900161-22326	7/1/2021-6/30/2022	\$ 41,195	\$ 34,082	\$ 28,248
Senior Center Activities	93.044	SSA-Adult, Aging & Medic-Cal Services	900161-22296	7/1/2021-6/30/2022	\$ 28,350	\$ 28,350	\$ 20,223
Vector Control Services	N/A	Health Care Services Agency	900161- N/A	7/1/2021-6/30/2022	\$ 341,641	\$ 185,164	\$ -
MSA Public Health Infrastructure	N/A	Public Health Department PHSVC	900161-22615	7/1/2021-6/30/2022	\$ 32,080	\$ 32,080	\$ -
School Based Health Center	N/A	Health Care Services Agency	900161-22107	7/1/2021-6/30/2022	\$ 178,770	\$ 181,208	\$ 137,931
Measure A-School Based Health Services	N/A	Public Health Department PHSVC	900161-22608	7/1/2021-6/30/2022	\$ 200,011	\$ 200,011	\$ -
Tobacco Prevention Program	N/A	Public Health Department PHSVC	900161-22608	7/1/2021-6/30/2022	\$ 78,769	\$ 73,949	\$ 51,135
Services to Enhance Early Development (SEED) aka Foster Care Contract	N/A	SSA-Children & Family Services	900161-21969	7/1/2021-6/30/2022	\$ 93,187	\$ 49,182	\$ 16,385
Total					\$ 1,212,635	\$ 994,388	\$ 380,832

I certify that the above County programs were included in the audit specified above. I understand that in accordance with CAM Exhibit D (1)(C)(3) requirements, all audit reports must identify each county program covered in the audit by contract number, contract amount, and contract period.

Contractor's Signature: 
 Contractor's Name (print): HENRY OYEKUNMI

Date: 3/22/2023
 Title: DIRECTOR OF FINANCE

For Alameda County Use Only:
 Received By: _____ Dept: _____ Date: _____

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**CITY OF BERKELEY
COMMUNITY AGENCY STATEMENT OF EXPENSE
01/01/2022 TO 03/31/2022**

Note: Any variation from the Approved Budget exceeding ten percent (10%) requires a Budget Modification Form.

Agency Name: [Through The Looking Glass](#) Contract #: 31900258
 Program Name: [Berkeley Parenting & Disability Project](#) PO #: 22001208
 Funding Source : General Fund

Expenditure Category	Staff Name	Approved Budget	Jul-Sep 2021	Oct-Dec 2021	Jan-Mar 2022	Apr-Jun 2022	Total Expenditure	Budget Balance
Clinical Director	Sherrie Hansen	\$1,200.00					\$0.00	\$1,200.00
Family Support Specialist	Jennifer Bregante	\$4,788.00					\$0.00	\$4,788.00
Family Clinician, bilingual (Spanish)	Brie Robertori	\$3,288.00	\$757.08	\$48.39	\$61.98		\$867.45	\$2,420.55
Family Clinician 1	Abigail Laniel	\$3,300.00	\$305.94	\$218.44	\$210.24		\$734.62	\$2,565.38
OT, Parent workshop leader	Nicole Wright	\$1,528.00		\$0.00			\$0.00	\$1,528.00
OT, bilingual (Spanish)	Sharon Bergmann	\$983.00	\$458.43	\$981.68	\$183.65		\$1,623.76	\$-640.76
Project Coordinator	Nicolee Brorsen	\$1,376.00	\$207.95	\$359.65			\$567.60	\$808.40
Developmental specialist	Clay Hays	\$900.00	\$245.47	\$633.86	\$463.88		\$1,343.21	\$-443.21
Taxes/Benefits		\$4,047.00	\$158.19	\$187.43	\$1,890.84		\$2,236.46	\$1,810.54
Rent		\$1,826.00	\$165.47	\$185.00	\$205.26		\$555.73	\$1,270.27
Utilities		\$53.00					\$0.00	\$53.00
Insurance		\$341.00	\$35.65	\$25.72	\$60.92		\$122.29	\$218.71
Communications		\$735.00	\$22.00	\$7.58	\$33.14		\$62.72	\$672.28
Office Supplies		\$158.00	\$36.39	\$58.14	\$53.52		\$148.05	\$9.95
Transportation		\$210.00	\$56.22		\$34.60		\$90.82	\$119.18
Indirect Costs		\$2,473.00	\$244.88	\$270.59	\$785.88		\$1,301.35	\$1,171.65
*Parent workshop co-leader, bicultural				\$0.00			\$0.00	\$0.00
Family Clinician 1, bicultural/bilingual	Ana Aviles				\$50.53		\$50.53	\$-50.53
Doctor Intern	Christopher George				\$3,426.07		\$3,426.07	\$-3,426.07
Family Partner	Angela James (Noland)				\$306.69		\$306.69	\$-306.69
Executive Director	Megan Kirshbaum				\$23.68		\$23.68	\$-23.68
Doctor Intern	Michele Mikeska				\$68.69		\$68.69	\$-68.69
Family Partner	Karen Ann Horr				\$9.53		\$9.53	\$-9.53
Practicum Trainee	Jessica McCarrick				\$26.01		\$26.01	\$-26.01
Doctor Intern	Ananda Patterson				\$306.69		\$306.69	\$-306.69
Practicum Trainee	Daniel Sager				\$255.39		\$255.39	\$-255.39
*PsyD-L	Tanisha Stewart				\$187.49		\$187.49	\$-187.49
TOTAL		\$27,206.00	\$2,693.67	\$2,976.48	\$8,644.68		\$14,314.83	\$12,891.17

Advances Received \$6,802.00
 Underspent/(Overspent) (-\$7,512.83)

Explain any staffing changes and/or spending anomalies that do not require a budget modification at this time:

Upload of Resumes for New Staff (required):

- Expenditures reported in this statement are in accordance with our contract agreement and are taken from our books of account which are supported by source documentation.
- All federal and state taxes withheld from employees for this reporting period were remitted to the appropriate government agencies. Furthermore, the employer's share or contributions for Social Security, Medicare, Unemployment and State Disability insurance, and any related government contribution required were remitted as well.

Prepared By: [Mary Shinault](#)

Email: mshinault@lookingglass.org

Date: 10/10/2022

Authorized By: [Megan Kirshbaum](#)

Email: mkirshbaum@lookingglass.org

Name of Authorized Signatory with Signature on File

Approved By:		Examined By:		Approved By:	
Mary-Claire Katz	10/26/2022				
Project Manager	Date	CSA Fiscal Unit	Date	CSA Fiscal Unit	Date

Initially submitted: Oct 10, 2022 - 15:55:54

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**City of Berkeley
Community Agency
CLIENT CHARACTERISTICS REPORT**

Contract No: 31900258

Agency:	Through The Looking Glass	Period of:	1st Half 2023
Program:	Berkeley Parenting & Disability Project	Report Prepared By:	Nicolee Brorsen
Phone:	510-225-7556	E-mail:	nbrorsen@lookingglass.org , mkirshbaum@lookingglass.org

1. CLIENT SUMMARY - 1st Half

	1st Half	YTD
A. Total New Clients Served by the Program (Berkeley and Non-Berkeley)	41	41
B. Total New Berkeley Clients Served for Whom You Were Able to Gather Statistics on Age, Race/Ethnicity, and Income:	41	41
C. Total New Berkeley Clients Served for Whom You Were NOT Able to Gather Statistics on Age, Race/Ethnicity, and Income:	0	0
D. Total New Berkeley Clients Served:	41	41

2. DEMOGRAPHIC DATA

RACE - Unduplicated Count	Previous Periods		Report Period		Year-To-Date	
	Non-Hispanic	Hispanic Ethnicity	Non-Hispanic	Hispanic Ethnicity?	Non-Hispanic	Hispanic Ethnicity
Single Race Categories						
American Indian/Alaskan Native	0	0			0	0
Asian	0	0			0	0
Black/African American	0	0	15		15	0
Native Hawaiian/Pacific Islander	0	0			0	0
White	0	0	7	6	7	6
Combined Race Categories						
American Indian/Alaskan Native & White	0	0		12	0	12
Asian & White	0	0			0	0
Black/African American & White	0	0		1	0	1
American Indian/Alaskan Native & Black/African American	0	0			0	0
Other Combined Race Categories	0	0			0	0
TOTALS	0	0	22	19	22	19
TOTAL SERVED	0		41		41	

3. INCOME LEVEL

Income Level - Unduplicated Count	Previous Periods	This Period	YTD
Poverty	0	35	35
Poverty to 30% of AMI (Ex. Low)	0	2	2
31-50% of AMI (Low)	0		0
51-80% of AMI (Moderate)	0		0
Above 80% of AMI	0	4	4
TOTALS	0	41	41

4. AGE

Age - Unduplicated Count	Previous Periods	This Period	YTD
0-5	0	4	4
6-11	0	10	10
12-17	0	5	5
18-24	0	4	4
25-44	0	6	6
45-54	0	6	6
55-61	0	2	2
62 and Over	0	4	4
Unknown	0		0
TOTALS	0	41	41

5. OTHER CHARACTERISTICS

Other Characteristics - Unduplicated Count	Previous Periods	This Period	YTD
Female	0	22	22
Male	0	19	19
Other			
Disabled	0	19	19
Homeless	0	5	5
Chronically Homeless	0	4	4

6. SERVICE MEASURES

Service Measures	Annual Goal		1st Half		2nd Half		Served YTD		% Served		Total Clients
	UOS	New Clients	UOS	New Clients	UOS	# of Existing Clients	New Clients	Total UOS	Total New Clients	UOS	
**** Disability Services ****											
1 Client Sessions	775	55	426	41				426	41	55%	75%

1st Half Narrative

We are ahead of schedule to meet projected UOS, using a combination of funding sources to meet the needs of the complicated families we serve. Forty clients (ten households) have enrolled in the Parenting & Disability program; one family of five has transitioned out. As reported above, nineteen household members (children and/or caregivers) have disabilities; eight households have at least two members with disabilities or medical conditions significant enough to impact their daily lives. The family that has been chronically homeless (homeless for 1 year) recently secured a rental apartment.

7. OUTCOMES

Outcomes	Annual Goal	1st Half Achieved Outcome	2nd Half Achieved Outcome	Achieved Outcome YTD	% Achieved Outcome of Annual Goal	% Achieved Outcome of Total Served
1 Clients accessed previously inaccessible services	44	41		41	93%	100%
1 Clients demonstrate improved functioning	44	5		5	11%	12%
1 Participants achieved enhanced skills or knowledge	44	5		5	11%	12%

1st Half Narrative

The staff who serve these families bring specialized knowledge and often have personal and/or close family experience with living with disability, which makes our services uniquely accessible. Most of the families served have multiple stressors and trauma issues in addition to disabilities. Therefore, progress on skills and functioning tends to be gradual. The outcomes for improved functioning and enhanced skills/knowledge, as well as the survey, will be reported on in the end-of-year report for all but one family since we are continuing to serve them.

Uploaded Attachments: 8. PROGRAM SATISFACTION SURVEY

Question		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Does Not Apply	I Do Not Understand This Question	Total Number of responses
1. I am satisfied with the services I have received from this program.	This Period					5			5
	Prior Periods								0
	Total	0	0	0	0	5	0	0	5
	% of Total	0%	0%	0%	0%	100%	0%	0%	100%
2. This program's staff treated me with respect.	This Period					5			5
	Prior Periods								0
	Total	0	0	0	0	5	0	0	5
	% of Total	0%	0%	0%	0%	100%	0%	0%	100%
3. This program helped me make progress towards my goals.	This Period					5			5
	Prior Periods								0

	Total	0	0	0	0	5	0	ATTACHMENT C	5
	% of Total	0%	0%	0%	0%	100%	0%	0%	100%
4. This program met my needs.	This Period					5			5
	Prior Periods								0
	Total	0	0	0	0	5	0	0	5
	% of Total	0%	0%	0%	0%	100%	0%	0%	100%
Additional Questions:									
5. As a direct result of participating in the program I have an increased understanding of community resources and supports.	This Period					5			5
	Prior Periods								0
	Total	0	0	0	0	5	0	0	5
	% of Total	0%	0%	0%	0%	100%	0%	0%	100%
6. As a direct result of participating in the program I have enhanced skills and/or knowledge.	This Period					5			5
	Prior Periods								0
	Total	0	0	0	0	5	0	0	5
	% of Total	0%	0%	0%	0%	100%	0%	0%	100%
7. Additional comments from consumers completing the survey									

Date Signed 01/31/2023

Approved By Mary-Claire Katz
Date Signed 03/06/2023

Initially submitted: Jan 31, 2023 - 12:43:52

The Hunger Games of Homeless Services

As coordinated entry systems try to match growing numbers of unhoused people with limited amounts of housing, it's more like The Hunger Games than Match.com.

By **Mary Kate Bacalao** - June 30, 2021



Mario Navarro, Compass Family Services' office manager, greets families dropping in for diapers, food, and services in the early days of the COVID-19 pandemic. Photo by Stacy Webb of Compass Family Services

In hundreds of communities across the country, coordinated entry systems are attempting to match growing numbers of unhoused people with limited amounts of housing and services. As Virginia Eubanks notes in her book, *Automating Inequality*, proponents of coordinated entry like to call it “the Match.com of homeless services.” In theory, coordinated entry uses algorithms and other digital tools to streamline the local response to homelessness, putting unhoused people in a database and pairing them up with housing and services calibrated to their needs.

The U.S. Department of Housing and Urban Development (HUD) conceptualized coordinated entry in the early 2010s during a swell in homelessness **after the foreclosure crisis** and the last recession. With a typical carrot-and-stick approach to policymaking, HUD used a competitive funding program—the Continuum of Care program, which awards about \$2.5 billion annually in highly regulated homeless assistance dollars—to push more than 400 communities (called “continuums of care”) to develop and operate their own coordinated entry systems.

HUD’s goal was a paradigm shift from a first-come, first-served model of homeless services **are the concern was that service providers distributed resources willy-nilly—to an**

efficiency approach, where data systems would distribute resources objectively, based on need. Proponents of coordinated entry used stereotypes to argue that the old model was inequitable: it privileged homeless people who “gamed the system” and service providers who “cherry-picked” the easy clients, over the supposed neutrality of algorithms.

This thinking makes it seem as if homeless response systems are simply disorganized, rather than deeply and dysfunctionally under-resourced. The logic goes: if we could simply line people up outside of a half-empty pantry according to whether they are starving or only very hungry, then we can better stretch the limits of the food we have. This logic may solve incidental problems, but it distracts us from grappling with the essential problem. As Gary Blasi, professor of law emeritus at the UCLA School of Law, points out, “Homelessness is not a systems engineering problem. It’s a carpentry problem.”

Joe Wilson, executive director of Hospitality House in San Francisco, puts it bluntly:

“Coordinated entry is a classic case of shrinking the problem to fit the solution.”

Coordinated entry systems deliberately work backward from an inadequate supply of housing—using eligibility criteria, assessment tools, and prioritization standards—to justify rationing it out to a small minority. It is a system built to rationalize an unconscionable mismatch between housing options and unhoused people. As Eubanks writes, “Coordinated entry is a machine for producing rationalization.”

Here’s how it works in San Francisco: Unhoused people presenting for services get entered into a centralized database, and trained staff apply several layers of assessments that weed them out of the running for housing. The first layer is an eligibility assessment—only people who meet the definition of homeless can be enrolled. The second layer is a service called “problem-solving”—an effort to divert people from the system they’ve just entered by solving some problem related to their homelessness (e.g., an unpaid utility bill). The third layer is a primary assessment—a standardized set of deeply personal questions (about medical and mental health problems, experiences of physical or sexual violence, and other sensitive topics) designed to probe how vulnerable each person is compared to the others.

The answers get fed into a ranking algorithm, which reduces each household’s vulnerabilities to a single numerical score. Each score gets assessed against a “threshold score”: at or above the threshold, and the household is deemed “housing-referral status,” meaning they scored high enough to get a housing referral. Below the threshold, and the household is deemed “problem-solving status,” meaning they scored too low to get housing. Instead, they get cycled back for another round of problem-solving services, which didn’t work the first time—mainly because people are homeless, and problem-solving is designed to solve problems other than homelessness.

It’s important to note that the threshold score is not a stable number: it goes up or down depending on how much housing is available at a given time. If there’s a lot of housing available, the threshold number goes down, and more people get housing referrals. If there’s not a lot of housing available, the threshold number goes up, and only the most vulnerable people get referrals. And they get referred to whatever is available, not necessarily something suited for their needs (for high-need families, this is almost always a

time-limited rental subsidy that may return the family to homelessness when the subsidy ends).

This is a far cry from the efficiency approach touted by proponents of coordinated entry, and it creates an infuriating sense that homelessness is a relative concept: everyone enrolled in the system is homeless, but if they aren't "homeless enough," they cannot get meaningful help.

San Francisco's coordinated entry system assessed 7,406 people in the 2020 fiscal year and weeded that down to 1,332 housing placements. In Los Angeles's longer-running system, they have assessed 32,728 people (older adults) and narrowed that down to 7,568 permanent housing exits. It's easy to see in both systems how the population shrinks from about five eligible people to one person ultimately placed in housing. This is the logic of lining up 10 hungry people outside an empty pantry and telling seven or eight of them that they're not hungry enough to qualify for food.

This is how coordinated entry shrinks the problem—not in the sense of reducing it, but in the sense of putting tens of thousands of unhoused people through a digital process of elimination until the number of people prioritized for housing more or less matches the amount of housing that happens to be available. Ultimately, coordinated entry is not "the Match.com of homeless services." It is more like the Hunger Games of housing access.

In any human services system, definitions and eligibility criteria play a role in shrinking the problem: they regulate who—and by extension, how many—can access the system's limited resources. In coordinated entry systems, prioritization goes much further: it provides the rationale for using digital tools to shrink the pool of people who are eligible for housing down to the number of people actually prioritized for and placed in housing.

As Eubanks describes in *Automating Inequality*, prioritization evolved from research by Dennis Culhane at the University of Pennsylvania, which differentiates between "crisis" and "chronic" homelessness. The idea—based on principles of medical triage—is that the crisis homeless may need the service equivalent of a Band-aid to get back on their feet, whereas the chronic homeless may need the service equivalent of surgery. Under the old first-come, first-served model of homeless services, the crisis homeless were sometimes getting services that should have been prioritized for the chronically homeless.

Coordinated entry endeavored to fix that with a prioritization tool called the VI-SPDAT, or Vulnerability Index—Service Prioritization Decision Assistance Tool. Co-authored in 2013 by OrgCode and Community Solutions, the VI-SPDAT was designed as a pre-assessment triage tool, a precursor to a holistic assessment by a trained case manager. But with the sustained push from HUD and the widespread adoption of coordinated entry, many communities took up the VI-SPDAT as the assessment tool itself, with the result that people's answers to deeply personal questions get reduced to a single numerical score that is often decisive about who will be prioritized for housing.

In a recent [blog post](#), Iain De Jong, the head of OrgCode, clarified that the VI-SDPAT was not designed to make these decisions: “right in the name of the tool are the words ‘Decision Assistance Tool,’ not ‘Decision Making Tool.’” But in making the VI-SPDAT (or variants of it) the primary assessment tool, coordinated entry systems both automate and over-rely on prioritization to manage a zero-sum level of resources. And ultimately, prioritization only helps us reorganize an empty pantry. It does not push us to confront the fact that it’s empty, and it does not hold us accountable for the people who have not been prioritized.

Courtney Cronley, associate professor at the University of Tennessee, describes the VI-SPDAT as a “single, unvalidated measure of vulnerability” that is used broadly across the U.S. and Canada to determine whose needs are highest and who is most deserving. “The tool’s origins are murky,” she writes in a [blog post](#): its co-authors developed it with demographic samples skewing older and male from a single geographic area. “Community-level studies,” she adds, “show consistent evidence of racial bias and unreliability in its use.” As De Jong readily [concedes](#), “the tool was never designed using a racial or gender equity lens.”

Cronley’s [research](#) bears this out: She finds that women are twice as likely as men to report being homeless as a result of trauma, and that white women and Black women have similar odds of experiencing traumas that result in homelessness. But the white women she researched scored consistently higher than Black women on the VI-SPDAT—because the tool measures vulnerability based on behaviors more typical of white women, such as visiting emergency rooms and reporting activities like survival sex to their case managers.

C4 Innovations published a similar racial equity [analysis](#) of assessment data from four coordinated entry systems. They found that white people scored statistically significantly higher on the VI-SPDAT than Black and Indigenous people of color. They also found that white people were prioritized for supportive housing at higher rates than BIPOC individuals. (This finding did not apply to families, but many communities do not prioritize families for supportive housing.) Like Cronley, the C4 researchers found that the VI-SPDAT was more likely to identify vulnerabilities based on behaviors more typical of white people.

The result is that coordinated entry systems—by virtue of who they are not prioritizing—may be perpetuating structural racism in ways that communities have called out for years, but that researchers are only just discovering. This is particularly egregious in homeless response systems, given the role of racism in causing homelessness and the stark racial disparities in who experiences homelessness. To name just one example: [50 percent of homeless families in America are Black](#), yet racial (and other) biases may be intersecting every day to deprioritize women of color, many of them single moms, for housing.

This is a predictable, maddening result of the way coordinated entry was designed to streamline dysfunctionally under-resourced homeless response systems. And it deserves not just research but immediate attention from public officials, system designers, practitioners, and others. We have designed coordinated entry systems to be fundamentally inequitable: every day they’re slicing off shavings from a pie that is too small (resource ity) instead of assessing how the pie needs to grow to eliminate disparities—for people

of color, for LGBTQ people—and meaningfully improve life and health outcomes for all unhoused people (resource equity).

Where do we go from here? We must get rid of coordinated entry—or redesign it. An equitable redesign would highlight problems and gaps rather than rationalize the mismatch between housing options and unhoused people. It would show the full picture of people and families needing support, rather than using artificial categories—like “problem-solving status” in San Francisco—to minimize the appearance of need and de-prioritize people who should be eligible for more. An equitable redesign would center racial and gender equity, and it would use digital tools transparently, to promote inclusive decision making and help us hold coordinated entry accountable to the goal of ending homelessness.

We must stop reorganizing the empty pantry and focus on putting more food in it. We must bring people in instead of weeding them out, with an emphasis on equity for people of color and LGBTQ people. We must insist on human decision making in the field of human services, and we must stop relying on digital tools to shrink our problems instead of solving them.

Mary Kate Bacalao

Mary Kate Bacalao is the director of external affairs and policy at Compass Family Services and the co-chair of the Homeless Emergency Service Providers Association (HESPA) of San Francisco.



Human Welfare and Community Action Commission (HWCAC)

ACTION CALENDAR

February 15, 2023

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Mary Behm-Steinberg, Chair, HWCAC

Subject: Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports

RECOMMENDATION

Adopt first reading of an Ordinance to require improved documentation of clients who are served and turned down as part of their grant reporting narrative with results posted on the City's website.

CURRENT SITUATION AND ITS EFFECTS

Commissioners have been made aware of clients not receiving contracted services from City providers that they are entitled to. Individual clients often claim that they feel safe reporting problems to commissioners, because that they fear reprisals or losing what little services they get if they allow us to use their names and dates of alleged incidents, which precludes both us and any agency in question from addressing the problem in a constructive way.

As such, we recommend that Council require service providers to expand intake records to include the following anonymized information:

1. a section detailing requested services;
2. reasons for rejection, if applicants did not receive requested services; and

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3. commentary on actions taken by the agency in either case (services provided or referrals given where applicants are rejected, such as referral to a case worker, where appropriate).

These reports would then be summarized on the grant report with minimum effort, and duplicate services between agencies, as well as holes in services, could be easily assessed and addressed.

Moreover, in the event that there any unmet needs were because of inadequate funding and/or staffing, the new records will provide detailed, documentary, data-driven evidence that will inform the next funding period, as well as allow agencies to address core program procedures in a more nuanced, effective way. It will also allow for better oversight of programs that are not currently fully meeting their mandates, and make a detailed grant narrative much simpler and less time-consuming to produce.

All agencies contracted by the City of Berkeley shall also post eligibility requirements under the 2008 ADAAA, so that both employees and clients remain aware of expanded eligibility for inclusion in programs.

An ongoing, anonymized account of this information should be freely available to the public on the City's website to ensure maximum transparency.

We recommend that these changes be enacted immediately with current contractors, or at the very least, incorporated into amendments to be made on contracts that were extended for an additional fiscal year without an RFP. We would also like them included on all future RFPs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

None

RATIONALE FOR RECOMMENDATION

The City is currently paying for services that are not being rendered to all eligible applicants.

ALTERNATIVE ACTIONS CONSIDERED

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Several commissioners in a variety of different commissions have already tried speaking with non-profit service providers about these issues, without a high degree of success. Information regarding these grants, which currently are not overseen in terms of actual services rendered, are difficult or impossible to find.

CITY MANAGER

The City Manager has not taken a position on this item

CONTACT PERSON

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City of Berkeley

Housing and Community Services

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ORDINANCE NO. 3.78.010

REQUIREMENTS FOR CITY NON-PROFIT SERVICE PROVIDERS AND
TRANSPARENCY OF SERVICES PROVIDED

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

1. The City of Berkeley's ATTACHMENT B: REQUIRED CITY OF BERKELEY INTAKE ELEMENTS (https://berkeleyca.gov/sites/default/files/2022-02/AttachmentB_RequiredIntakeElementsFY2022.pdf) be updated to include a section detailing requested services, as well as reasons for rejection, if applicants did not receive requested services. Section should also include commentary on actions taken by the agency in either case (services provided or referrals given where applicants are rejected). A summary of those results is required as part of the grant reporting narrative and may affect eligibility for future City contracts, and will be listed on RFPs from this point forward. An amendment of existing contracts carried through for an additional year will also reflect these changes.
2. Failure to serve eligible applicants will be met with a warning, which, if unremedied, may result in ineligibility for future City contracts.
3. Grant reporting for any non-profit or for-profit service provider engaged in providing affordable housing must provide full accounting of any affordable unit sold or rented at market rate to cover overhead costs.
4. Grant reports will be uploaded to the City's website to ensure maximum transparency.

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

ACTION CALENDAR

February 6, 2023, 2022

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Mary Behm-Steinberg, Chair, HWCAC

Subject: Accessibility and Availability of Materials on City Website

RECOMMENDATION

Currently, many disabled people are unable to fully exercise their rights in the City because many of the documents on the City's website are inaccessible, including blurry photocopies which are not readable by screen readers. This is especially difficult for people trying to make a positive contribution to the City, including employees who may not be able to be fully informed about longstanding issues, as well as Commissioners, activists, and members of the general public. Requests for accommodation to the appropriate sources have not been met on numerous occasions, and it would both save staff a lot of work to fulfill that legal requirement and allow private citizens to do necessary research at will. It also becomes difficult for commissioners, activists, and members of the general public to coordinate efforts and collaborate with the wider community and with Council when they are unable to attend meetings if said meetings are not available to review online. These factors can be a barrier to employment, which makes them discriminatory.

Recorded meetings with a note indicating when in the recording a given agenda item comes up, would allow for more fact-based, decision-making, as well as giving a broader understanding of the wide variety of needs and perspectives that need to be addressed. The automatically captioned transcripts offered from the Disabilities Commission do not readily recognize speech impediments or accents that aren't "standard US broadcast English," rendering them useless.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS None

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) None

RATIONALE FOR RECOMMENDATION Full participation in the City's decision-making processes and advocacy for oneself and one's community are fundamental rights of every citizen. Without access to the same factual information available to every other citizen, advocacy for all disabled people, buy all disabled people becomes impossible.

ALTERNATIVE ACTIONS CONSIDERED We see no alternative to ensuring that every citizen has access to documents and the processes by which decisions which directly effect the ability of citizens to live their best lives here is available to all.

CITY MANAGER The City Manager has not taken a position on this item

CONTACT PERSON Mary-Claire Katz City of Berkeley Housing and Community Services (510) 981-5414 (tel) mkatz@ci.berkeley.ca.us

ACCESSIBILITY AND AVAILABILITY OF MATERIALS ON CITY WEBSITE

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

- 1. The City of Berkeley shall make all materials on it's website ADAA accessible.**
- 2. All Commission and Committee meetings shall be uploaded to the City's website, with a note indicating where on the recording each agenda item begins.**
- 3. All City contracts, grant reporting, inspection reports, and other business of interest to the general public shall be available online to the public without a public information request.**

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

Dear Mayor and Council:

We are writing in support of the attached letters sent to you and to Assistant City Manager Radu and Dr. Warhuus. We are extremely disappointed that the City continues to stonewall people with significant lived experience with disability who are trying to make your non-conforming solutions at a bare minimum safe. You are already aware that you are in violation of federal and local law, and it occurs to us that if you continue risking the health, lives, and safety of the most vulnerable of the disabled community in this way, you are also risking personal and city liability.

We would also like to refine one point: we do not share CIL's confidence in allowing DAC to lead any listening sessions, as their leadership has been integral to the ongoing problems at Pathways. We would support their presence during the process of trying to resolve current issues so that they will be able to better serve clients, we are not sanguine about their leadership on non-conforming facilities as it was their advice that left more vulnerable disabled people unable to use the facilities during the recent floods.

Disabled rights are human rights. For far too long, the City has ignored or sidestepped the most basic inclusion of universal design and inclusiveness in its planning and oversight, and this is the first of several issues we hope to address. We believe that a collaborative approach would demonstrate good will while informing City policy and procedures to avoid further injury or worse, as well as ensuring less waste of City resources and lowering potential liabilities, perhaps even before we have to formally alert you about further potential liabilities.

Thank you for your prompt attention to this matter.



Human Welfare and Community Action Commission (HWCAC)

ACTION CALENDAR

February 8, 2023

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Mary Behm-Steinberg, Chair, HWCAC

Subject: Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided

RECOMMENDATION

Establish an Accessibility Quality Assessment program that allows vetted individuals unfettered access to all City facilities, starting with emergency facilities that aren't compliant with the Americans with Disabilities Act (ADA) and its 2008 update, the ADAAA, along with the power to make binding recommendations for any necessary changes, ensuring that non-conforming facilities are still safe. Said positions should be paid through an independent third source, which will empower residents and other users of said facilities to make complaints without fear of reprisals, and should be occupied by people with lived experience with a variety of common severely disabling conditions (including invisible disabilities, which are frequently illegally excluded from programming) as well as experience working with City bureaucracy. This program would also be responsible for overseeing City contractors who are improperly executing their contracts for this population; are excluding eligible individuals; and/or not executing some of the provisions of their contracts at all.

The City would pay for CAS-p certification for these individuals, as well as requiring that they take free online W3C training (for digital accessibility), ensuring that they could not only bring lived experience to the position(s), but also the necessary technical expertise to ensure the best possible results where the City has declared full compliance with the updated ADA to be impossible or has continued using substandard contractors.

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Ideally, the City would hire a principle oversight officer who would oversee additional officers with a broad spectrum of lived experience as necessary.

CURRENT SITUATION AND ITS EFFECTS

Recent and continuing experience with the Pathways facility have underscored major problems that keep arising in the City regarding inadequate facilities and facility management as they impact disabled people and seniors. The result of this situation has been especially egregious at the Pathways Stair Center, where facilities marked as accessible contained no accessible bathrooms; no accessible showers; doors that were heavy enough to repeatedly break electric wheelchair controls, trapping residents in their own waste; improper ramps; and improper storage of prescriptions and hypodermic needles, making transmission of any existing communicable diseases not only more likely, but probable.

These discoveries were a direct result of complaints from a commissioner who toured with the Homeless Commission in 2020, and having had issues with access at the facility herself with her own mobility device, an interview with a resident in wheelchair. That resident stated that broken wheelchair controls as a result of overly heavy, non-conforming doors, left staff mocking him, carrying him back to his bed, and left him being forced to sleep in his own waste. There were other problems as well, owing to very poor project design, which left even able-bodied clients feeling vulnerable, such as assaults (including allegations of sexual assault), which likely had to do with integrating people with violent histories into a co-ed dorm space with no privacy.

As a result, the City hired private consultants who verified over \$300,000 worth of violations, but failed to address the issue with pharmaceuticals at all (please see attachment 1). ¹What the abovementioned commissioner noted as far as pharmaceuticals were concerned included no safe storage, accessible 24/7, for

¹ Please see attachment. Note that this only deals with physical accessibility and does not address pharmaceutical issues, which the Chair of the Homeless Panel of Experts cited as a “program” issue rather than an infrastructure issue. The City is still paying rent on trailers at Pathways more than two and a half years after these violations were found, without having done anything. A former Homeless Commissioner and current HWCAC commissioner found and priced ADA porta-potties, and was able to convince a staff member at BACS to order it, but none of the access issues (egress to get there, for example) were addressed, nor were the pharma issues, nor the City paying for unsafe administration by the majority of BACS employees nor the inadequate trailers. As of this writing, to our knowledge, no attempt has been made to recoup the monies paid for said facility, and BACS continues to accumulate new contracts, such as the iteration of Project Homekey at the Golden Bear Motel at Cedar and San Pablo.

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hypodermic needles in a facility where drug addicts were also permitted to use; open storage of pharmaceuticals in a common refrigerator, where anyone might mistakenly reuse one of their needles in someone else's bottle; and no safe storage and use areas for pharma products that some might need for health reasons but others might be interested in coercing patients over for recreational purposes (cannabinoids; opiates; benzodiazepines; etc.). Said commissioner initially spoke with Bay Area Community Services (BACS, who manages the facility) staff, who categorically stated that there were no problems and then contradicted themselves when the client who was interviewed (and gave permission to use his name) was mentioned.

A single cooperative employee at BACS, who was found after a complaint was made to CARF, a non-profit accreditation agency forced BACS to choose someone to talk to said commissioner, proposed what sounded like an innovative and workable solution, but as of this writing, we have been unable to ascertain if it has been done at all, let alone correctly. As noted above, the service provider actively covered up the problems until the complainant living at the facility was named (as he was willing to be), which has contributed to a strong lack of trust in the community about leaving the City's contractors to do the work without reasonable oversight.

Sadly, the situation at Pathways is just one piece of the problem. Many of the City's agencies have serious complaints against them. These include refusal to serve people who fit the legal definition of "severely disabled" because they aren't in wheelchairs. Among the offenders are Bay Area Outreach and Recreation Program (BORP) and Easy Does It (whose board has actively tried to change the definition of severe disability to cut more people out) among others. In addition, Legal Assistance to Seniors (LAS) has multiple credible claims against them for profiteering off people who sometimes don't even need their services by manipulating the conservatorship court system.ⁱ One Berkeley resident had to stand trial for kidnapping her own mother out of an unlicensed care facility that LAS was using to warehouse her while attempting to liquidate the family's home, all the while feeding her an inappropriate diet for her kidney failure that was killing her.

This means that the very people the City is relying on for advice aren't always reliable, and an independent oversight program as described would serve as a bridge between the City, service providers, and clients. There are also a number of infrastructure issues which the City and its providers have ignored or refused to address, such as lack of heat in the emergency shelter run by Dorothy Day House at Old City Hall discovered by a second commissioner.

While we recognize the enormity of the problems and the lack of adequate staffing, we remain convinced that an oversight program would alleviate strain on overworked staff and provide an essential missing component in how to solve these problems in a compassionate and equitable way, and that having them be an integral part of the planning process would save clients and their families from fear, a lack of basic dignity,

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and further risk of serious bodily and mental harm. In addition, this program would save the City from potentially millions of dollars in costly, avoidable mistakes (as at Pathways), as well as reduce costly risks of lawsuits against the City, its subcontractors, and its employees.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Ensuring adequate sanitation would greatly reduce public health risks associated with defecation and urination on City streets.

ALTERNATIVES CONSIDERED

The Commission also considered having these positions be volunteer, but determined that the work was deserving of compensation. We would be happy allowing the work to be volunteer initially in order to allow it to commence immediately (or work could be paid retroactively, after approval), and would also be satisfied doing this with the provision that qualified candidates be paid on a pro rata basis for writing grants to support the paid positions.

RATIONALE FOR RECOMMENDATION

The City is already struggling to provide basic services for which it is requesting further bonds. Having to do the same job multiple times at a greatly increased cost fails clients and taxpayers alike, and is another unnecessary source of frustration for already overtaxed employees. As the situation currently stands, clients don't make complaints directly to either the City or service providers for fear of reprisals. Having CAS-p and, in the case of digital programming, W3C certified individuals vet City programs, will take a large burden off individuals not qualified to do the work while saving clients humiliation and injury and the City money and liability, and will empower clients to speak up about gaps and potentially dangerous lapses in service.

CITY MANAGER

The City Manager has not taken a position on this item

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ACCESSIBILITY QUALITY ASSESSMENT PROGRAM TO HANDLE NON-CONFORMING PUBLIC FACILITIES AND COMPLAINTS FROM SENIORS AND DISABLED PEOPLE OVER SUBSTANDARD SERVICES OR SERVICES NOT PROVIDED

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

1. The City of Berkeley shall create multiple independent, flexible, non-exempt part to full-time positions to be filled on a pro-rata basis at a starting pay rate equivalent to \$100,000 a year plus benefits.
2. Said employees shall complete CAS-p certification at City expense within a 6 month time-frame, as well as free W3C certification within a year.
3. Said positions shall only be filled by persons with an array of severe disabilities. Work experience shall not be considered in lieu of lived experience, but work experience shall be considered as an enhancement in employee recruitment.
4. Experience working within the City's structure for a minimum of 3 years is required.

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

ⁱ <http://www.coalition4rights.com/civil-death-of-katherine-carter//civil-death-of-katherine-carter-part-3> The documentation has links to related stories in the Oakland Tribune, but is a more detailed source from a non-profit fighting conservatorship abuse. Please note: the "trusted professionals" that the court refused to rein in placed Katherine Gist in an unlicensed care facility while attempting to liquidate her estate to pay themselves outrageous fees. The facility was killing her with the wrong diet, and the family had to defy court orders and kidnap her.

More information about Legal Assistance for Seniors: <http://www.coalition4rights.com/legal-assistance-for-seniors//alleged-elder-abuse-by-oakland-non-profit-legal-assistance-for-seniors-part-4>