

BERKELEY CITY COUNCIL MEETING

Tuesday, June 28, 2022 6:00 PM

JESSE ARREGUIN, MAYOR Councilmembers:

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

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

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL https://us02web.zoom.us/j/82212647688. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and enter Meeting ID: **822 1264 7688.** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

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

Preliminary Matters

Roll Call:

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

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

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

Consent Calendar

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

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

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

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

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

1. Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,815-N.S. to amend the Berkeley Municipal Code to create the Residential-BART Mixed-Use District Residential Zone District (Chapter 23.202.150) and additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance.

First Reading Vote: All Ayes. Financial Implications: See report

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

2. FY 2023 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election) From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,816-N.S. setting the FY 2023 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0075%.

First Reading Vote: All Ayes.
Financial Implications: See report

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

3. FY 2023 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,817-N.S. setting the FY 2023 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0058%.

First Reading Vote: All Ayes.
Financial Implications: See report

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

4. FY 2023 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,818-N.S. setting the FY 2023 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0130%.

First Reading Vote: All Ayes.
Financial Implications: See report

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

5. FY 2023 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,819-N.S. setting the FY 2023 tax rate funding the debt service on the Affordable Housing General

Obligation Bonds (Measure O, November 2018) at 0.0200%.

First Reading Vote: All Ayes.
Financial Implications: See report

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

6. FY 2023 Tax Rate: Business License Tax on Large Non-Profits

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,820-N.S. setting the FY 2023 tax rate for Business License Tax on large non-profits at \$0.7573 (75.73 cents) per square foot of improvements.

First Reading Vote: All Ayes.
Financial Implications: See report

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

7. FY 2023 Tax Rate: Fund the Provision of Emergency Medical Services

(Paramedic Tax)
From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,821-N.S. setting the FY 2023 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0433 (4.33 cents) per square foot of improvements.

First Reading Vote: All Ayes.
Financial Implications: See report

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

8. FY 2023 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,822-N.S. setting the FY 2023 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1126 (11.26 cents) per square foot of improvements.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473

9. FY 2023 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,823-N.S. setting the FY 2023 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2039 (20.39 cents) per square foot of improvements.

First Reading Vote: All Ayes.
Financial Implications: See report

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

10. FY 2023 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,824-N.S. setting the FY 2023 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0160%.

First Reading Vote: All Ayes.
Financial Implications: See report

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

11. FY 2023 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,825-N.S. setting the FY 2023 tax rate for funding the provision of emergency services for the disabled at \$0.01932 (1.932 cents) per square foot of improvements.

First Reading Vote: All Ayes.
Financial Implications: See report

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

12. FY 2023 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,826-N.S. setting the FY 2023 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.

First Reading Vote: All Ayes.
Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473

13. FY 2023 Special Tax Rate: Fund the Provision of Library Services

From: City Manager

Recommendation: Adopt second reading of Ordinance No.7,827-N.S. setting the FY 2023 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2583 (25.83 cents) per square foot for dwelling units and \$0.3906 (39.06 cents) per square foot for industrial, commercial, and institutional buildings.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100

14. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, and May 10, 2022.

Financial Implications: To be determined

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

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

From: City Manager

Recommendation: Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, and May 31, 2022.

Financial Implications: To be determined

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

16. Extension of Interim Director of Police Accountability Appointment

From: City Manager

Recommendation: Adopt a Resolution extending the appointment of Katherine J. Lee to be Interim Director of Police Accountability and approving an employment contract to be effective July 1, 2022 at an annual salary of \$182,260.65.

Financial Implications: See report

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

17. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of May 5 (closed and special), May 10 (regular), May 17 (closed), May 24 (regular) and May 31 (regular).

Financial Implications: None

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

18. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 28, 2022

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: \$4,856,000

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

19. FY 2023 Revision to the Investment Policy and Designation of Investment Authority

From: City Manager

Recommendation: Adopt a Resolution accepting the changes to the Investment Policy and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2023.

Financial Implications: None

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

20. Appropriations Limit for FY 2023

From: City Manager

Recommendation: Adopt a Resolution establishing the appropriations limit at \$328,834,462 for FY 2023 pursuant to Article XIIIB of the Constitution of the State of California based on the calculations for the appropriations limit.

Financial Implications: See report

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

21. Revenue Grant Agreement: Medi-Cal Administrative Activities Funding from State of California to Conduct Health Promotion Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and to execute any resultant revenue agreements and amendments to conduct health promotion for the Medi-Cal Administrative Activities (MAA) program for an amount not to exceed \$4,200,000 for the period of the agreement, Fiscal Years 2023 through 2025.

Financial Implications: See report

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

22. Amending Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project

From: City Manager

Recommendation: Adopt a Resolution amending contract no. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project by adding \$200,000 for a total not-to-exceed contract amount of \$6,375,185.82.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

23. Vision Zero Annual Report

From: City Manager

Recommendation: Adopt a Resolution 1) accepting the City of Berkeley Vision Zero Annual Report for 2021-2022; 2) affirming the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan; and 3) directing the City Manager to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerkDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the "Safer Streets by Everyone: Enforcement" actions described in the Vision Zero Action Plan.

Financial Implications: Staff time

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

24. Purchase Order: PB Loader Corporation for Two Chipper Trucks From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) Contract No. 080521-PBL bid procedures and authorizing the City Manager to execute a purchase order for two chipper trucks with PB Loader Corporation in an increased amount not to exceed \$400,000.

Financial Implications: See report

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

8

Page 8

25. Purchase Order: Sonsray Machinery for one CASE Tractor Loader

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) Contract No. 03219-CNH bid procedures and authorizing the City Manager to execute a purchase order for one CASE Tractor Loader with Sonsray Machinery in an amount not to exceed \$165,000.

Financial Implications: Equipment Replacement Fund - \$165,000.

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

26. Purchase Order Amendment: Diesel Direct West, Inc. for Fuel for City Vehicles and Equipment

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,900,000 for a total amount not to exceed \$10,744,000, and extending the term through December 31, 2023.

Financial Implications: See report

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

27. Contract: Sposeto Engineering Inc. for FY 2022 Sidewalk Repair Project From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the FY 2022 Sidewalk Repair Project; accepting the bid of Sposeto Engineering Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$2,512,152.

Financial Implications: Various Measures - \$2,512,152 Contact: Liam Garland, Public Works, (510) 981-6300

28. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$632,750, and extending the contract term through December 31, 2024.

Financial Implications: See report

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

29. Contract No. 10458 Amendment: Alta Planning and Design, Inc. for On-Call Transportation Planning Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10458 with Alta Planning and Design for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$750,000.

Financial Implications: See report

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

30. Contract No. 10516 (ERMA Contract No. 114128-1) Amendment: Community Design and Architecture for On-Call Transportation Planning Services From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10516 (ERMA Contract No. 114128-1) with Community Design and Architecture for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$650,000.

Financial Implications: See report

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

31. Contract No. 117563-1 Amendment: Clean Harbors, Inc. for Hazardous Waste Management Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Clean Harbors, Inc. for hazardous waste management, removal, and disposal services for the City of Berkeley increasing the contract amount by \$200,000 for a new not to exceed amount of \$650,000 and extend the contract term through June 30, 2024.

Financial Implications: Various Funds - \$135,500 Contact: Liam Garland, Public Works, (510) 981-6300

32. Contract No. 108007-1 Amendment: Don's Tire Service, Inc. for Tire Repair Services for City Fleet Vehicles

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles for an additional \$150,000, for a new total not to exceed \$423,534, and extend the authorized term through June 30, 2024.

Financial Implications: See report

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

33. Contract Amendment: East Bay Municipal Utilities District (EBMUD) for Sanitary Sewer Charge and Billing Collection

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the agreement (Contract 9735) with East Bay Municipal Utility District (EBMUD) to administer a Customer Assistance Program (CAP) which is an expanded discount program for qualifying City of Berkeley sanitary sewer customers. Eligible customers under the CAP program will receive a 35% discount on their sewer charges.

Financial Implications: See Report

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

34. Recommendation to Use Measure FF Funds as Intended by Voters for Firefighting, Emergency Medical Response, 9-1-1 Communications Services, Hazard Mitigation, and Wildfire Prevention and Preparedness; to Not Reduce General Fund Allocations Towards Fire Services; and to Support Effective Commission Oversight

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (DFSC) supports revenue generated by the voter-approved Fire, Emergency Services and Wildfire Prevention Tax (Measure FF) going towards services described in the Fire Department's 5-year implementation plan, including:

Wildfire Prevention and Response, Training and Development, EMS Operations, and Dispatch. The Commission has reviewed and provided input on expenditure plans described by the Fire Department and is engaged in the process of providing input and oversight prior to the budget being finalized. As these projects advance and lineitem budgets continue to be developed in more detail, the Commission expects to follow up with more specific recommendations on funding allocations.

In order to provide effective oversight of Measure FF spending as resolved by City Council, the Commission needs to have the tools and information necessary to do so. This includes: 1. Thorough and detailed information about spending plans, including detailed line items and staffing numbers, before budgets are finalized and locked in place (as of December 2021, the commission has not been provided a measure FF budget); and 2. An accounting system that will clearly designate spending from the fund, including job codes that are specific to Measure FF, so that the Commission can easily determine staff time spent on Measure FF-funded activities.

Additionally, in allocating funds towards these critical safety improvements, it is imperative that the City ensures that Measure FF funds are used to supplement, rather than replace, general funding of Berkeley Fire Department costs.

Financial Implications: See report

Contact: Keith May, Commission Secretary, (510) 981-3473

35. Appointment of Mary-Lee Smith and Glenn Turner to Mental Health Commission for the City of Berkeley

From: Mental Health Commission

Recommendation: Adopt a Resolution appointing: Mary-Lee Smith as a representative of the Special Public Interest Category (consumer), to complete her first 3- year term beginning June 29, 2022 and ending June 28, 2025; and Glenn Turner as a representative of the Special Public Interest Category (family member), to complete her first 3-year term beginning June 29, 2022 and ending June 28, 2025.

Financial Implications: None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Council Consent Items

36. Suspension of Sister City Relations with Dmitrov, Russia and Ulan-Ude, Russia From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation: Adopt a Resolution to suspend Sister City relations with the cities of Dmitrov, Russia and Ulan-Ude until Russian hostilities against Ukraine come to an end.

Financial Implications: Staff time

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

37. Support for AB 2156 - Firearms: manufacturers

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

Recommendation: Send a letter to Assemblymember Buffy Wicks and the state legislature in support of Assembly Bill 2156, which would prohibit the manufacture of unlicensed firearms and precursor parts, commonly known as "ghost guns."

Financial Implications: Staff time

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

38. Support for AB-256 (Racial Justice Act for All)

From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor) Recommendation: Send a letter to Assemblymember Ash Kalra (D-San Jose) and the state legislature in support of Assembly Bill 256, the Racial Justice Act for All, which would apply Kalra's previous bill, AB 2542 (2020) retroactively to enable appeals of past convictions and sentences made with racial bias.

Financial Implications: Staff time

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Page 12

Council Consent Items

39. Parking Minima for Mixed-Use Projects and Manufacturing Districts From: Councilmember Taplin (Author)

Recommendation: Refer to the City Manager and Planning Commission to develop amendments to Berkeley Municipal Code Chapter 23 Section 322 and return an Ordinance to Council with such amendments to include the following:

- (a) In BMC 23.322.030(B)(1), Table 23.322-2: remove "(residential use only)" from Mixed-Use Residential category; reduce "Live/Work" off-street parking requirements to, at most, 1 space per unit; reduce "Manufacturing" off-street parking requirements to, at most, 1 space per 1,500 gross square feet; reduce off-street parking requirements for "All non-residential uses except uses listed below" to, at most, 1 space per 1,000 square feet.
- (b) In BMC 23.322.020(C)(2)(i): reduce district minimum parking requirements to 1 space per 1,000 square feet at most in Manufacturing Districts.

Financial Implications: Staff time

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

40. Holding Social Media Companies Accountable for Impacts on Children: Supporting AB 2408 and AB 2273 (Wicks/Cunningham)

From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor) Recommendation: Send a letter in support of AB 2408 "Child users: addiction" and AB 2273 "The California Age-Appropriate Design Code Act" (Wicks/Cunningham) to forward to appropriate colleagues, expressing the City of Berkeley's support for these bills, which would allow parents to sue social media platforms if their children become addicted and require tech firms to create child-safe producing by creating age-appropriate design code for websites and apps likely to be accessed by children.

Financial Implications: Staff time

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

Action Calendar

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

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

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

Action Calendar – Public Hearings

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

Action Calendar – Public Hearings

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

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

41. Approval and Levy of 2018 Clean Stormwater Fee in FY 2023

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2023.

Financial Implications: See report

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

42. Levy and Collection of Fiscal Year 2023 Street Lighting Assessments From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in the Fiscal Year 2023.

Financial Implications: See report

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

43. Transfer Station Rates for FY 2023

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion adopt a City Council Resolution authorizing the City Manager to:

- 1. Approve the proposed Transfer Station rates, environmental compliance fee and special material handling charges to be effective August 1, 2022; and
- 2. Annually review the Transfer Station rates, environmental compliance fee, and special material handling charges, and increase them by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor, as needed; and
- 3. Rescind the rates and special handling fees approved by City Council Resolution No. 64,575-N.S., adopted July 14, 2009, and as amended by Resolution No. 64,712-N.S., adopted December 6, 2009.

Financial Implications: See report

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

Action Calendar – New Business

44. FY 2023 & FY 2024 Biennial Budget Adoption

From: City Manager

Recommendation: Adopt a Resolution:

1. Adopting the FY 2023 & FY 2024 Biennial Budget as contained in the City Manager's FY 2023 & FY 2024 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on June 14, 2022, and as amended by subsequent Council action.

2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2023, as reflected in Attachment 2, and as amended by subsequent Council action.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

45. FY 2023 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2023 Annual Appropriations Ordinance (AAO) in the amount of \$737,068,276 (gross appropriations) and \$620,623,866 (net appropriations).

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

46. Borrowing of Funds and the Sale and Issuance of FY 2022-23 Tax and Revenue Anticipation Notes

From: City Manager

Recommendation: Adopt a Resolution approving the borrowing of \$28,000,000 and the sale and issuance of Fiscal Year 2022-23 Tax and Revenue Anticipation Notes.

Financial Implications: See report

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

Action Calendar – Public Hearings

47. goBerkeley SmartSpace Pilot Program Implementation Recommendations From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion:

- 1. Adopt an Ordinance repealing and reenacting Berkeley Municipal Code Chapter 14.52 Parking Meters to enable demand-responsive paid parking for non-RPP permit holders in the 2700 blocks of Durant Avenue, Channing Way, and Haste Street and the 2300-2400 blocks of Piedmont Avenue (a portion of Residential Preferential Parking Program Area I) for the duration of the grant-funded goBerkeley SmartSpace pilot program, and allow payment via license plate entry pay stations ("pay-by-plate") to improve convenience and enforcement; and
- 2. Adopt a Resolution approving the pilot proposals to be implemented and evaluated as part of the goBerkeley SmartSpace pilot program.

Financial Implications: See report

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

Action Calendar - New Business

48a. Request for Timely Fiscal Information on Measures FF and GG From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission ("Commission" or "DFSC") respectfully recommends that Council direct the Fire Department and City Manager provide the Commission with the following fiscal information regarding Measures GG and FF:

- 1. Base budget documentation for the 22/23 FY (current year) that was approved by Council:
- 2. Quarterly, preferably monthly, expenditure reports, including a brief narrative describing each line item, with initial reports starting by March 30, 2022, with a published calendar for reporting and
- 3. The proposed budgets submitted to Council's Budget and Finance Policy Committee in April, each subsequent revision presented to Council, and the budget that is adopted at the end of the budget process.

The Commission takes seriously the role it has been given by the voters and the City Council to provide oversight and advice to the City Council about the use of Measure GG and FF funds. DFSC commissioners intend to carry out this role but must rely on information from the City Manager and the Fire Department to do so.

Financial Implications: See report

Contact: Keith May, Commission Secretary, (510) 981-3473

48b. Companion Report: Request for Timely Fiscal Information on Measures FF and GG

From: City Manager

Recommendation: The City Manager acknowledges the need to provide accurate, timely, and relevant information to the Disaster and Fire Safety Commission (DFSC). Fire Department Staff has committed to providing the DFSC line item budgets on Measures GG and FF funding plans prior to the budget process cycle as much as feasible. The DFSC can take this opportunity to discuss potential recommendations or issues with Staff with regards to the future spending of the funds. The Fire Department will continue to provide biennial reports on Measure FF as outlined by City Council in accordance to the Adopted Council Resolution No. 69,575–N.S.

Financial Implications: See report

Contact: Abe Roman, Fire, (510) 981-3473

Information Reports

49. Voluntary Time Off Program for Fiscal Year 2023

From: City Manager

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

50. Annual Update on Wells Fargo Bank's Community Involvement and Investment in the City of Berkeley

From: City Manager

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

Information Reports

51. FY 2022 Second Quarter Investment Report: Ended December 31, 2021

From: City Manager

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

52. FY 2022 Third Quarter Investment Report: Ended March 31, 2022

From: City Manager

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

53. HWCAC 2018-2023 Work Plan

From: Human Welfare and Community Action Commission

Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400

54. Annual Report on LPC Actions

From: Landmarks Preservation Commission

Contact: Fatema Crane, Commission Secretary, (510) 981-7400

55. Zero Waste Commission Fiscal Year 2022-23 Work Plan

From: Zero Waste Commission

Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300

Public Comment - Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

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

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

City Clerk Department - 2180 Milvia Street, First Floor Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901

Email: clerk@cityofberkeley.info

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 16, 2022.

Mark Numainville, City Clerk

Mad Morning

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

- 1. Janis Ching
- 2. Ann Campbell
- 3. Angie Schertle
- 4. Judith Baker

Item #38: Support for AB-256 (Racial Justice Act for All)

- 5. Micael Navarro Lopez
- 6. Jennifer Coffey
- 7. Sarah Bush
- 8. Lilia Goldenberg
- 9. Brian Hinch

Berkeley Marina Master Plan/Cesar Chavez Park

- 10. Stefani Berger
- 11. Ryan Turner
- 12. Erica Citret Roberts

Covid-19/Masks/Vaccinations/Public Health

- 13. Elsa, Ortiz, President, AC Transit Board of Directors
- 14. Anne-Lise Francois
- 15. Nina Lyons
- 16. Vivian Warkentin

Hopkins Corridor

- 17. Shirley Kirsten (2)
- 18. Lynn Winsten
- 19. Zelda (2)

Affordable Housing

- 20. David Lerman
- 21. Avram
- 22. Geoff Lomax

Fair Work Week

23. Rebeca Rozen, on behalf of the Hospital Council of Northern & Central California 24. Julie Sinai, on behalf of LifeLong Medical Care

Car Free Homes – 26-Story Building at University and Shattuck

25. Robin Kibby

Bird Safe Glass

26. Summer Brenner

27. Gael Alcock

Property Tax Explosion

28. Carol Corradi

People's Park

29. Diana Bohn

30. Max Ventura

3219 King Street - Property Taxes Placed on Home

31. Gloria Carson

2420 Ashby Avenue – Medical Zoning

32. Christine Brozowski

Healthy Black Families Conference

33. Ayanna Davis, on behalf of Healthy Black Families, Inc.

City's New Website

34. Mark Lowe

Berkeley Social Housing Pilot

35. Derek Sagehorn

African American Holistic Resource Center

36. Diana Bohn

Shattuck Cinemas

37. Charlene Woodcock

Rodeway Inn

38. Max Ventura

Juneteenth Festival

39. Delores Nochi Cooper

Thanks from Kala Art Institute

40. Ellen Lake, on behalf of Kala Art Institute

Removal of Child from Parents Recommended

41. Darwin Greenwell

Community College Constitutional Rights

42. Benjamin Stein

Smoking in a Multi-Unit Complex

43. Anne Marei

Hazards Created by Bicycle and Skateboard Users

44. Meryl Siegal

Huge Piles of Wood Chips

45. Max Ventura

Recurrent Roach Issues at 2020 Kittredge (a CalCHA Building)

46. Alex Merenkov

Tenants Opportunity to Purchase Act (TOPA)

- 47. Sam Frankel
- 48. Margaret Alducin
- 49. Yoni Mayeri
- 50. 8 similarly-worded form letters

Supplemental Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- Supplemental Communications and Reports 1
 Available by 5:00 p.m. five days prior to the meeting.
- Supplemental Communications and Reports 2 Available by 5:00 p.m. the day before the meeting.
- Supplemental Communications and Reports 3
 Available by 5:00 p.m. two days following the meeting.

01

ORDINANCE NO. 7,815-N.S.

AMENDING TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO ESTABLISH THE RESIDENTIAL—BART MIXED USE (R-BMU) ZONING DISTRICT

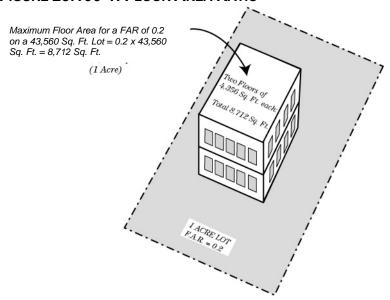
BE IT ORDAINED by the Council of the City of Berkeley as follows:

<u>Section 1.</u> That Berkeley Municipal Code Section 23.106.050 is amended to read as follows:

23.106.050 Floor Area Ratio.

- **A. Floor Area Ratio Defined.** Floor area ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot. See Figure 23.106-1: Floor Area Ratio.
 - 1. Floor Area Ratio Defined in R-BMU: In the R-BMU district, FAR means the quotient resulting from division of the Gross Floor Area of all buildings on a lot by the Lot Area. In a single integrated development on contiguous lots, the permitted Floor Area Ratio shall be computed upon the basis of the total area of all such lots.

FIGURE 23.106-1: FLOOR AREA RATIO



B. Development on Contiguous Lots. In a single integrated development on contiguous lots, the permitted floor area ratio is calculated using the total combined area of all such lots.

<u>Section 2.</u> That Berkeley Municipal Code Section 23.108.020 is amended to read as follows:

Ordinance No. 7,815-N.S.

23.108.020 Zoning Districts

A. Districts. Berkeley is divided into districts as shown in Table 23.108-1: Zoning Districts. Unique regulations apply within each district as established in Chapters 23.202 – 23.208 (Zoning Districts).

TABLE 23.108-1: ZONING DISTRICTS

DISTRICT SYMBOL	Name of District								
Resident	Residential Districts								
R-1	Single-Family Residential								
R-1A	Limited Two-family Residential								
ES-R	Environmental Safety Residential								
R-2	Restricted Two-family Residential								
R-2A	Restricted Multiple-family Residential								
R-3	Multiple-family Residential								
R-4	Multi-family Residential								
R-5	High Density Residential								
R-S	Residential Southside								
R-SMU	Residential Southside Mixed Use								
R-BMU	Residential BART Mixed Use								
Commerc	cial Districts								
C-C	Corridor Commercial								
C-U	University Avenue Commercial								
C-N	Neighborhood Commercial								
C-E	Elmwood Commercial								
C-NS	North Shattuck Commercial								
C-SA	South Area Commercial								
C-T	Telegraph Avenue Commercial								
C-SO	Solano Avenue Commercial								
C-DMU	Downtown Mixed-Use								
C-W	West Berkeley Commercial								
C-AC	Adeline Corridor Commercial								
Manufact	Manufacturing Districts								

DISTRICT SYMBOL	NAME OF DISTRICT
М	Manufacturing
MM	Mixed Manufacturing
MU-LI	Mixed Use-Light Industrial
MU-R	Mixed Use-Residential
Special D	Districts
S	Specific Plan
U	Unclassified

<u>Section 3.</u> That Berkeley Municipal Code Section 23.202.020 is amended to read as follows:

23.202.020 Allowed Land Uses

- **A. Allowed Land Uses.** Table 23.202-1: Allowed Land Uses in Residential Districts identifies allowed land uses and required permits in the Residential Districts. All land uses are defined in Chapter 23.502—Glossary. Permit requirements are described in Chapter 23.406—Specific Permit Requirements.
- **B. Unlisted Land Uses.** Any land use not listed in Table 23.202-1: Allowed Land Uses in Residential Districts is not permitted in the Residential District.

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT				Res	SIDENTIA	L DISTR	ICTS					
UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply ** - Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R- SMU	R- BMU*	USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
Residential Uses												
Accessory Dwelling Unit	Acce	3.306— ssory ng Units	NP		S	ee 23.306—	-Accessory	Dwelling U	nits			
Dwellings												
Single-Family	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Two-Family	NP	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Multi-Family	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Group Living Accommodation	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Senior Congregate Housing	NP	NP	NP	NP		See 2	23.302.070.	H– Use-Sp	ecific Regul	ations		
Mixed-Use Residential	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Public and Quasi-Publ	ic Uses	}										
Child Care Center	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Club/Lodge	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Columbaria	AUP*	AUP*	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	NP	23.302.070.C- Use-Specific Regulations
Community Care Facility				See 2	23.202.040	.A- Use-Sp	ecific Regul	ations				
Community Center	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Emergency Shelter	NP	NP	NP	NP	NP	NP			See 23.308	3		
Family Day Care Home, Large	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Family Day Care Home, Small	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Hospital	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	NP	
Library	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Nursing Home	NP	NP	NP	_	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Park/Playground	ZC	ZC	UP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Public Safety and Emergency Service	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	

ZC = Zoning Certificate				RE	SIDENTIA	L DISTR	ICTS					
AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply ** - Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R- SMU	R- BMU*	USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
Public Utility Substation/Tank	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Religious Assembly	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
School	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Commercial Uses												
Alcoholic Beverage Service	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)	23.310—Alcoholic Beverage Sales and Service
Food Products Store	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)	23.202.140.B.3– R-SMU Residential Southside District
Food Service Establishment	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)	23.302.070.E– Use-Specific Regulations
Group Class Instruction	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150.C – R-BMU Residential BART Mixed Use District
Gym/Health Club	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150.C – R-BMU Residential BART Mixed Use District
Hotel, Tourist	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Laundromat and Cleaner	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Office	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	23.202.150.C – R-BMU Residential BART Mixed Use District
Parking Lot/Structure	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	23.302.070.G- Unenclosed Accessory Structures in Residential Districts 23.322.100- On-site Loading Spaces
Personal and Household Service, General	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.202.140.B.2– R-SMU Residential Southside District
Retail, General	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	23.202.040.B– Use-Specific Regulations

ZC = Zoning Certificate				Res	SIDENTIA	L DISTR	ICTS					
AUP = ADMINISTRATIVE USE PERMIT UP(PH) = USE Permit NP = Not Permitted * USe-Specific Regulations Apply ** - Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R- SMU	R- BMU*	USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
Veterinary Clinic	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Theater	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	
Video Tape/Disk Rental	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	
Industrial and Heavy C	ommer	cial Us	es									
Commercial Excavation	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Other Uses												
Accessory Uses				See 2	23.302.020.	A– Genera	Use Regul	ations				
Art/Craft Studio	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC	
ATM: Exterior and Attached to Bank or Interior or Exterior and Not With Bank	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Home Occupations		•		5	See 23.302.	040– Home	Occupation	าร				
Live/Work	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.312-Live/Work
Public Market, Open Air	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Public Market, Enclosed	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Short-Term Rental	ZC*	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.314—Short-Term Rentals
Temporary Uses			•	See 23	.302.030– T	emporary l	Jses and St	ructures				
Urban Agriculture, Low-Impact	ZC*	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.318—Urban Agriculture
Urban Agriculture, High- Impact	AUP*	AUP*	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	23.318—Urban Agriculture
Wireless Telecommunication Facility				See 23	3.332—Wire	eless Comm	nunication F	acilities				

<u>Section 4.</u> That Berkeley Municipal Code Section 23.202.040.B is amended to read as follows:

- B. General Retail.
 - 1. In the R-4, R-5, R-S, and R-SMU districts, general retail uses must be:
 - (a) Accessory to another use;
 - (b) Contained within a building with no street access; and
 - (c) Without displays of merchandise visible from the street.
 - 2. In the R-BMU district, General Retail is:
 - (a) Permitted with a Use Permit at the North Berkeley BART station;
 - (b) Permitted with a Zoning Certificate at the Ashby BART station.

<u>Section 5.</u> That Berkeley Municipal Code Section 23.202.150 is hereby added to read as follows:

23.202.150: R-BMU Residential BART Mixed Use District

- A. **District Purpose.** The purpose of the BART Mixed-Use (R-BMU) district is to create vibrant, well-designed, and welcoming neighborhoods that address City of Berkeley priorities such as affordable housing, civic and public space, multi-modal transportation and site access, high-quality building and site design and architecture, and a mix of land uses that contributes positively to the community, and to establish zoning standards in compliance with AB 2923.
- B. **Definitions.** For the purpose of this Section (23.202.150), the following definitions apply:
 - **1. Dwelling Units per Acre.** The quotient resulting from the total number of dwelling units on a site by the Lot Area.
- C. Allowed Land Uses.
 - 1. **General.** See Section 23.202.020 (Allowed Land Uses), which indicates identifies allowed land uses and which are prohibited.
 - a. The initial establishment of a land use in a new building will follow the R-BMU Master Development Plan process outlined in Section 23.202.150D. below.
 - b. The change of use of an existing building or portion of a

- building will require the permits indicated in Section 23.202.020 and Table 23.202-1 for the R-BMU District.
- c. Any use not listed in Table 23.202-1 for the R-BMU District can be approved through the Master Development Plan process outlined in Section 23.202.150D below for the initial establishment of a land use in a new building.
- d. Uses subject to supplemental regulations are shown in in Table 23.202-1 with an asterisk (*) following the permit requirement (e.g., ZC*). The Use-Specific Regulations column in Table 23.204-1 identifies the location of these regulations in the Zoning Ordinance.
- Group Class Instruction and Gym/Health Clubs. Group class instruction and gym/health club uses are permitted at the Ashby BART station with a Zoning Certificate. Group class instruction and gym/health club uses are permitted at the North Berkeley BART station with a Use Permit.
- Office. At the Ashby BART station, office uses above the ground floor are permitted with a ZC. All other office uses in the R-BMU require a Use Permit.
- D. Ground-floor Uses. See Table 23.202-27.

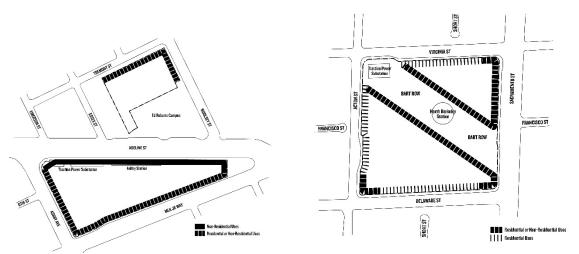
TABLE 23.202-27: PERMITTED STREET-FACING GROUND FLOOR USES

Frontage Locations	Permitted Street-Facing Ground Floor Uses
Along Ashby and MLK	Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms. At least 50% of the combined frontage of MLK and Ashby must include active ground -floor uses.[1] Active uses at corner locations are encouraged.
Along Adeline	Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms
Along Woolsey, Tremont [2], or fronting interior public spaces	Residential or Non-Residential Uses
Along Sacramento, along the Ohlone Greenway, or within 50 feet of any street corner	Residential or Non-Residential Uses
Along Delaware, Acton, or Virginia	Residential Uses

^[1] Active uses are commercial uses which generate regular and frequent foot traffic; such uses include businesses in the following use categories: Retail; Personal and Household Services; Food and Alcohol Service, and Entertainment.

^[2] Public entrances for non-residential uses fronting Tremont Street must be located on Woolsey Street.

FIGURE 23.202-3 PERMITTED STREET-FACING GROUND FLOOR USES



a. Ashby BART Station Site

- b. North Berkeley BART Station Site
- E. **Additional Permit Requirements.** See Section 23.202.030 (Additional Permit Requirements).
- F. Development Standards.
 - 1. Basic Standards. See Table 23.202-28.
 - 2. **Supplemental Standards.** Supplemental standards that apply in the R-BMU district are noted in Table 23.202-28.

TABLE 23.202-28: R-BMU DEVELOPMENT STANDARDS

TABLE 20.202-20. IN-DINO DEVELOPMENT GTANDARDS							
		Supplemental Standards					
Lot Area, Minimum	No minimum	23.304.020					
Private Usable Open Space, Minimum [1][2]		23.302.090					
Per Dwelling Unit -	40 sf/DU	23.302.090					
Per Group Living Accommodation Resident	15 sf/resident	23.302.090					
Public Open Space, Minimum							
Per Dwelling Unit	35 sf/unit						
Per Group Living Accommodation Resident	18 sf/resident						

Ordinance No. 7,815-N.S.

Floor Area Ratio (FAR), Maximum	4.2	
Main Building Height, Maximum [3]	80 feet and 7 stories	23.304.050
Residential Density, Minimum	75 dwelling units per acre	

^[1] Private Usable Open Space may be provided as any combination of personal and common private space. [2] 50% of the Private Usable Open Space requirement may be fulfilled through the provision of an equal amount of additional Public Open Space.

3. Additional Open Space Requirements.

a. Definitions

- i. Private Usable Open Space: Outdoor space, including natural and landscaped ground areas, playgrounds, pools, patios, decks and balconies designed for active or passive recreational use and which are accessible to the occupants of a building on the same development. See also 23.304.090 (Usable Open Space) for standards.
- **ii. Public Open Space:** Outdoor space, including natural and landscaped ground areas, playgrounds, pools, fountains, patios, decks designed for active or passive recreational use and which are accessible to the general public. Minimum dimensions for Public Open Spaces shall be 20' in any direction and 400 square feet minimum.

b. Public Space Design.

- i. Land area made available for public access to and through the station, and on-site public amenities, may be offered as dedication to the City or may be owned and maintained by another party with dedication of a public access easement. Public Open Space must be accessible to the public during daylight hours and include signage indicating public access.
- ii. Public spaces shall include site furnishings and design elements to encourage active or passive use.
- iii. Public spaces shall have a direct, accessible connection to the public circulation network.
- iv. Adjacent publicly owned space may contribute to the minimum public space requirement for the project, if it is designed, integrated and maintained as part of the project and complies with all other requirements for public space design identified in

^[3] Building Height Measurement: In the case of a roof with a parapet wall, building height shall be measured to the top of the roof and parapets may exceed the height limits by up to five feet by right.

this section (23.202.150(D)3(b)).

c. Rooftop Open Space. Rooftops may be utilized as Private Usable Open Space or Public Open Space meeting the requirements of 23.202.150.A.3 (Additional Open Space Requirements – Definitions). Rooftop space designated Public Open Space must also meet the requirements of 23.202.150.A.3.B (Public Space Design). No more than 25% of Public Open Space requirements can be met with Rooftop Open Space, and such Public Open Space must be independently accessible from the public circulation network.

4. Front Setbacks.

- a. Setbacks are not required at Martin Luther King Jr. Way, Adeline Street, Sacramento Street.
- b. Setbacks along all other frontages along public rights-of-way and internal publicly accessible pathways shall range from 5 feet (minimum) to 15 feet (maximum) for at least 50 percent of any building's linear street frontage, including all frontages within 50 lineal feet of an intersecting corner.
- 5. **Front Upper-Story Step-backs.** Any street-facing building frontage above four stories in height that is not within 100 linear feet of Sacramento Street, Adeline Street, Ashby Avenue, or Martin Luther King Jr. Way, shall step back from the property line for portions of the building above four stories.
- 6. Ground-floor Residential Frontage. For ground-floor residential uses, outward facing building entrances may include any of the following: stoops, front doors, courtyard and forecourt entrances, ramped or at-grade universally accessible entries, outward-facing and visually permeable lobby entrances, or other outward-facing residential entrance, with transition spaces from private frontages to public spaces.
- 7. **Ground-floor Non-Residential Frontage.** For ground-floor non-residential uses, outward- facing building entrances and activation strategies may include outdoor seating, dining, display spaces, performance spaces, public art, architectural detailing, and extensions of the public sidewalk.
- 8. **Frontage Improvements.** Any area between a building and the front property line, or any area between a building and on-site public space or the public circulation network, shall be improved as part of a wider sidewalk, outdoor seating area, outdoor dining area, yard area, landscaping, or other usable open space.
- 9. **On-site Pedestrian Access.** Pedestrian accessways shall be provided for all new construction and for additions of 10,000 square

feet or more of gross floor area in accordance with the following standards:

- a. **Internal Connections.** A system of publicly accessible pedestrian walkways (e.g. public sidewalks) shall connect all buildings on a site to each other, to on-site bicycle and automobile parking and drop-off areas, to any on-site open space areas or pedestrian amenities, and to the publicly accessible pedestrian circulation network.
- b. To the Public Circulation Network. A publicly accessible on-site walkway shall connect the building lobby entry or entries on each street or on-site pathway frontage to the public pedestrian circulation network. Connections to publicly accessible on-site walkways provided at least every 300 feet along portions of the development site perimeter that are adjacent to public rights-of-way.
- c. **To Neighbors.** Publicly accessible pedestrian access shall be provided from residential and commercial building entrances and public space to adjoining residential and commercial areas.
- d. **To Transit.** Publicly accessible pedestrian connections from the public circulation network shall be provided to all transit stops and entrances including elevators outside the station.
- e. **Illumination.** All publicly accessible pedestrian connections shall include nighttime illumination pursuant to Ordinance N.S.-7424.

10. Transparency.

- a. **Required Openings.** Ground-level exterior walls facing and within 20 feet of a front lot line or publicly accessible pathway or Public Open Space shall run in a continuous plane for no more than 30 feet without a window, door, or other similar building opening.
- b. **Non-Residential Transparency.** For non-residential ground-floor uses facing a front lot line, publicly accessible pathway or Public Open Space, a minimum of 50% of the building wall area located between three and seven feet above ground level shall be transparent with a visible light transmittance of not less than 80%.

11. Building Entrances.

a. Minimum Number of Entrances Required. There shall be a minimum of at least one building entrance at an average distance of 50 linear feet of ground-floor non-residential building frontage, and at least one building lobby entrance for every 200 feet of ground-floor residential building frontage.

- b. **Ground Floor Residential Entries.** All ground floor residential units shall provide entries to the street in the form of stoops or other exterior entries, or balcony or patio without entrance to the street, with a minimum area of 20 square feet.
- c. Separate Entrances Required. Buildings containing a mix of residential and non- residential uses shall provide separate building entrances for each major use category. Amenity areas such as exercise rooms do not require separate building entrances from the primary use.
- d. **Entrance Orientation.** Principal building entrances shall face a public street, publicly accessible pathway, or Public Open Space.
- e. **Illumination.** Building entries and addresses shall be illuminated to provide nighttime visibility from adjacent streets, public accessways, and common areas.
- 12. **Ground-Floor Non-Residential Space Dimensions.** The minimum ground floor height for non-residential uses is 15 feet, as measured from the ground level floor to the first floor above.

13. Parking Design and Access.

- a. **Unbundled Parking Required.** All parking spaces shall be leased separately from the residential unit or commercial space except where prohibited by affordable housing financing sources.
- b. Structured Parking Required. All new off-street parking shall be located within an enclosed structure, with the exception of curb-side pickup and drop-off, curb-side metered parking, ADA parking, or smallscale surface parking for security and station operations and maintenance purposes only.
- c. Structured Parking Design. Parking garages shall be located underground or located behind conditioned building space at any adjacent street, sidewalk, or other publicly accessible accessway or open space. Conditioned building space is not required along shared interior lot lines of abutting parcels.
- d. **Vehicular Entry.** Parking garage vehicular entrances facing the street shall be no more than 20 feet wide.
- e. **Pedestrian Entry.** Parking garage pedestrian entrances shall be provided at-grade, connecting directly to the public pedestrian circulation network, on each street-facing frontage.
- f. **Light Screening.** Parking garages shall be designed such that interior lighting is fully shielded and automobile headlamps are not visible from

- adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.
- 14. Mitigation Measures. Projects under this section are subject to applicable measures identified in the adopted Mitigation Monitoring and Reporting Program of the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project Final EIR.

G. BART Mixed Use District Master Development Permit (MDP)

- 1. Purpose of the R-BMU District Master Development Permit (MDP) process. The purpose of these provisions is to prescribe the procedure for the review of initial development on parcels in the R-BMU District, in order to allow for the predictable buildout of the sites over time and achieve a high standard of affordability, site and building design that fulfills the City and BART Joint Vision and Priorities for the Ashby and North Berkeley BART Station Areas relating to:
 - Affordable Housing
 - Public and Civic Space
 - Land Use
 - Building Form and;
 - Station Access.
- Applicability of the Ashby and North Berkeley BART Master Development Permit (MDP). These provisions shall apply to all land within the R-BART Mixed Use District.
- 3. Preliminary Development Plan. The preliminary development plan shall include, at a minimum, the following:
 - a. A plan of the entire development, defined as either the North Berkeley BART Station Area or Ashby BART Station Area, showing the items listed below. Such development plan shall include maps and information on the surrounding area within one hundred (100) feet of the development. All elements listed in this paragraph shall be characterized as existing or proposed, and sufficiently detailed to indicate intent and impact.
 - Streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas;
 - Location and approximate dimensions of structures;
 - Utilization of structures, including activities and the number of living units;

- Estimated population;
- Reservations for public uses, including schools, parks, playgrounds, and other open spaces;
- Placement of above-ground utilities such as electrical transformers, vents, and other mechanical equipment;
- Major landscaping features;
- · Relevant operational data; and
- Drawings and elevations clearly establishing the scale, character, and relationship of buildings, streets, and open spaces.
- b. A table demonstrating that the plan meets the development standards set forth in Section 23.202.150.F and the other requirements of this Chapter, including compliance with any Objective Development Standards.
- c. A development phasing plan describing the order in which various portions of the development will be built, along with a proposed schedule for such phases.
- 4. Notice of Application and Public Hearing for Preliminary Development Plan.
 - Preliminary Development Plans shall be reviewed by the Zoning Adjustments Board, the decisions of which are appealable to the City Council.
 - b. The public notice and hearing process for a Master Development Permit shall be the same as for Use Permits as defined in BMC Section 23.404, except that notice shall be mailed or delivered to all businesses, residents and owners of property located within five hundred (500) feet of the subject property.
 - c. The Board shall determine whether the proposal conforms to the permit criteria set forth in Section 23.202.150.D8, and may approve or disapprove the application and the accompanying Preliminary Development Plan or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Board may, in its discretion, authorize submission of the Final Development Plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the Preliminary Development Plan and staged development schedule.

5. Final Development Plan

The applicant shall file with the Planning and Development Department a Final Development Plan for one or more of the phases identified in the Preliminary Development Plan.

- a. The Final Development Plan shall conform in all major respects with the approved Preliminary Development Plan and shall include the following additional information:
- Location of water, sewerage, and drainage facilities;
- Detailed building and landscaping plans and elevations;
- A maintenance plan for Open Space;
- Character and location of signs;
- Plans for street improvements; and
- Grading or earth-moving plans.

The Final Development Plan shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, including compliance with the Objective Development Standards. Final Development Plans shall be reviewed by the Zoning Adjustments Board.

b. The public notice and hearing process for a Final Development Plan shall be the same as for Use Permits as defined in BMC Section 23B.32, except that notice shall be mailed or delivered to all businesses, residents and owners of property located within five hundred (500) feet of the subject property.

6. City Engineer's Report

Within thirty (30) days after the filing of the Final Development Plan, the Zoning Officer shall forward it to the City Engineer for review of public improvements, including streets, sewers, and drainage. The Zoning Adjustments Board shall not act on a Final Development Plan until it has first received a report from the City Engineer or until more than thirty (30) days have elapsed since the plan and application were sent to the City Engineer, whichever is the shorter period.

7. Appeal to Council

The process for appeal to Council for a Master Development Permit, Preliminary Development Plan and/or Final Development Plan shall be the same as for Use Permits as defined in BMC Section 23B.32.

8. Findings

- a. That the location, design, size, and uses are consistent with the General Plan and with any other applicable plan, development control map, design guidelines, or ordinance adopted by the City Council;
- b. That the location, design, and size are consistent with the City of Berkeley and San Francisco Bay Area Rapid Transit District (BART) Joint Vision and Priorities document for the Ashby and North Berkeley BART Station Areas adopted by the City Council and the BART Board of Directors.
- 9. Adherence to the Approved Plan and Modification.

Variations of up to ten percent (10%) from any numerical or non-numerical standard set forth on the Master Development Permit may be authorized by the Zoning Officer through an Administrative Use Permit. Variations of more than ten (10%) percent may be authorized by a Master Development Plan permit modification by the Zoning Adjustments Board.

10. Revocation of Permits

If a Final Development Plan for an initial portion of a site has not been submitted within 10 years after approval of the applicable Master Development Plan for all or a majority portion of the site, the City Council may revoke the approval of the remainder of the Master Development Permit. If Final Development Plans for the entirety of a site have not been submitted within 20 years after approval of the applicable Master Development Permit, the City Council may revoke the remainder of the Master Development Permit.

<u>Section 6.</u> That Berkeley Municipal Code Section 23.302.070.E.2 is amended to read as follows:

 Permits Required in Commercial Districts and in the R-BMU. Table 23.302-7 shows permits required for food service establishments in the commercial districts and in the R-BMU.

TABLE 23.302-7: PERMIT REQUIREMENTS FOR FOOD SERVICE ESTABLISHMENTS

C-C, C-U, C-T, C-W	
Under 1,500 sq. ft	ZC
1,500 sq. ft. or more	AUP
C-N, C-NS, C-SA, C-SO	
Under 1,000 sq. ft	ZC
1,000 sq. ft. or more	AUP
R-BMU, Ashby BART Station C-AC, South Shattuck and North Adeline Subareas	
3,000 sq ft or less	ZC
Over 3,000 sq ft	AUP
C-AC, South Adeline Subarea	
1,500 sq ft or less	ZC
Over 1,500 sq ft	AUP
R-BMU, North Berkeley BART Station	UP(PH)
C-E	AUP [1]
C-DMU	
Under 3,000 sq. ft outside the Arts District Overlay	ZC
3,000 sq. ft. or more	AUP
Any size within the Arts District Overlay	AUP [2]

Notes:

<u>Section 7.</u> That Berkeley Municipal Code Section 23.302.070.G.2 is amended to read as follows:

2. Table 23.302-9 shows required permits for the exclusive or primary use of a lot for off-street parking spaces.

^[1] All food service uses in the C-E district require an AUP and may not be considered as an incidental use except when accessory to a food product store.

^[2] See 23.204.130.D.3 for required findings.

TABLE 23.302-9: PERMIT REQUIREMENTS FOR PARKING LOTS/STRUCTURES

DISTRICT	PERMIT REQUIRED	
Residential Districts		
R-3	Use Permit for all parking lots and structures. [1]	
R-S, R-SMU,_R- BMU	Use Permit for parking structures only. Parking lots are not permitted, except on lots between Acton Street and Virginia Gardens and between Peralta Avenue and Northside Avenue in the R-BMU.	
All other residential districts	Use Permit for all parking lots and structures.	
Commercial Dis	tricts	
C-C, C-U	Zoning Certificate for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.	
C-SO	AUP for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.	
C-DMU	AUP for parking lots with 8 spaces or fewer. Use Permit for all parking structures. Lots with more than 8 spaces not permitted.	
C-N, C-E, C- NS, C-SA	Use Permit for all parking lots and structures.	
C-T	Use Permit for all parking structures. All parking lots not permitted.	
C-W	AUP for parking lots and structures with 10 spaces or fewer. Use Permit for parking lots and structures with more than 10 spaces.	
Manufacturing D	Districts	
M, MM	AUP for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.	
MU-LI	Zoning Certificate for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. AUP for parking lots and structures with 11 spaces or more exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.	
MU-R	Zoning Certificate for parking lots and structures exclusively for uses in the district. Use Permit for parking lots and structures not exclusively for uses in the district.	
Notes: [1] Parking lots a Plan area	nd structures in the R-3 district are not permitted within the Southside	

Ordinance No. 7,815-N.S.

<u>Section 8.</u> That Berkeley Municipal Code Section 23.304.140 is amended to read as follows:

23.304.140 Area Plans.

A. *Downtown Area Plan.* Projects in the Downtown Area Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the Downtown Area Plan Final EIR.

B. Southside Plan.

- 1. *Mitigation Measures*. Projects in the Southside Plan boundaries are subject to the applicable mitigation measures in the adopted Mitigation Monitoring Program of the Southside Plan Final EIR.
- 2. *Permit Findings*. To approve an AUP or Use Permit for a project in the Southside Plan boundaries, the review authority must find that the project complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP).
- C. West Berkeley Plan. Projects in the West Berkeley Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the West Berkeley Plan Final EIR.
- D. Adeline Corridor Plan. Projects in the Adeline Corridor Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the Adeline Corridor Plan Final EIR.
- E. Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project. Projects in the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project boundaries are required to implement all the applicable mitigation measures in the adopted Mitigation Monitoring Program of the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project EIR.

<u>Section 9.</u> That Berkeley Municipal Code Section 23.308.020.C is amended to read as follows:

C. Required Permits. Table 23.308-1 shows permits required for emergency shelters.

TABLE 23.308-1: PERMIT REQUIREMENTS FOR EMERGENCY SHELTERS

DISTRICTS	PERMIT REQUIRED [1]	
Residential Districts		
R-1, R-1A, ES-R, R-2, R-2A, R-3	Not Permitted	
R-4, R-5, R-S, R-SMU, and R-BMU		
15 beds or fewer [1]	ZC	
More than 15 beds	UP(PH)	
Commercial Districts		
C-C, C-U, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-W, C-AC		
25 beds or fewer	ZC	
More than 25 beds	UP(PH)	
C-DMU		
60 beds or fewer	ZC	
More than 60 beds	UP(PH)	
Manufacturing Districts		
M, MM, MU-LI, MU-R	Not Permitted	
Notes: [1] See also permit requirements based on floor area of use in Table 23.308.040-2		

<u>Section 10.</u> That Berkeley Municipal Code Section 23.310.030.A is amended to read as follows:

A. Permits Required. Table 23.310-1 shows permits required for alcoholic beverage service when incidental to a food service establishment.

TABLE 23.310-1: PERMITS REQUIRED FOR ALCOHOLIC BEVERAGE SERVICE

	Permit Required Based on Type of Beverages Served When Incidental to Food Service	
District	Beer and Wine	Distilled Spirits
R-SMU	UP(PH)	UP(PH)
All Commercial Districts, except C-AC, and the R-BMU District	ZC	UP(PH)
C-AC	ZC	AUP

Ordinance No. 7,815-N.S.

	Permit Required Based on Type of Beverages Served When Incidental to Food Service	
District	Beer and Wine	Distilled Spirits
MU-LI, MU-R	UP(PH)	UP(PH)

<u>Section 11.</u> That Berkeley Municipal Code Section 23.310.030.B.3 is amended to read as follows:

B. Use Limitations.

3. C-NS and R-BMU Districts. In the C-NS district, distilled spirit service is allowed only for full-service restaurants. Distilled spirit service is not allowed for carry out food stores and quick-service restaurants.

<u>Section 12.</u> That Berkeley Municipal Code Section 23.312.030.B is amended to read as follows:

B. Residential Districts.

- 1. All Residential Districts Except R-BMU. Live/work units are not permitted.
- 2. **R-BMU District:** A Use Permit is required for live/work units.

<u>Section 13.</u> That Berkeley Municipal Code Section 32.322.030.A.1 is amended to read as follows:

A. Residential Districts.

1. Spaces Required. Table 23.322-1 shows minimum required off-street parking spaces in the Residential Districts.

TABLE 23.322-1: REQUIRED OFF-STREET PARKING IN RESIDENTIAL DISTRICTS

Land Use	Number of Required Off-street Parking Spaces	
Residential Uses		
Accessory Dwelling Unit	See Chapter 23.306	
Dwellings, including Group Living Accommodations	R-3, R-4, and R-5 Districts (1-9 units): If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per unit. R-3, R-4, and R-5 District (10 or more units): If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per 1,000 sq ft of gross floor area. All Other Districts: If located on a roadway less than 26 feet in	

Land Use	Number of Required Off-street Parking Spaces	
	width in the Hillside Overlay: 1 per unit All Other Locations: None required	
Dormitories, Fraternity and Sorority Houses, Rooming & Boarding Houses, Senior Congregate Housing	If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per each 5 residents, plus 1 for manager. All Other Locations: None required.	
Rental of Rooms	If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per each two roomers All Other Locations: None required	
Non-Residential Uses		
All non-residential uses except uses listed below	R-SMU District: 1 per 1,000 sq. ft. R-BMU District: None required; no more than 1.5 spaces per 1,000 sq. ft. All Other Residential Districts: See 23.322.030.A.2	
Community Care Facility	R-BMU District: None required; no more than 1.5 spaces per 1,000 sq. ft. All Other Residential Districts: One per two non-resident employees	
Food Service Establishment	R-BMU District: None required; no more than 1.5 spaces per 1,000 sq. ft. All Other Residential Districts: 1 per 300 sq. ft.	
Hospital	R-SMU District: 1 per 1,000 sq. ft. R-BMU District: None required; no more than 1.5 spaces per 1,000 sq. ft. All Other Residential Districts: 1 per each 4 beds plus 1 per each 3 employees	
Library	R-BMU District: None required; no more than 1.5 spaces per 1,000 sq. ft. All Other Residential Districts: 1 per 500 sq. ft. of publicly accessible floor area	
Nursing Home	1 per 3 employees	
Medical Practitioners	R-BMU District: None required; no more than 1.5 spaces per 1,000 sq. ft. All Other Residential Districts: 1 per 300 sq. ft.	
Non-Medical Offices	R-SMU District: 1 per 1,000 sq. ft. R-BMU District: None required; no more than 1.5 spaces per	

Land Use	Number of Required Off-street Parking Spaces	
	1,000 sq. ft. All Other Residential Districts: 1 per 400 sq. ft.	
Hotels, Tourist	1 per 3 guest/sleeping rooms or suites plus 1 per 3 employees	
[1] Excludes community care facilities which under state law must be treated in the same manner as a single-family residence		

<u>Section 14:</u> That Berkeley Municipal Code Section 23.322.090 is amended to read as follows:

23.322.090 - Bicycle Parking

A. Parking Spaces Required.

1. **Non-Residential Bicycle Parking**. Table 23.322-10 shows districts where bicycle parking is required, land uses requiring bicycle parking, and the number of required spaces. Bicycle parking is required for new construction and for expansions to existing buildings that add new floor area.

TABLE 23.322-10: REQUIRED NON-RESIDENTIAL BICYCLE PARKING

District	When Required	Required Spaces
R-BMU	New commercial space	1 per 1,000 sq. ft.
R-S, R-SMU	New commercial space	1 per 2,000 sq. ft.
All Commercial Districts except for C-E and C-T	New floor area or for expansions of existing industrial, commercial, and other non-residential buildings	1 per 2,000 sq. ft.
All Manufacturing Districts except for C-E and C-T	New floor area or for expansions of existing industrial, commercial, and other non-residential buildings	1 per 2,000 sq. ft.
C-E, C-T	None required	N/A

- a. In the C-DMU district, the Zoning Officer, in consultation with the City Traffic Engineer, may approve an AUP to modify the bicycle parking requirement in Table 23.322-10 for Tourist Hotels.
- **2. Residential Parking**. Table 23.322-11 shows the types of residential projects, including the residential portion of mixed-use projects, for which bicycle parking is required.

TABLE 23.322-11: REQUIRED RESIDENTIAL BICYCLE PARKING

Use	Long-Term Parking Requirement [1]	Short-Term Parking Requirement [1]
Dwelling Units (1 to 4 units)	R-BMU: 1 space per unit All other districts: None required	None required
Dwelling Units (5 units or more)	R-BMU: 1 space per unit All other districts: 1 space per 3 bedrooms	2, or 1 space per 40 bedrooms, whichever is greater
Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing	2, or 1 space per 2.5 bedrooms, whichever is greater	2, or 1 space per 20 bedrooms, whichever is greater

[1] Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 *Berkeley Bicycle Plan*, or as subsequently amended by the Transportation Division.

- **B. Bicycle Parking Standards.** The following standards apply to required bicycle parking spaces in a non-residential district:
 - 1. Bicycle parking spaces shall be located in either a locker, or in a rack suitable for secure locks, and shall require location approval by the City Traffic Engineer and Zoning Officer.
 - 2. Bicycle parking shall be located in accordance to the Design Review Guidelines and other design specifications promulgated by the Transportation Division.

<u>Section 15:</u> That Berkeley Municipal Code Section 23.502.020.L.14-20 are amended to read as follows:

- **14. Lot Area.** The total horizontal area within a lot's boundary lines.
 - a. Lot Area in R-BMU Only: The total horizontal area within a lot's boundary lines, minus the square footage of the footprints of any buildings, facilities or equipment that are, or shall be, under the control of the San Francisco Bay Area Rapid Transit District (BART).
- **15. Lot Coverage.** See 23.106.020 (Lot Coverage).

- **16. Lot Depth.** The average distance from the front lot line to the rear lot line measured in the general direction of the side lines.
- **17. Lot Frontage.** That dimension of a lot's front lot line abutting on a street.
- **18.Lot Lines.** The boundaries between a lot and other property or the public right-of-way.
- **19. Lot Line, Front.** The shorter of the two intersecting lot lines along the rights-ofway of a corner lot shall be deemed to be the front of the lot for purposes of determining the lot frontage and for yard requirements. In the case of a lot having equal frontage, or in the case of an irregularly shaped lot, the Zoning Officer shall determine the front in such a manner as to best promote the orderly development of the immediate area.
- **20. Lot Width.** The average distance between the side lot lines measured at right angles to the lot depth.

<u>Section 16.</u> Objective design standards, including, but not limited to, BART station functionality, public realm, building form and massing (e.g. vertical and horizontal articulation) building facade design, and open space shall be presented to the Council for adoption pursuant to the Memorandum of Agreement between the City and the San Francisco Bay Area Rapid Transit District ("BART") approved by City Council and the BART Board, respectively, in June 2022.

<u>Section 17.</u> 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.

Page 27 of 29

At a special meeting of the Council of the City of Berkeley held on June 2, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

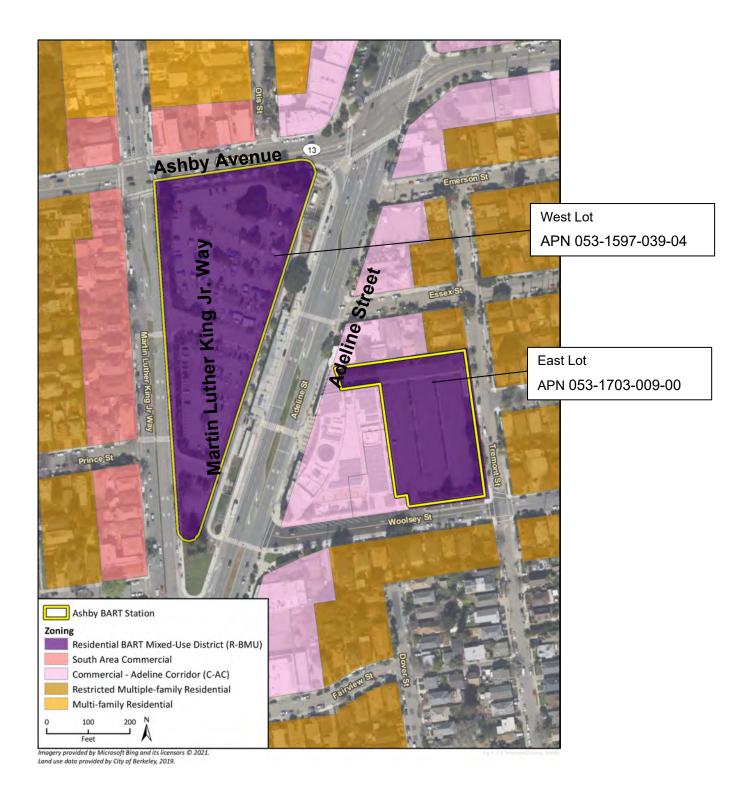
Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

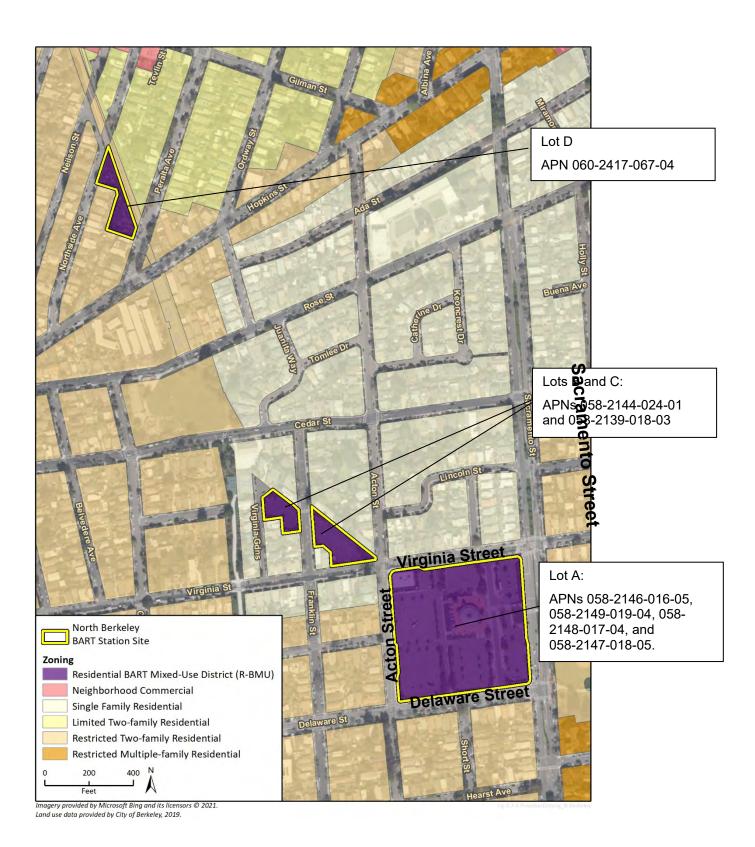
Noes: None.

Exhibit A: Proposed Zoning Maps

1. Ashby BART Site: Residential - BART Mixed Use



2. North Berkeley BART Site: Residential - BART Mixed Use



Ordinance No. 7,815-N.S.

ORDINANCE NO. 7,816-N.S.

SETTING THE FISCAL YEAR 2023 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE STREET AND WATERSHED IMPROVEMENTS GENERAL OBLIGATION BONDS (MEASURE M, NOVEMBER 2012 ELECTION) IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 tax rate for debt service on the General Obligation Bonds is set at 0.0075%.

<u>Section 2.</u> The Tax Rate will be based on the estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2023 property tax bill.

<u>Section 3.</u> This Tax Rate will result in estimated total collections of \$1,800,000 needed to make the March 1, 2023 and September 1, 2023 debt service payments on the outstanding General Obligation Bonds.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,817-N.S.

SETTING THE FY 2023 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE NEIGHBORHOOD BRANCH LIBRARY IMPROVEMENTS PROJECT GENERAL OBLIGATION BONDS (MEASURE FF, NOVEMBER 2008 ELECTION) IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 tax rate for the debt service on the General Obligation Bonds is set at 0.0058%.

<u>Section 2.</u> The Tax Rate will be based on the estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2023 property tax bill.

<u>Section 3.</u> This Tax Rate will result in estimated total collections of \$1,350,000 needed to make the March 1, 2023 and September 1, 2023 debt service payments on the outstanding General Obligation Bonds.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,818-N.S.

SETTING THE FY 2023 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE 2015 REFUNDING GENERAL OBLIGATION BONDS

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

<u>Section 1.</u> The FY 2023 Tax Rate for the debt service on the 2015 Refunding General Obligation Bonds - Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0130%.

<u>Section 2.</u> The Tax Rate will be based on estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2023 property tax bill.

<u>Section 3.</u> This Tax Rate will result in estimated total collections of \$3,100,000 needed to make the March 1, 2023 and September 1, 2023 debt service payments on Refunding General Obligation Bonds.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arrequin.

Noes: None.

ORDINANCE NO. 7,819-N.S.

SETTING THE FISCAL YEAR 2023 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE AFFORDABLE HOUSING GENERAL OBLIGATION BONDS (MEASURE O, NOVEMBER 2018 ELECTION) IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 tax rate for debt service on the General Obligation Bonds is set at 0.0200%.

<u>Section 2.</u> The Tax Rate will be based on the estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2023 property tax bill.

<u>Section 3.</u> This Tax Rate will result in estimated total collections of \$4,600,000 needed to make the March 1, 2023 and September 1, 2023 debt service payments on the proposed General Obligation Bonds.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,820- N.S.

SETTING THE FY 2023 MUNICIPAL TAX RATE FOR THE CITY OF BERKELEY FOR BUSINESS LICENSE TAX ON LARGE NON-PROFITS

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

<u>Section 1.</u> The rate of tax for the FY 2023 business license tax on large non-profits is as follows:

\$0.7573 per square foot of improvements over 120,000 square feet

Section 2. This tax rate will result in estimated total collections of \$548,766.

<u>Section 3</u>. This Ordinance shall take effect and be in full force from and after its final passage.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,821-N.S.

SETTING THE FISCAL YEAR 2023 SPECIAL TAX RATE TO FUND THE PROVISION OF EMERGENCY MEDICAL SERVICES FOR THE CITY OF BERKELEY

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

<u>Section 1</u>. The FY 2023 Tax Rate for Emergency Medical Services is set at \$0.0433 per square foot of taxable improvements.

<u>Section 2</u>. The cost to taxpayers during FY 2023 will be \$51.96 for a 1,200 square foot home and \$129.90 for a 3,000 square foot home.

Section 3. This tax rate will result in estimated total collections of \$3,562,620.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,822-N.S.

SETTING THE FISCAL YEAR 2023 SPECIAL TAX RATE TO FUND FIREFIGHTING, EMERGENCY MEDICAL RESPONSE AND WILDFIRE PREVENTION (MEASURE FF) IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 tax rate to provide for the costs incurred for the firefighting, emergency medical response and wildfire prevention (Measure FF) is set at \$0.1126 per square foot of improvements.

<u>Section 2.</u> The cost to taxpayers during FY 2023 will be \$135.12 for a 1,200 square foot dwelling and \$337.80 for a 3,000 square foot dwelling.

Section 3. This tax rate will result in estimated total collections of \$8,604,000.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,823-N.S.

SETTING THE FISCAL YEAR 2023 SPECIAL TAX RATE TO FUND MAINTENANCE OF PARKS, CITY TREES AND LANDSCAPING IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 Tax Rate for the maintenance of parks, City trees and landscaping is set at \$0.2039 per square foot of taxable improvements.

<u>Section 2</u>. The cost to the taxpayer during FY 2023 will be \$244.68 for a 1,200 square foot home and \$611.70 for a 3,000 square foot home.

Section 3. This Tax Rate will result in estimated total collections of \$16,791,663.

<u>Section 4</u>. The tax imposed by this ordinance does not apply to any property owner whose total personal income, from all sources for the previous calendar year, does not exceed that level which shall constitute a very low income, as established by resolution of City Council.

<u>Section 5.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,824-N.S.

SETTING THE FISCAL YEAR 2023 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE INFRASTRUCTURE AND FACILITIES IMPROVEMENTS GENERAL OBLIGATION BONDS (MEASURE T1, NOVEMBER 2016 ELECTION) IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 tax rate for debt service on the General Obligation Bonds is set at 0.0160%.

<u>Section 2.</u> The Tax Rate will be based on the estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2023 property tax bill.

<u>Section 3.</u> This Tax Rate will result in estimated total collections of \$3,800,000 needed to make the March 1, 2023 and September 1, 2023 debt service payments on the proposed General Obligation Bonds.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,825-N.S.

SETTING THE FISCAL YEAR 2023 SPECIAL TAX RATE TO FUND EMERGENCY SERVICES FOR THE SEVERELY DISABLED IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 Tax Rate to fund emergency services for severely disabled persons is set at \$0.01932 per square feet of improvements.

<u>Section 2</u>. The cost to taxpayers during FY 2023 will be \$23.18 for a 1,200 square foot home and \$57.96 for a 3,000 square foot home.

Section 3. This tax rate will result in estimated total collections of \$1,590,735.

<u>Section 4.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

ORDINANCE NO. 7,826-N.S.

SETTING THE FISCAL YEAR 2023 SPECIAL TAX RATE TO FUND FIRE PROTECTION AND EMERGENCY RESPONSE AND PREPAREDNESS (MEASURE GG) IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 Tax Rate for the Fire Protection and Emergency Response and Preparedness (Measure GG) is set at:

\$0.05818 per square foot of improvements for dwellings \$0.08804 per square foot of improvements for all other properties

<u>Section 2.</u> The cost to taxpayers during FY 2023 will be \$69.81 for a 1,200 square foot dwelling and \$174.54 for a 3,000 square foot dwelling.

<u>Section 3.</u> This tax rate will result in estimated total collections of \$5,371,488.

<u>Section 4</u>. The tax imposed by this ordinance does not apply to any property owner whose total personal income, from all sources for the previous calendar year, does not exceed that level which shall constitute a very low income, as established by resolution of City Council.

<u>Section 5.</u> 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.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

Absent: None.

ORDINANCE NO. 7,827-N.S.

SETTING THE FISCAL YEAR 2023 SPECIAL TAX RATE TO FUND LIBRARY SERVICES TAX IN THE CITY OF BERKELEY

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

<u>Section 1.</u> The FY 2023 Tax Rate to support usual and current expenses of operating library services is set at \$0.2583 per square foot for dwelling units and \$0.3906 per square foot for industrial, commercial and institutional buildings.

<u>Section 2</u>. The cost to taxpayers during FY 2023 will be \$387.45 for a 1,500 square foot dwelling and \$585.90 for all other property of similar size.

Section 3. This tax rate will result in estimated total collections of \$23,837,768.

<u>Section 4</u>. The tax imposed by this ordinance does not apply to any property owner whose total personal income, from all sources for the previous calendar year, does not exceed that level which shall constitute a very low income, as established by resolution of City Council.

<u>Section 5</u>. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 14, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf,

and Arreguin.

Noes: None.

Absent: None.



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Farimah Faiz Brown, City Attorney

Subject: Resolution Reviewing and Ratifying the Proclamation of Local

Emergency Due to the Spread of a Severe Acute Respiratory Illness

Caused by a Novel (New) Coronavirus (COVID-19)

RECOMMENDATION

Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, and May 10, 2022.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. The Proclamation of Local Emergency empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section

2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

Pursuant to Government Code section 8630(c), the City Council must review the need for continuing the local emergency at least once every sixty (60) days. The Council last reviewed and ratified the Proclamation of Local Emergency on May 10, 2022. The Council therefore must review the continuing need for the local emergency by July 9, 2022.

This item requests that the Council review the continued need for the local emergency and again ratify the Proclamation of Local Emergency issued on March 3, 2020, initially ratified by the Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, and May 10, 2022. If reviewed and ratified on June 28, 2022, the Council will need to again review and ratify the proclamation by August 27, 2022 in order to continue the local emergency.

If at any time the Council determines that the need for continuing the local emergency has ended, state law directs the Council to terminate the local emergency at the earliest possible date that conditions warrant. (Cal. Gov. Code section 8630(d).)

BACKGROUND

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

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

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 4,955 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley.

Since April 2021, the highly transmissible SARS-CoV-2 B.1.617.2 ("Delta") variant has been detected in the City of Berkeley and is contributing to substantial levels of community transmission.

The City Council has subsequently reviewed and ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, and May 10, 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS Not applicable.

RATIONALE FOR RECOMMENDATION

The Resolution would enable the Director of Emergency Services to continue to efficiently allocate resources due to the ongoing and imminent threat to public safety.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000 Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

RESOLUTION REVIEWING AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630, such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 3, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, Government Code section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every sixty (60) days; and

WHEREAS, the City Council subsequently reviewed the need for continuing the local emergency and again ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, and May 10, 2022; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 13,000 confirmed cases of COVID-19 and at least 61 deaths in the City of Berkeley, thereby warranting and necessitating the continuation of the local emergency; and

WHEREAS, the City Council will need to again review the need for continuing the local emergency and ratify the Proclamation of Local Emergency by August 27, 2022;

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

WHEREAS, on July 16, 2021, in light of the apparent increased transmissibility of the Delta variant, the City of Berkeley recommended that all individuals including fully vaccinated persons wear masks in public indoor settings; and

WHEREAS, on July 26, 2021, the California State Health Officer issued an order requiring vaccination or routine testing of all employees working in high-risk health care and congregate settings, in light of the fact that current requirements of staff in health care settings, such as universal mask requirements for all staff are not proving sufficient to prevent transmission of the more transmissible Delta variant; and

WHEREAS, on July 27, 2021, the CDC updated its guidance for fully vaccinated persons to reflect new evidence regarding the Delta variant, noting that "[i]nfections in fully vaccinated people (breakthrough infections) happen in only a small proportion of people who are fully vaccinated, even with the Delta variant"; and

WHEREAS, on August 2, 2021, the Health Officer for the City of Berkeley issued an order requiring all individuals to wear masks in all indoor public settings; and

WHEREAS, on August 5, 2021, the California State Health Officer issued an order requiring that workers in healthcare settings be fully vaccinated by September 30, 2021; and

WHEREAS, on August 11, 2021, the City announced its intention to implement a vaccination policy for City employees to protect the health and safety of the City of Berkeley's employees and community members from the imminent and substantial threat to public health and safety posed by the Delta variant; and

WHEREAS, on September 14, 2021, given the increased and unforeseen risk posed by the Delta variant, as compared to earlier variants of the COVID-19 virus previously present in the City of Berkeley, the City Council found that a Citywide vaccination policy protects public health and reduces the risk of substantial harm to City staff and community members that could result from workplace outbreaks caused by the Delta variant; and

WHEREAS, on September 14, 2021, given the urgency posed by the highly transmissible nature of the Delta variant, the City Council recognized the variant's existence as creating an emergency of grave character and as warranting immediate adoption of a Citywide vaccination policy.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the City Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, and May 10, 2022, has been reviewed and is hereby again ratified and confirmed; and

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Berkeley.



To: Honorable Mayor and Members of the City Council

Madame City Manager

From: Farimah Faiz Brown, City Attorney

Subject: Resolution Making Required Findings Pursuant to the Government

Code and Directing City Legislative Bodies to Continue to Meet Via

Videoconference and Teleconference

RECOMMENDATION

Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, and May 31, 2022.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

The City Council made the initial findings required under the Government Code on September 28, 2021. The Council must make the findings every thirty days in order to continue to meet exclusively through video conference or teleconference.

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88.040, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. On March 10, 2020, the City

Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public. These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 will expire on September 30, 2021.

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

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

Assembly Bill 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, amended a portion of the Brown Act (Government Code Section 54953) to authorize the City Council, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore City legislative bodies must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the City Council must review and ratify such a determination every thirty (30) days. Therefore, if the Council passes this resolution on June 28, 2022, the Council will need to review and ratify the resolution by July 28, 2022.

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

and teleconference, and that City legislative bodies shall continue to comply with all provisions of the Brown Act, as amended by SB 361.

BACKGROUND

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS Not applicable.

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVE ACTIONS CONSIDERED None.

CONTACT PERSON

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

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

RESOLUTION NO. -N.S.

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

WHEREAS, in accordance with Berkeley Municipal Code section 2.88.040 and sections 8558(c) and 8630 of the Government Code, which authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a City exist, the City Manager, serving as the Director of Emergency Services, beginning on March 3, 2020, did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

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

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

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

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

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

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

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

WHEREAS, the City Council made the initial findings required by the Government Code on September 28, 2021; and

WHEREAS, the City Council made subsequent findings required by the Government Code on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, and May 31, 2022; and

WHEREAS, the City Council will need to again review the need for the continuing necessity of holding City legislative body meetings via videoconference and teleconference by July 28, 2022.

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

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

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



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Deputy City Manager, City Manager's Office

Subject: Extension of Interim Director of Police Accountability Appointment

RECOMMENDATION

Adopt a Resolution extending the appointment of Katherine J. Lee to be Interim Director of Police Accountability and approving an employment contract to be effective July 1, 2022 at an annual salary of \$182,260.65.

FISCAL IMPACTS OF RECOMMENDATION

The salary and benefits for the Interim Director of Police Accountability are included in the FY 2022 Proposed Budget for the newly-established Office of the Director of Police Accountability. The annual salary for Ms. Lee is \$182,260.65, which is within the salary range for the position that was approved by City Council on May 25, 2021.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to Resolution 69,531–N.S. that was adopted by the City Council on July 28, 2020, city staff has taken the following action so that the Police Accountability Board can commence its work on July 1, 2021:

- Issued an application to solicit community interest in the Police Accountability Board ("Board") and on June 1, 2021, the Mayor and City Council adopted Resolution 69,916-N.S. consisting of appointments of the nine (9) members to the Board.
- On May 25, 2021, the City Council adopted Resolution amending Resolution 69,538-N.S. to establish the unrepresented classification of Director of Police Accountability with a monthly salary range of \$11,862.93 - \$17,794.40, effective May 25, 2021.

City staff are in the process of hiring an Executive Recruitment firm to assist the City in filling the Director of Police Accountability on a permanent basis. It is anticipated that the recruitment will take approximately six (6) months. Until the recruitment process is complete and City Council has appointed an individual to serve as the permanent Director of Police Accountability, City Council is being asked to approve the attached

resolution appointing Katherine J. Lee as the Interim Director of Police Accountability. The Interim will serve at the pleasure of City Council.

Ms. Lee is well qualified to serve as the City's Interim Director of Police Accountability. She has an extensive background in civilian police oversight and public administration and has been recognized by the National Association for Civilian Oversight for Law Enforcement as a Certified Practitioner of Oversight. In addition, Ms. Lee has served the City of Berkeley capably and well for more than 30 years, serving as a Deputy City Attorney in the City Attorney's Office, a Senior Hearing Examiner at the Rent Board, and for the last six (6) years as the Police Review Commission Officer for the Police Review Commission. Finally, Ms. Lee received a law degree from the Georgetown University Law Center and her undergraduate degree from the University of California, Berkeley.

The attached Agreement provides that Ms. Lee shall serve as Interim Director of Police Accountability for one (1) month commencing on July 1, 2022 and that she shall serve as the Interim Director of Police Accountability until the City Council either acts to appoint a Director of Police Accountability or terminates her interim appointment. Should the City Council determine that it will not retain Ms. Lee as Interim Director of Police Accountability, then Ms. Lee's release would constitute a layoff and she would be entitled to exercise her rights under Section 10.8 of the Unrepresented Employee Manual regarding Employee Retreat Rights. Pursuant to the Agreement, Ms. Lee shall receive an annual salary of \$182,260.65, which is within the salary range for the Director of Police Accountability approved by the City Council.

BACKGROUND

In 1973, a ballot measure was adopted to establish a Police Review Commission for the community to participate in setting Police Department policies, practices, and procedures and to provide a means for investigation of complaints against sworn employees of the Police Department. The existing Police Review Commission consists of nine (9) commissioners that are appointed by the Mayor and City Council, and is supported by three (3) full-time equivalent employees.

On November 3, 2020, Berkeley voters adopted Measure II, a Charter Amendment that established the Office of the Director of Police Accountability that consists of a new position, Director of Police Accountability, and the Police Accountability Board. The Police Accountability Board replaces the existing Police Review Commission.

Pursuant to Measure II, the purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department. The Director of Police Accountability, a position to be filled by the City Council at a noticed public meeting, is

responsible for investigating complaints filed against sworn employees of the Berkeley Police Department, carrying out the work of the Police Accountability Board, and overseeing the day-to-day operations of the Office of the Director of Police Accountability, amongst other responsibilities as outlined in Measure II. Both the Police Accountability Board and Director of Police Accountability are independent of the City Manager, except for administrative purposes, and report to the Mayor and City Council.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts from the action being requested by City Council.

RATIONALE FOR RECOMMENDATION

Ms. Lee has an extensive background in civilian police oversight and public administration and as a long-standing employee with the City, she is well qualified to assume the responsibilities of the Interim Director of Police Accountability and will ensure a seamless transition from the Police Review Commission to the Office of the Director of Police Accountability.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

LaTanya Bellow, Deputy City Manager, City Manager's Office, (510) 981-7012

Attachments:

1: Resolution

[Type here] [Type here] [Type here]

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

APPOINTMENT OF KATHERINE J. LEE AS INTERIM DIRECTOR OF POLICE ACCOUNTABILITY

WHEREAS, Section 125 of the City Charter provides that the Director of Police Accountability shall be appointed by the City Council to implement Measure II adopted on November 3, 2020, oversee the operations of Office of the Director of Police Accountability and carryout the work of the Police Accountability Board; and

WHEREAS, Katherine J. Lee has an extensive background in civilian police oversight and public administration and has been recognized by the National Association for Civilian Oversight for Law Enforcement as a Certified Practitioner of Oversight; and

WHEREAS, Ms. Lee received her law degree from the Georgetown University Law Center and her undergraduate degree from the University of California, Berkeley; and

WHEREAS, Ms. Lee has served the City of Berkeley capably and well for more than 30 years, serving as a Deputy City Attorney in the City Attorney's Office, a Senior Hearing Examiner at the Rent Board, and for the last six (6) years as the Police Review Commission Officer for the Police Review Commission.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that that it hereby appoints Katherine J. Lee as the Interim Director of Police Accountability, effective July 1, 2022, on the terms and conditions set forth in the contract attached hereto as Exhibit A.

Exhibit

A: Agreement by and between the City of Berkeley and Katherine J. Lee

93

AGREEMENT

This Agreement is entered into on June 28, 2022 between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California ("City") and KATHERINE J. LEE, ("Lee") collectively "the parties."

This Agreement is made with reference to the following facts and objectives:

The Charter of the City of Berkeley, Section 125, vests the City Council with the sole authority to employ a Director of Police Accountability; and the City Council desires to employ KATHERINE J. LEE as the Interim Director of Police Accountability of the City of Berkeley for a six-month period or until such time as the Council appoints a Director of Police Accountability or terminates Lee's Interim appointment.

THEREFORE, in consideration of mutual promises and covenants set forth below, the parties agree as follows:

1. COMMENCEMENT AND TERMINATION OF EMPLOYMENT

- a. The City Council hereby employs Lee as the Interim Director of Police Accountability, and she hereby accepts employment as the Interim Director of Police Accountability for a period of one month commencing on July 1, 2022. Lee shall continue to serve as Interim Director of Police Accountability until such time as the Council either takes action to appoint a Director of Police Accountability, or terminates her Interim appointment.
- b. Pursuant to Charter section 125, Lee shall serve at the pleasure of the Council and may be removed from office by a two-thirds vote of the City Council with or without cause.

2. DUTIES

a. Lee shall carry out the functions and duties of the position of the Director of Police Accountability in a manner consistent with the Charter of the City of Berkeley and such other laws and regulations as may be applicable.

3. COMPENSATION

- a. As compensation for services rendered under this contract, Lee shall receive an annual salary of \$182,260.65. Said salary shall be paid on the dates and in the manner consistent with the payroll procedures in use for City of Berkeley career employees.
- b. In addition, Lee shall receive such employee benefits as are payable to the City's regular-at-will employees under the City's Unrepresented Employee Manual, and any cost of living increases Council approves for regular at-will employees.

Resolution No. Page 1 of 3

- c. During the period Lee serves as Interim Director of Police Accountability, if the Council determines that it will not retain Lee as Interim Director of Police Accountability, then Lee's release shall constitute a layoff and Lee shall be provided the opportunity to exercise her rights under Section 10.8 of the Unrepresented Employee Manual regarding Employee Retreat Rights. Lee shall not be entitled to exercise her rights under Section 10.8 of the Unrepresented Employee Manual regarding Employee Retreat Rights if the Council terminates Lee from her position as Interim Director of Police Accountability for-cause.
- d. Notwithstanding the provisions of Section 3.c, in the event the Council terminates Lee based on conviction of, or no contest plea to, a felony or any crime involving moral turpitude or personal gain, Lee shall not be entitled to return to her prior position as Police Review Commission Officer and shall be entitled only to such salary accrued to the date of termination, and such other termination benefits and payments as are required bylaw.

4. LEAVE

a. Lee shall be entitled to such paid leave as that received by all other regular at-will employees under the City's Unrepresented Manual and will continue to accrue such leave at the same rates as she accrued in the position of Police Review Commission Officer.

5. AMENDMENT

a. The City Council and Lee may at any time mutually agree to amend or terminate this Agreement. Any such agreement shall bein writing.

6. ENTIRE AGREEMENT

a. This Agreement supersedes any other agreements, written or oral, expressed or implied, between the City of Berkeley and Lee.

7. GOVERNING LAW

a. This Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Agreement which shall be effective upon approval by the City Council.

By
Hon. Jesse Arreguin,
Mayor

Resolution No. Page 2 of 3 94

Page 7 of 8

KATHERINE J. LEE	
By	
Katherine J. Lee	

Resolution No. Page 2 of 3 95

Page 8 of 8

CITY OF BERKELEY
Approved as to form:
By
Farimah Faiz Brown,
City Attorney

Resolution No. Page 3 of 3 96



Office of the City Manager

CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of May 5 (closed and special), May 10 (regular), May 17 (closed), May 24 (regular) and May 31 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

- 1. May 5, 2022-Closed Council Meeting
- 2. May 5, 2022-Special Council Meeting
- 3. May 10, 2022-Regular Council Meeting
- 4. May 17, 2022-Closed Council Meeting
- 5. May 24, 2022-Regular Council Meeting
- 6. May 31, 2022-Regular Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, MAY 5, 2022 3:30 P.M.

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – TERRY TAPLIN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL https://us02web.zoom.us/j/88320965147. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257** (**Toll Free**); enter Meeting ID: **883 2096 5147**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

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

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

98

Preliminary Matters

Roll Call: 3:35 p.m.

Present: Kesarwani, Wengraf, Robinson, Droste, Arreguin

Absent: Taplin, Bartlett, Harrison, Hahn

Councilmember Hahn present at 3:48 p.m.

Councilmember Taplin present at 3:48 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Don Ellison, Interim Human Resources Director.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employees Union Local 1, Unrepresented Employees, Berkeley Police Association.

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

a. Secure Justice v. City of Berkeley; Case No. 21CV003630

Action: Item removed from the agenda by the City Attorney.

OPEN SESSION:

No reportable action.

Adjournment

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

Vote: Ayes – Taplin, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None;

Absent – Kesarwani, Bartlett, Harrison, Droste.

Councilmember Droste absent at 3:56 p.m.

Adjourned at 3:58 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 5, 2022.

Mark Numainville, City Clerk

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable emergency Executive Orders issued by the Governor. Any member of the public may participate in the public comment portion of this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6346(V) or (510) 981-7075 (TDD) at least three business days before the meeting date.



MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Thursday, May 5, 2022 6:00 PM

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – TERRY TAPLIN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL https://us02web.zoom.us/j/81580825926. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and enter Meeting ID: **815 8082 5926.** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

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

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

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

Preliminary Matters

Roll Call: 6:03 p.m.

Present: Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Taplin

Councilmember Taplin present at 6:04 p.m.

Councilmember Kesarwani present at 6:13 p.m.

Action Calendar - New Business

Action: M/S/C (Arreguin/Harrison) to add the urgent item from Councilmember Robinson to the agenda and make the required findings under the Government Code. **Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani.

Urgency Item: Resolution Supporting the Reintroduction of a Mask Mandate on AC Transit

From: Councilmember Rigel Robinson, Mayor Jesse Arreguin

Recommendation: Adopt a Resolution calling on the AC Transit Board of Directors to reconsider its decision and readopt a mask mandate for the AC Transit system, and calling on the health officers of Alameda, Contra Costa, San Mateo, Santa Clara, and San Francisco to mandate mask wearing on all public transit systems.

Action: 4 speakers. Councilmembers Wengraf and Harrison added as co-sponsors. M/S/C (Robinson/Arreguin) to adopt Resolution No. 70,333-N.S. calling on the AC Transit Board of Directors to reconsider its decision and readopt a mask mandate for the AC Transit system, and calling on the health officers of Alameda, Contra Costa, San Mateo, Santa Clara, and San Francisco to mandate mask wearing on all public transit systems.

Vote: All Ayes.

Action: M/S/C (Robinson/Arreguin) to adopt a temporary rule to set the speaker time at one-minute per speaker.

Vote: All Ayes.

Action: M/S/C (Robinson/Wengraf) to accept supplemental material from

Councilmember Droste.

Vote: All Ayes.

1a. Fulfilling the Promise of Berkeley's Reimagining Public Safety Initiative:
Recommendations for a Comprehensive, Phased Approach
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor),
Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Action Calendar - New Business

Recommendation:

To continue the study and implementation of a comprehensive, new approach to public safety and policing in Berkeley, responsive to the City Council's unanimous July 14, 2020 direction for a transformative approach to community-centered safety with equitable investment in the essential conditions of a safe and healthy community:

- 1. Refer up to \$5.3 Million to the FY 2023-2024 Budget Process for staff and/or consulting services and community investments to complete the Priority Reimagining Public Safety Initiatives listed in Attachment 1, Section A to the report.
- Direct the City Manager to prioritize over the next two years the programmatic recommendations for Phase 1 of Reimagining Implementation listed in Attachment 1, Section B to the report.
- 3. Direct the City Manager to initiate a design process for an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration, as outlined in Attachment 1, Section C to the report, and return with recommendations to the City Council by May 2024 to align with the FY 25-26 Biennial Budget process.
- 4. Except where resources may allow for expedited implementation, refer additional reforms to the FY 2025-2026 Biennial Budget as outlined in Attachment 1, Section D to the report.

Financial Implications: See report

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

Action: M/S/Failed (Droste/Wengraf) to adopt the proposal submitted by Councilmembers Droste, Taplin, Wengraf, and Kesarwani.

Vote: Ayes – Kesarwani, Taplin, Wengraf, Droste; Noes – Bartlett, Harrison, Hahn, Robinson, Arreguin.

Action: 56 speakers. M/S/Carried (Arreguin/Harrison) to approve Item 1a from Mayor, Bartlett, Hahn and Harrison, with the following amendments:

- 1) to refer the budget process the City Manager's Police re-staffing proposal as presented in the City Manager Reimagining Public Safety Report. (181 positions, with 5 deferred)
- 2) refer to the budget process the proposed Dispatch positions in the amount of \$926,710 (4 Dispatch Positions, 1 Supervisor)
- 3) Refer to fully fund the Office of Race, Equity and Diversity in the amount of \$479.540
- 4) As part of permanent decision on an SCU in FY 25-26, evaluate bringing the program internally within the City organization to be staffed by City of Berkeley staff, including exploring medical and mental health models and also refer for consideration a community paramedicine model similar to the MIP launched by the Berkeley Fire Department, in addition to all other ideas.

Action Calendar - New Business

Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Kesarwani, Droste.

1b. Response to Reimagining Public Safety Recommendations From: Councilmember Taplin (Author) Recommendation:

- 1. Adopt the City Manager's April 2022 recommendations for Reimagining Public Safety with the following revisions, and;
- 2. Refer to the City Manager's office establishment of an Office of Racial Equity to aid in the implementation:

Policy Recommendation amendments

- -"Implement the Specialized Care Unit Pilot using all of the recommendations of the consultant and the SCU Steering Committee as a road map"; Add: with regular review of performance metrics and service evaluations.
- -"Continue to plan for a civilian traffic enforcement unit, both by informing the content of state law changes to enable such a unit, and by developing an implementation plan once state law does change"; Revise: Conduct a feasibility analysis of a non-sworn auxiliary traffic enforcement unit, including comprehensive analysis of any and all traffic violations and dangerous road behavior that may be safely addressed entirely by a civilian unit.
- -"Approve a new Vision Zero staff position in Public Works' Division of Transportation to conduct collision analysis"; Add: and to study extent of feasibility and scope of potential civilian enforcement pilot, implementation of Vision Zero and Berkeley Department of Transportation and Infrastructure department structuring models to advance engineering-first solutions to traffic safety with a racial justice and social equity lens.
- -"Develop additional capabilities to address public safety goals with appropriate response level"; Revise: Develop additional capabilities to address root causes of crime and violence, including reduction of poverty and recidivism through a Guaranteed Income pilot program and City employment opportunities for formerly incarcerated individuals, and locally-based Crisis Stabilization. In addition, the City Manager's Office, and subsequently an Office of Racial Equity as appropriate, shall periodically report on performance metrics, administrative capacity, and fiscal sustainability for partnering CBOs and other NGOs performing violence prevention services, mental health crisis responses, and any other services under the auspices of Reimagining Community Safety.

Budget Recommendation amendments

-Consulting services - \$650k amended to: Office of Racial Equity Associate Management Analyst (1) to oversee a Guaranteed basic income pilot, city employment opportunities for formerly incarcerated, and support position (1) to conduct structural assessment and administrative capacity building for CBO partners- \$480k; Consulting services for Priority Dispatch, Call Data Analysis for Crisis Stabilization - \$170k.

-Add: Vision Zero analyst - \$200k **Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: See action noted in Item 1a.

Action Calendar - New Business

1c. Discussion and Possible Action on Budget Referrals and Direction on Reimagining Public Safety including Consideration of the Recommendations of the National Institute for Criminal Justice Reform (NICJR), Reimagining Public Safety Task Force, and City Manager's Report on Reimagining Public Safety (Materials from April 21, 2022 and March 10, 2022 meetings.)

Recommendation: Discuss and provide direction on recommendations to transform

public safety and policing in Berkeley.

Action: No action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:58 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on May 5, 2022.

Mark Numainville, City Clerk

Communications

Discussion and Possible Action on Budget Referrals and Direction on Reimagining Public Safety including Consideration of the Recommendations of the National Institute for Criminal Justice Reform (NICJR), Reimagining Public Safety Task Force, and City Manager's Report on Reimagining Public Safety

Fulfilling the Promise of Berkeley's Reimagining Public Safety Initiative: Recommendations for a Comprehensive, Phased Approach

Response to Reimagining Public Safety Recommendations

- 1. Clara de Martel
- 2. Brian Hinch
- 3. Sara Beth Hoffman
- 4. Collin Thormoto
- 5. Sunny Smith
- 6. Kelsey Reid
- 7. Liz Wagstaffe
- 8. Sarah Openheim
- 9. Jessica Stern
- 10. Mary-Lee Smith
- 11. Diana Bohn

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

- 1a. Fulfilling the Promise of Berkeley's Reimagining Public Safety Initiative: Recommendations for a Comprehensive, Phased Approach
- 1b. Response to Reimagining Public Safety Recommendations
- 1c. Discussion and Possible Action on Budget Referrals and Direction on Reimagining Public Safety including Consideration of the Recommendations of the National Institute for Criminal Justice Reform (NICJR), Reimagining Public Safety Task Force, and City Manager's Report on Reimagining Public Safety
- 12. Supplemental material for 1a, submitted by Councilmember Droste, Kesarwani, Taplin and Wengraf
- 13.69 similarly-worded form letters (Critical to the safety of our community)
- 14.24 similarly-worded form letters (Unfreeze the BPD)
- 15. Jean Tepperman
- 16. Raye Kahn
- 17. Susan Payne
- 18. Robin
- 19. Barbara Freeman
- 20. Antony Lepire
- 21. Michael Lewis
- 22. Ellen Goldblatt
- 23. Ann Krooth
- 24. David Biale
- 25. Rod Richardson
- 26. John Rice
- 27. Cynthia Larson
- 28. Dave Kent
- 29 Joann Driscoll
- 30. John Chater
- 31. Barbara Cohn
- 32. Les Guliasi
- 33. Susan Nunes
- 34. Rachel Biale
- 35. Darya Kavitskaya
- 36. Ryn Singley
- 37. Doug Kidder
- 38. Julie Elis
- 39. Katherine Brown
- 40. Mary Stats
- 41. David Browne
- 42. Natalie Leimkuhler
- 43. Naomi Pearce
- 44. David Feiten
- 45. Matt Jarvis
- 46. John Damonte
- 47. Don Ichino
- 48. Michael Parman
- 49. Mary B
- 50. William Foley

- 51. Fran Haselsteiner
- 52. Eric Haesloop
- 53. Crystal Brunzell
- 54. Teresa Clarke
- 55. Kyra Subbotin
- 56 Barbara Gross Davis
- 57. Jeff and Laurin Vincent
- 58. Marlon Maus
- 59. Nathan Francis
- 60. Jesse Arreguin, Mayor (2)
- 61. David Glenn
- 62. Katherine Young
- 63. Christopher Horgan
- 64. Patricia Adler
- 65. Anna Urrea

Supplemental Communications and Reports 3

- 66. Presentation, submitted by Mayor Arreguin
- 67. Supplemental material, submitted by Councilmember Droste
- 68. 102 similarly-worded form letters (Critical to the safety of our community)
- 69.51 similarly-worded form letters (Unfreeze the BPD)
- 70. David Glenn and Karen Fagerstrom
- 71. Elizabeth Jordan
- 72. Alice Feller (2)
- 73. Kitt Saginor
- 74. Elizabeth Ferguson
- 75. Micahel Katz
- 76. Rhoda Alvarez
- 77. Sabinadale
- 78. Geoff Lomax
- 79. Lucinda Reinold
- 80. Cat Zavis
- 81. Elizabeth Snowden and Charles Smith
- 82. Jeremy Lent
- 83. Jennifer Dix
- 84. Alicia Moore
- 85. Mark Rhoades
- 86. Ellen Archilla
- 87. Dan Brown
- 88. Mary Thomas
- 89. Michael Frantz
- 90. Joan Garvin
- 91. Patty Brink
- 92. James T. Nelson
- 93. Michael Richards
- 94. Laura Louis
- 95. Rosalyn and Thomas Jamison
- 96. Michael Scandling
- 97. Katya Stoakes
- 98. Elana Auerbach

- 99. Don Hubbard
- 100. Sharon Solkowitz and Bob Iding
- 101. Jeanne Courtney
- 102. Ted Obbard
- 103. Gail Machlis
- 104. Hillary Worthen
- 105. Marsha Weintraub and Stuart Hellman
- 106. Mori Costantino
- 107. Lori Berlin
- 108. Nancy Rader
- 109. Vanessa Moraga
- 110. Ariel Lev
- 111. Stanley Goldberg
- 112. Tam Crane
- 113. Rob Yohai
- 114. Steven Castleberry
- 115. Richard King
- 116. Rae Tau
- 117. Mark Son-Bell
- 118. Jack Kurzweil
- 119. Richard Van Sluyters
- 120. Robert Dixon
- 121. Charles Benton
- 122. Marc Pilsuk
- 123. Elb Souders
- 124. William Springer
- 125. Jane Scantlebury
- 126. Donald Rothberg
- 127. Paku Khan
- 128. Seena Hawley
- 129. Lura Dolas
- 130. Corinne Allen
- 131. Jenny Wenk
- 132. Wende Micco
- 133. Fred Krieger
- 134. Sherri Forever
- 135. Sally Nelson
- 136. Barbara Freeman
- 137. Barbara O'Hay
- 138. Isabelle Gaston
- 139. Wayne Huber
- 140. Joshua Schnoll
- 141. Richard Hiersch
- 142. Julianna Dickey
- 143. Katherine Pope
- 144. Josh Buswell-Charkow
- 145. Mariam Nathanson
- 146. Bessie Chin
- 147. Amanda Mozes
- 148. Wynd Kaufmyn
- 149. Katherine Bierce

- 150. Holly Scheider
- 151. Steve Scholl
- 152. Peter Lyndon
- 153. Shmuel Weissman
- 154. Peter Maag
- 155. Marjorie Winter
- 156. Paula Buel
- 157. Sara Gray
- 158. Jim Rosenau
- 159. Mary Ann Meany
- 160. Kevin Kelly
- 161. Patricia Kelly
- 162. Mark Lemkin
- 163. Fredda Cassidy
- 164. Ian Fraser
- 165. Scott Straus
- 166. Bruce Feingold
- 167. Kitty Calavita
- 168. Kristin Balder-Froid
- 169. Carlos Hill and Family
- 170. Dan Leaverton
- 171. JoAnn Lorber
- 172. Karima Cammell
- 173. Malcolm Ishida
- 174. Mary MacCready
- 175. Varun Paul
- 176. Lane McNab
- 177. Dana Bohn
- 178. Sunny Yoon
- 179. Joan Hamilton
- 180. George Torgun
- 181. Patrick Golier
- 182. Irene Brydon
- 183. Liza Lutzker, on behalf of Walk Bike Berkeley
- 184. Norm Vance
- 185. Sharon Rudnick
- 186. Matt Siefker
- 187. Debra Sanderson
- 188. Wendy Haven
- 189. Penny Dedel
- 190. Jennifer Wilks
- 191. David Schorr
- 192. Jake Teitelbaum
- 193. Aviva Gilbert
- 194. Aran Kaufer
- 195. CDN
- 196. Richard Bunce
- 197. Abbe Kalos
- 198. Gail Greenwood
- 199. John Gilbert
- 200. Margot Smith

- 201. Gaetan Micco
- 202. Antonia Sherry Nunez
- 203. CC Miksza (2)
- 204. Clyde Zhang
- 205. John Gilbert
- 206. Barbara Rydlander
- 207. Jane Musser
- 208. Jerry Skrainar
- 209. Alison and Avery Huetter
- 210. Matt Jacobs
- 211. John V.
- 212. Sondra Schlesinger
- 213. Andree Jones
- 214. Erick Allman
- 215. S. Entwistle
- 216. Kathy Skrainar
- 217. Michael O'Hare
- 218. Rivka Polanick
- 219. Jed Waldman
- 220. Steve Kromer
- 221. Justin Lee
- 222. Alan Block
- 223. Eric Angress
- 224. Tim Kingston
- 225. Eugene Bolotin
- 226. Terry Toczynski
- 227. Pat Reilly
- 228. Christian Rauh
- 229. Harald Leventhal
- 230. Judy Dale
- 231. Blair Dean
- 232. Adolfo Cabral
- 233. Lorenzo Avila
- 234. Kathleen Curran
- 235. Meryl Siegal
- 236. Diane Tokugawa
- 237. Wendy Alfsen
- 238. Alan Pearson
- 239. Denny Abrams
- 240. Jack & Sherry Delo
- 241. Ernie Mansfield
- 242. E. Anne Griffiths
- 243. Ann Rogers
- 244. Debbie Perkins-Kalama
- 245. Barrie Brouse
- 246. Susan Whitman
- 247. Joan Guilford
- 248. Jeffrev Heller
- 249. Ken Berland
- 250. Tamara Birdsall
- 251. Mary-Lee Kimber Smith

Page 15 of 79

- 252. David Skolnick
- 253. Todd Andrew
- 254. Dennis Mulqueeney
- 255. Charley Vallejo-Anderson
- 256. Doug Lindsey
- 257. Bob Hatheway
- 258. Nicole Shelby
- 259. Rhoda Alvarez
- 260. Janice Schroeder
- 261. Bill Press
- 262. William Goldsmith
- 263. Lynda Caesara
- 264. Audrey Burnam
- 265. Christopher Kohler
- 266. Beatriz Leyva-Cutler
- 267. Peter DiMaria
- 268. Igor Tregub
- 269. Sylvia Chapman
- 270. Dev and Harinder Dhanoa
- 271. Bruce Brody
- 272. Tim Daniels
- 273. Jason Martens
- 274. Anne Smith
- 275. Flora Lewis
- 276. Laura Schmidt
- 277. May Kandarian
- 278. MJ Baumann
- 279. Moni Law (2)

MINUTES BERKELEY CITY COUNCIL MEETING

Tuesday, May 10, 2022 6:00 PM

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

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – TERRY TAPLIN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

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

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

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx or http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx or http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx or http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx or http://www.cityofberkeley.granicus.com/MediaPlayer.php?publish_id=1244.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL https://us02web.zoom.us/j/87240656157. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and enter Meeting ID: **872 4065 6157**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

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

Preliminary Matters

Roll Call: 6:06 p.m.

Present: Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Taplin

Councilmember Kesarwani present at 6:10 p.m.

Councilmember Taplin present at 6:11 p.m.

Ceremonial Matters:

1. Recognition of May as Affordable Housing Month

2. Recognition of Cal Scholars to Berkeley - Stiles Hall

City Manager Comments:

The City Manager introduced and showed a new recruiting video for the Fire Department.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Robinson) to adopt a temporary rule to set the public speaker

time at one minute per speaker.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 34 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as

indicated.

Vote: All Ayes.

 Commission Reorganization for Post-COVID-19 Budget Recovery: Community Health Commission; Revising Berkeley Municipal Code Chapter 3.76 From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,808-N.S. revising Berkeley Municipal Code Sections 3.76.010 to 3.76.040 which establishes the Community Health Commission in order to change Commission membership to include nine (9) people and consolidate the functions of the Commission from ten overlapping and redundant functions to a more concise 4 functions.

First Reading Vote: All Ayes. Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,808–N.S.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Droste,

Arreguin; Noes – None; Abstain – Hahn.

2. Lease Amendment: Options Recovery Lease of City Property 1835 Allston Way From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,809-N.S. authorizing the City Manager to execute an Amendment to the Lease Agreement with Options Recovery Services for the Old City Hall Annex Building located at 1835 Allston Way. The lease provides for a total of two options to renew for five (5) year terms. This first option period shall commence (retroactively) on January 1, 2020, and end on December 31, 2024.

First Reading Vote: All Ayes.
Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,809–N.S.

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,810-N.S. containing technical edits, corrections and other non-substantive amendments to the following sections of the new Zoning Ordinance: BMC Section 23.326.030 (Eliminating

Dwelling Units through Demolition)

BMC Section 23.204.020 (Allowed Land Uses)

BMC Section 23.204.100 (C-SA Zoning District)

BMC Section 23.204.110 (C-T Zoning District)

BMC Section 23.204.130 (C-DMU District)

BMC Section 23.204.140 (C-W Zoning District)

BMC Section 23.206 (Manufacturing Districts)

BMC Section 23.302.040 (Home Occupations)

BMC Section 23.304.060 (Accessory Buildings and Enclosed Accessory Structures)

BMC Section 23.322.030 (Required Parking Spaces)

BMC Section 23.502.020 (Glossary)

First Reading Vote: All Ayes. Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400 **Action:** Adopted second reading of Ordinance No. 7,810–N.S.

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

From: City Manager

Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, and April 12, 2022.

Financial Implications: To be determined.

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

Action: Adopted Resolution No. 70,334–N.S.

5. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, and March 22, 2022.

Financial Implications: None

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

Action: Adopted Resolution No. 70,335–N.S.

6. Calling for a Consolidated General Municipal Election for November 8, 2022 From: City Manager Recommendation:

- 1. Adopt a Resolution: a. Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 8, 2022; b. Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election; c. Authorizing certain procedural and contractual actions; and d. Establishing policies for the filing of candidate statements of qualification.
- 2. Adopt a Resolution establishing policies and timelines for filing ballot measure arguments.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,336–N.S. (Calling the Election), and Resolution No. 70,337–N.S. (Ballot Measure).

7. Amendment: FY 2022 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2022 Annual Appropriations Ordinance No. 7,795–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments in the amount of \$53,155,906 (gross) and \$43,380,083 (net).

Financial Implications:

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: Adopt first reading of Ordinance No. 7,811–N.S. as revised in Supplemental Communications Packet #1 to make various appropriation adjustments. Second reading scheduled for May 24, 2022.

116

8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 10, 2022

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$964,022 Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Approved recommendation.

9. Purchase Order: ZOLL Medical Corporation for ECG Monitor/Defibrillators From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a Purchase Order and any amendments with ZOLL Medical Corporation for the purchase of five Advanced Life Support (ALS) ECG Monitor/Defibrillators, associated equipment and a maintenance contract for emergency response vehicles in an amount not to exceed \$250,000.

Financial Implications: Measure FF - \$250,000 Contact: Abe Roman, Fire, (510) 981-3473 **Action:** Adopted Resolution No. 70,338–N.S.

10. Contract: Shaw Industries, Inc. for 1900 6th Street Building Carpet Replacement Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule bid procedures; 2. Approving the California Multiple Award Schedule Contract with Shaw Industries, Inc. for Carpet Replacements at the 1900 6th Street building. 3. Authorizing the City Manager or her designee to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$121,133, which includes a contingency of \$14,552.

Financial Implications: Measure GG Fire Prevention Fund - \$121,133 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Item 10 removed from the agenda by the City Manager.

11. Contract No. 321001100 Amendment: JotForm, Inc. for a HIPAA Compliant Platform to Support Clinical Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100110 and any subsequent amendments or extensions with the JotForm, Inc. by adding \$17,808, bringing the contract total to an amount not to exceed \$55,794 and extending the end date from May 12, 2022 to May 12, 2023.

Financial Implications: General Fund - \$17,808

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

Action: Adopted Resolution No. 70,339–N.S.

12. Meals on Wheels of Alameda County Agency Donations for the Berkeley Meals on Wheels Program

From: City Manager

Recommendation: Adopt a Resolution accepting a \$54,167 donation for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency and authorizing acceptance of all subsequent donations received in FY 2022, to be appropriated as part of the Second Amendment to the Annual Appropriations Ordinance.

Financial Implications: Fund Raising Activities Fund - \$54,167 (donation) Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,340–N.S.

13. 2022 Local Housing Trust Fund Application

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program in an amount not to exceed \$5,000,000, and to apply such funds to the City's existing funding reservations for Supportive Housing in People's Park (2556 Haste Street) via the City's Housing Trust Fund program.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,341–N.S.

14. Contract No. 32200074 Amendment: Murray Building, Inc. for Cazadero Camp Jensen Dormitory Construction Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200074 with Murray Building, Inc. for the Cazadero Camp Jensen Dormitory Construction Project by adding \$66,450 for a total not-to-exceed contract amount of \$1,528,350.

Financial Implications: Camps Fund - \$66,450

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 70,342–N.S.

118

15. Contract No. 32000230 Amendment: Robert E. Boyer Construction, Inc. for Berkeley Tuolumne Camp Construction Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000230 with Robert E. Boyer Construction, Inc. for the Berkeley Tuolumne Camp Project by adding \$530,832 for a total not-to-exceed contract amount of \$39,350,473.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 70,343-N.S.

16. Amendments to On-Call Landscape Architectural Services Contract No. 32000284 with BASE Landscape Architecture, Contract No. 32100002 with PGA Design, Inc., and Contract No. 32000285 with RRM Design Group From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute amendments to Contract No. 32000284 with BASE Landscape Architecture, Contract No. 32100002 with PGA Design, Inc., and Contract No. 32000285 with RRM Design Group, for on-call landscape architectural services by increasing the contract amount by \$600,000 and duration by fourteen months each, from April 30, 2023 through June 30, 2024, to a total NTE amount of \$900,000 each.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700 **Action:** Adopted Resolution No. 70,344–N.S. (Contract No. 32000284 with BASE), Resolution No. 70,345–N.S. (Contract No. 32100002 with PGA), and Resolution No. 70,346–N.S. (Contract No. 32000285 with RRM).

17. Contract No. 100692-2 Amendment: Serological Research Institute for DNA Testing Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 100692-2 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$500,000 for a total not to exceed amount of \$1,500,000 while the contract term expiration will remain until June 30, 2025.

Financial Implications: State Proposition 172 Fund - \$500,000

Contact: Jennifer Louis, Police, (510) 981-5900 **Action:** Adopted Resolution No. 70,347–N.S.

18. Public Art Funding for Municipal Capital Improvement Projects Ordinance; Adding Berkeley Municipal Code Chapter 6.13

From: Civic Arts Commission

Recommendation: Adopt first reading of an Ordinance adding Chapter 6.13 Public Art Funding for Municipal Capital Improvement Projects of the Berkeley Municipal Code to provide for the allocation of one and three quarters percent (1.75%) of the estimated cost of construction associated with eligible municipal capital improvement projects, which shall be used for art and cultural enrichment of public buildings, parks, streets, and other public spaces in the City of Berkeley

Financial Implications: See report

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Action: Adopt first reading of Ordinance No. 7,812–N.S. Second reading scheduled for May 24, 2022.

19. Recommendation that Vision 2050 Infrastructure Bond Prioritize Clean Mobility From: Energy Commission

Recommendation: The Energy Commission recommends that the Vision 2050 infrastructure bond contemplated for the 2022 ballot prioritize transportation, with an emphasis on building the clean mobility network of the future.

Financial Implications: None

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

Action: Approved recommendation.

20. Budget Referral: City-wide Historic Context Statement

From: Landmarks Preservation Commission

Recommendation: Refer to the FY 2023 June budget process an amount between \$250,000 to \$275,000 from the General Fund for Berkeley's first City-wide Historic Context Statement.

Financial Implications: See report

Contact: Fatema Crane, Commission Secretary, (510) 981-7400

Action: Approved recommendation.

Council Consent Items

21. Support SB 1173 – Divestment from Fossil Fuels

From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor) Recommendation: Adopt a Resolution in support of SB 1173 (Gonzalez), which would require the California Public Employees Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS) to divest from fossil fuel companies. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Lena Gonzalez, and Assemblymember Buffy Wicks.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100 **Action:** Adopted Resolution No. 70,348–N.S.

22. Healthy Black Families: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

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

Recommendation: Adopt a Resolution approving the expenditure of \$20,000 from the Mayor's Office Budget to Healthy Black Families (HBF) for the purposes of covering costs, from February – May 2022, associated with supporting the Ideation of financing for greater affordable housing at BART station developments. This time period coincides with the end (January 2022) and beginning (June 2022) of grants from the Partnership for the Bay's Future awarded to the City of Berkeley in partnership with HBF.

Financial Implications: Mayor's Discretionary Funds - \$20,000

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

Action: Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,349–N.S.

23. Budget Referral: Continuing Anti-Displacement Programs

From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) Recommendation: Refer \$1,800,000 (\$900,000 annually) to the FY 2023-2024 Budget Process for continued funding of the following anti-displacement programs (launched in 2017) with the proposed funding source from General Fund tax revenues: 1. Housing Retention Program (administered by the Eviction Defense Center EDC): \$250,000 per fiscal year. This funding will supplement the current COVID-19 emergency rental assistance program to provide funding after the emergency expires; 2. Legal Counseling, Services and Problem Solving for Extremely-Low, Very-Low, Low and Moderate Income Tenants (\$275,000 each to the East Bay Community Law Center and EDC): \$550,000 per fiscal year; 3. Flexible Housing Subsidies for Homelessness Prevention: \$100,000 per fiscal year

Financial Implications: See report

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

Action: Approved recommendation.

24. Berkeley Housing Authority Loan Forgiveness

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution forgiving a \$300,000 Housing Trust Loan to the Berkeley Housing Authority. Forgiving this outstanding loan will enable BHA to provide additional housing to families in Berkeley.

Financial Implications: Housing Trust Fund - \$300,000

Contact: Jesse Arreguin, Mayor, (510) 981-7100 **Action:** Adopted Resolution No. 70,350–N.S.

25. Addition of Semi-diverter Traffic Bollards at the intersection of Newbury Street and Ashby Avenue

From: Councilmember Bartlett (Author)

Recommendation: Refer to the Fiscal Year 2022/2023 Budget Process, an allocation of \$50,000 to install semi-diverter traffic bollards at the east corner of the intersection at Newbury Street and Ashby Avenue.

Financial Implications: To be determined

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

Action: Approved recommendation.

26. Dwight Way Traffic Calming Budget Referral

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)

Recommendation: Refer a one-time allocation of \$50,000 to the June budget process for traffic calming intersection improvements on Dwight Way between Grant Street and California Street.

Financial Implications: See report

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

Action: Approved recommendation.

27. Resolution Declaring May as Jewish American Heritage Month

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

Recommendation: Adopt a Resolution declaring the month of May as Jewish American Heritage Month in appreciation of the achievements and contributions made by members of the Jewish Community.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: Adopted Resolution No. 70,351–N.S.

28. Budget Referral for Charter Officer Performance Review

From: Councilmember Droste (Author), Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Harrison (Co-Sponsor) **Recommendation:** Refer \$120,000 to the budget process to procure professional services from a qualified consultant to assist the City Council in establishing a collaborative review process for performing regular evaluations of the City Attorney and Police Accountability Board Director's performance and direct the City Manager to issue a Request for Proposal (RFP) to contract with an experienced firm that will engage the City Council and the City Attorney and Police Accountability Board Director in performance evaluation similar to the City Manager's evaluation process. The RFP shall be reviewed by the City Council Agenda and Rules Committee prior to issuance. The Agenda and Rules will make a recommendation to the entire City Council, for approval, prior to entering into any contract.

The performance evaluation process should begin following the scheduled approval of the Biennial Budget in June of 2022 and establish an annual evaluation schedule that includes interim updates on a quarterly basis—similar to the City Manager's evaluation process described in the May 14, 2019 Council referral for performance evaluations.

Financial Implications: \$120,000

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: Approved recommendation as revised in Supplemental Communications Packet #2 by Councilmember Droste to reduce the request to \$60,000 in response to the Director of Police Accountability's budget request for a similar purpose.

Action Calendar – Public Hearings

29. ***Item Removed by City Manager*** FY 2023 and FY 2024 Proposed Budget and Proposed Budget Public Hearing #1

From: City Manager

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action Calendar – New Business

30. Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

From: City Manager

Recommendation: Adopt a Resolution approving the Controlled Equipment Impact Statements, Associated Equipment Use Policies and Equipment.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

Action: Moved to the Consent Calendar to refer the item to the City Manager, Police Accountability Board, and the City Attorney, and request that the item return to the City Council at the June 14, 2022 meeting.

Action Calendar - New Business

31. Vision 2050: Strategic Asset Management Plan and Asset Management Policy From: City Manager

Recommendation: Adopt a Resolution accepting the Strategic Asset Management

Plan (SAMP) and approving the Asset Management (AM) policy.

Financial Implications: See report

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

Public Works, (510) 981-6300

Action: Moved to Consent Calendar. Adopted Resolution No. 70,352–N.S.

Action Calendar - Old Business

32. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code (Continued from April 26, 2022. Item contains revised and supplemental materials.) From: City Manager

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

Financial Implications: None

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

Action: Moved to Consent Calendar. Adopted Resolution No. 70,353–N.S. including corrections from the City Manager included with the item.

Action Calendar - Old Business

33. Hopkins Corridor Project Conceptual Design (Continued from April 26, 2022) From: City Manager

Recommendation: Adopt a Resolution approving the conceptual design for the Hopkins Corridor Project on Hopkins Street between Sutter Street and Gilman Street, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.

Financial Implications: None

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

Recess 8:19 p.m. - 8:35 p.m.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to

11:30 p.m. Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to

12:00 a.m. **Vote:** All Ayes.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to

12:10 a.m. **Vote:** All Ayes.

Action: M/S/C (Kesarwani/Arreguin) to suspend the rules and extend the meeting to

12:18 a.m. **Vote:** All Ayes.

Action: 52 speakers. M/S/C (Hahn/Arreguin) to: 1) adopt Resolution No. 70,354—N.S. approving the conceptual design for the Hopkins Corridor Project on Hopkins Street between Sutter Street and Gilman Street, and directing the City Manager to proceed with the detailed engineering design of the project including the portion from Sacramento to Gilman; 2) adopt the supplemental item from Councilmember Hahn as written with the inclusion of Councilmember Kesarwani's supplemental as a referral to the City Manager; 3) request staff to return to Council at a date in October 2022 for final approval of the extension to San Pablo Avenue, with at least two community meetings conducted by the City; 4) evaluate the installation of a traffic signal at Hopkins and Monterey; 5) conduct more outreach to business owners with the Office of Economic Development, Transportation Division and the Landscape Architect.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – Wengraf.

Information Reports

34. Fiscal Year 2022 Mid-Year Budget Update

From: City Manager

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: Received and filed.

35. LPO NOD: 1940 Hearst Avenue/#LMIN2021-0003

From: City Manager

Contact: Alene Pearson, Planning and Development, (510) 981-7400

Action: Received and filed.

36. LPO NOD: 2523 Piedmont Avenue/#LMIN2021-0004

From: City Manager

Contact: Alene Pearson, Planning and Development, (510) 981-7400

Action: Received and filed.

37. LPO NOD: 2580 Bancroft Way – Application LMSAP2022-0003

From: City Manager

Contact: Alene Pearson, Planning and Development, (510) 981-7400

Action: Received and filed.

38. Mental Health Commission Work Plan 2022-2023

From: Mental Health Commission

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Action: Received and filed.

Public Comment - Items Not Listed on the Agenda - 0 speakers.

Adjournment

Adjourned at 12:18 a.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on May 10, 2022.

Mark Numainville, City Clerk

Communications

Item #31: Vision 2050: Strategic Asset Management Plan and Asset Management Policy

- 1. Claudia Kawczynska
- 2. Anna Gazdowicz and Jeffrey Faden
- 3. Juliette Tinnus
- 4. Lisa Woo

- 5. Rachel Zisook
- 6. Sandra Reisman
- 7. Kris Jones
- 8. Mira Stein
- 9. Kester Allen
- 10. Elliott Schwimmer
- 11. Kelly Zito
- 12. Minda Berbeco
- 13. Claire Heinzelman
- 14. Arabelle Malinis
- 15. Naoimi Marks
- 16. Jennifer Shanoski
- 17. Eric Wiesner
- 18. Cameron Woo
- 19. Rena Fischer

Berkeley Marina Area Specific Plan (BMASP)

- 20. Peter Kuhn
- 21. Rachel Bradely
- 22. Loren Chuse
- 23. Mary Foley
- 24. Mary Law
- 25. Merrill Gillaspy
- 26. Debra Golata and Jon Harris
- 27. Janet Cole
- 28. John Haptas
- 29. Daven Gee
- 30. Jan Ruchlis
- 31. Sue Sheftel
- 32. Judith Thomas
- 33. Carol Cohen
- 34. Joyce Kwok
- 35. Deborah Abraham
- 36. Emilie Keas

Smart Spaces

- 37. Sabina McMurty
- 38. Janet Perlman
- 39. Felice Botts
- 40. Jane Hunter
- 41. Vivian Warkentin

Building Electrification

- 42. Leah Louis-Prescott, on behalf of Carbon-Free Building
- 43. Andrea Mullarkey, on behalf of SEIU 1021

Public Safety/Police

Page 16

- 44. Robin Kibby
- 45. Shmuel
- 46. Stephanie Gonye
- 47. Steve Martinot
- 48. Moni Law
- 49. Eric Friedman

Earth Day

- 50. David Lerman
- 51. Jeanine Sidran

Housing at Ashby and/or North Berkeley BART

- 52. Tom Luce
- 53. Richard Laden
- 54. Million Skoda
- 55. Vicki Sommer
- 56. Avram Gur Arye
- 57. Robin Andrae
- 58. Lynn Cooper
- 59. Kevin James
- 60. Miranda Ewell
- 61. T. Anne Richards
- 62. Eileen Hughes
- 63. William Goldsmith

Paving Berkeley Roads

- 64. John Rea
- 65. Linda Franklin

California Theater Landmark Status

- 66. Brooke Bortner
- 67. Michael Fullerton (2)
- 68. Keith Cowling

Eviction Moratorium

69. Harry Pollack

Berkeley Housing Element

70. Sid Kapur

Tenants Opportunity to Purchase Act (TOPA)

- 71. Ira Serkes
- 72. Aaman Mengis

Fair Housing

73. Annya Maksey

Page 17

Bus Service

74. D. Resek

Fire Danger and ADU's

75. Steven Wolan

Downtown Berkeley Budget Request

76. Rodd Lee, on behalf of BART

Peace & Justice Commission Reorganization

77. Tom Luce

Yassir Chadly Lifetime Pool Pass

78 Donna Mickleson

Supplemental Communications and Reports 1

Item #7: Amendment: FY 2022 Annual Appropriations Ordinance

79. Revised material, submitted by the City Manager's Office

Item #31: Vision 2050: Strategic Asset Management Plan and Asset Management Policy

- 80.47 similarly-worded form letters
- 81. Claire Heinzelman
- 82. Laralynn Rapoza
- 83. Gael Alcock
- 84. Mara Guccione
- 85. Max Wechsler
- 86. Sara Pierre

Item #33: Hopkins Corridor Project Conceptual Design

- 87. Supplemental material, submitted by Councilmember Kesarwani
- 88. Ajideh Mary
- 89 Bianca Walser
- 90. Howard Goldberg
- 91. Cindi Goldberg
- 92. Ruby Songster
- 93. Donna Dediemar
- 94. Jordan Roberts

Supplemental Communications and Reports 2

Item #7: Amendment: FY 2022 Annual Appropriations Ordinance

95. Diana Bohn

Item #13: 2022 Local Housing Trust Fund Application

96. Bill Bogert 97. Diana Bohn

Item #21: Support SB 1173 - Divestment from Fossil Fuels

98. MaryAnn Furda

Item #28: Budget Referral for Charter Officer Performance Review

99. Supplemental material, submitted by Councilmember Droste

Item #30: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

100. Wendy Allen

Item #31: Vision 2050: Strategic Asset Management Plan and Asset Management Policy

- 101. Joe Rapoza
- 102. Bridget Hughes
- 103. Amy Callaway
- 104. Sarah Carson
- 105. Charles Flores
- 106. Lawrence Grown
- 107. Sari Hale-Alper
- 108. Ariana Thompson-Lastad
- 109. Tracy Dooley

Item #32: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal

110. Christopher Horgan

Item #33: Hopkins Corridor Project Conceptual Design

- 111. Supplemental material, submitted by Councilmember Hahn
- 112. Pauline Wong
- 113. Christine Harkin
- 114. Melissa Little
- 115. Theresa Malki
- 116. Rachel Bradley
- 117. Bill Hickman
- 118. Kara Slack
- 119. Stuart Cohen
- 120. Marilyn Simmons
- 121. Angela
- 122. Shelia Van
- 123. Dick Mallory
- 124. beverlychilton@
- 125. Cindy Shamban
- 126. Tony Corman
- 127. Keri Ferencz (2)
- 128. Aliza
- 129. Greg Shell
- 130. Bonnie Janora

- 131. Celia Shryne
- 132. Anthony D'Agostino
- 133. Chris Hamilton
- 134. Sandy Steinman
- 135. Alison de Runtz
- 136. Kenny Yip
- 137. Diane Garcia
- 138. Elayne & Michael Isaacs
- 139. Sara Darmoni
- 140. Benjamin Darmoni
- 141. Councilmember Hahn (3)
- 142. Rachel Gold
- 143. Vita Wells
- 144. Zelda Bronstein
- 145. Friedner Wittman
- 146. Jennifer Winch
- 147. Emilo Marintez-Cordero
- 148. Diane Garcia
- 149. Alyssa Plese
- 150. Rachel Doughty
- 151. Harvey Varga
- 152. Shirly Issel
- 153. Bob Fabry
- 154. John Waldeisen
- 155. Mary Foley
- 156. Shannon Puckett
- 157. Ginny Preston
- 158. Gloria Elissha
- 159. Phil Sanders
- 160. Andy Coombs
- 161. Michael Tompkins
- 162. Emilo Martinez-Cordero
- 163. Mr. Walkers
- 164. Connie Cheung
- 165. Peter
- 166. Lori Copan
- 167. Susan Taylor
- 168. Patty Lipinska
- 169. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 170. Robion Kirby
- 171 Matthew Skinner
- 172. Loretta Janca
- 173. John Rea
- 174. Jamie Keller
- 175. Carol Lesh
- 176. Linda & Michael Harrington

- 177. Charles Siegel
- 178. Marc Hedlund
- 179. Meg Holm
- 180. Contee Seely
- 181. Dahlia Armon
- 182. Anne Boersma (3)
- 183. Donna Dediemar (2)
- 184. 12 similarly-worded form letters

Supplemental Communications and Reports 3

Item #7: Amendment: FY 2022 Annual Appropriations Ordinance

- 185. Jean Tepperman
- 186. Igor Tregub, on behalf of the Sierra Club

Item #10: Contract: Shaw Industries, Inc. for 1900 6th Street Building Carpet Replacement Project

187. Goddess of the Hunt

Item #13: 2022 Local Housing Trust Fund Application

- 188. Isis Feral
- 189. Dave Pate
- 190. Murong Yao
- 191. Anna Macknick
- 192. Jorie Heilman
- 193. Jessica Takeda
- 194. Stephanie Thomas
- 195. Thomas Luce
- 196. Scout Olip-Booth
- 197. David Shiver

Item #21: Support SB 1173 – Divestment from Fossil Fuels

198. Laura Rosenberger-Haider

Item #30: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

199. Wendy Alfsen and Barb Atwell

Item #33: Hopkins Corridor Project Conceptual Design

- 200. Bev Hoffman and Deborah Merola
- 201. Lance Courtland
- 202. Heather Ball
- 203. Friedner Wittman
- 204. Patty Callihan
- 205. Helen Toy
- 206. Ruby Songster
- 207. Celia Ronis
- 208. Alison Gil

Page 37 of 79

- 209. David Socholitzky
- 210. Margaret Torn
- 211. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 212. Joy Chiu
- 213. Laura Klein
- 214. Jean Allen
- 215. Christen Rosen
- 216. Laeeq Evered
- 217. Leera Rahman and Mark Guzman
- 218. Janet Coleman
- 219. Mary Lou Allen
- 220. Elise Wong
- 221. Nina Ichikawa
- 222. Melinda Paras
- 223. Diane Estes
- 224. Jesse Peoples
- 225. Dina and Franck Pecceu
- 226. Stacey Rutherford
- 227. Meg Holm (2)
- 228. Susan Amdur
- 229. Jessica Blome
- 230. Jane Fujii
- 231. Todd Andrew
- 232. Jules Milner-Brage
- 233. Councilmember Hahn (9)
- 234. Donna DeDiemar
- 235. Michele Trahan (2)
- 236. Christopher Kohler
- 237. Andrew Yeskoo
- 238. Laurel Halvorson
- 239. Bill Marthinsen
- 240. Julie Cole
- 241. Marek Kanter
- 242. Frances Larson
- 243. Martin Hammer and Miriam Shipp
- 244. Danie Newman
- 245. Mike McGee
- 246. Margit Roos-Collins
- 247. glomax@

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, MAY 17, 2022 3:00 P.M.

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – TERRY TAPLIN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this https://us02web.zoom.us/j/86490263695. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)**; enter Meeting ID: **864 9026 3695**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

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

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

Preliminary Matters

Roll Call: 3:07 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Droste

Absent: Bartlett, Robinson, Arreguin

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

a. Kantorova v. City of Berkeley; Alameda County Superior Case No. RG20064752

Action: No reportable action taken.

b. Carlson v. City of Berkeley; Alameda County Superior Case No. RG20061999

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

a. Workers Compensation Appeals Board Case Number: ADJ14647128

Action: M/S/C (Hahn/Wengraf) to provide direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with Award of lifetime future medical care, as to workers' compensation matters WCAB Case Number: ADJ14647128. **Vote:** Ayes - Kesarwani, Taplin, Harrison, Hahn, Wengraf, Droste; Noes – None; Abstain – None; Absent – Bartlett, Robinson, Arreguin.

OPEN SESSION:

City Council met in closed session on May 17, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with Award of lifetime future medical care, as to workers' compensation matters WCAB Case Number: ADJ14647128.

Adjournment

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

Vote: Ayes - Kesarwani, Taplin, Harrison, Hahn, Wengraf, Droste; Noes - None; Abstain -

None; Absent – Bartlett, Robinson, Arreguin.

Adjourned at 3:38 p.m.

I hereby certify that the foregoing is a ti	ue and correct record o	of the closed session
meeting held on May 17, 2022.		

Mark Numainville, City Clerk

MINUTES BERKELEY CITY COUNCIL MEETING

Tuesday, May 24, 2022 6:00 PM

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

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – TERRY TAPLIN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL https://us02web.zoom.us/j/84636500260. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and enter Meeting ID: **846 3650 0260**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

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

Preliminary Matters

Roll Call: 6:06 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste,

Arreguin

Absent: None

Report from Closed Session

City Council met in closed session on May 17, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with Award of lifetime future medical care, as to workers' compensation matters WCAB Case Number: ADJ14647128.

Ceremonial Matters:

1. Moment of Silence and Adjournment in Memory of the 18 children murdered by gun violence in Uvalde, Texas

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Taplin) to accept an urgency item from Councilmember Harrison pursuant to Government Code Section 54954.2(b)(2) entitled Support for Full Funding of the Community Anti-Displacement and Preservation Program in the California Budget Act of 2022.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 28 speakers.

Action: M/S/C (Arreguin/Robinson) to adopt the Consent Calendar in one motion except

as indicated. **Vote:** All Ayes.

Urgency Item: Support for Full Funding of the Community Anti-Displacement and Preservation Program in the California Budget Act of 2022

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

Recommendation: Send a resolution in support of full funding for the Community Anti-Displacement and Preservation Program in the state budget for the 2022-2023 fiscal year to Senator Skinner, Senator Kamlager, Assemblymember Ting, Assemblymember Carrillo, Assemblymember Wicks, Assemblymember Bloom, and Governor Gavin Newsom, and the California State Senate's Standing Committee on Budget and Fiscal Review. The Community Anti-Displacement and Preservation Program will provide state funding for the acquisition and rehabilitation of unsubsidized affordable rental housing to prevent displacement and enable mission-oriented affordable housing developers to preserve these properties as permanently affordable homes.

Financial Implications: None

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 **Action:** Approved recommendation. Adopted Resolution No. 70,355-N.S.

1. Amendment: FY 2022 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,811-N.S. amending the FY 2022 Annual Appropriations Ordinance No. 7,795–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments in the amount of \$53,122,621 (gross) and \$43,346,798 (net).

First Reading Vote: All Ayes. Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000 **Action:** Adopted second reading of Ordinance No. 7,811–N.S.

2. Public Art Funding for Municipal Capital Improvement Projects Ordinance; Adding Berkeley Municipal Code Chapter 6.13

From: Civic Arts Commission

Recommendation: Adopt second reading of Ordinance No. 7,812-N.S. adding Chapter 6.13 Public Art Funding for Municipal Capital Improvement Projects of the Berkeley Municipal Code to provide for the allocation of one and three quarters percent (1.75%) of the estimated cost of construction associated with eligible municipal capital improvement projects, which shall be used for art and cultural enrichment of public buildings, parks, streets, and other public spaces in the City of Berkeley

First Reading Vote: All Ayes. Financial Implications: See report

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Adopted second reading of Ordinance No. 7,812-N.S.

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 24, 2022

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: \$300,000

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

Action: Approved recommendation.

4. Donation from Berkeley Echo Lake Camp Association for Echo Lake Camp Youth Scholarships

From: City Manager

Recommendation: Adopt a Resolution to accept a cash donation of \$10,000 from the Berkeley Echo Lake Camp Association (BELCA), for Echo Lake Camp youth scholarships.

Financial Implications: \$10,000 in revenue.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 70,356–N.S.

5. Contract: Care Systems Inc. for an Electronic Scheduling Solution From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Care Systems Inc. to provide an Electronic Scheduling (E-Staffing) System for a three-year contract with an option to extend the contract for a two-year period for a maximum length of five years, for a total not to exceed \$191.740.

Financial Implications: See report

Contact: Jennifer Louis, Police Department, (510) 981-5700

Action: Adopted Resolution No. 70,357–N.S.

6. Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances (Reviewed by the Budget & Finance Committee)

From: Parks and Waterfront Commission

Recommendation: That Council adopt a Resolution adopting a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes; as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

Policy Committee Recommendation: On April 28, 2022, the Budget & Finance Policy Committee took the following action: forward the item to Council with a qualified positive recommendation to consider as part of the budget process including the following amendments 1. that Public Works consider including trash pick-up at the Marina in the 218 process; 2. that the Marina Fund be excluded from road work repairs within the larger marina territory; and 3. that \$1.5M be allocated from the General Fund to the Marina Fund for operating expenses in 2024.

Financial Implications: See report

Contact: Roger Miller, Commission Secretary, (510) 981-6700

Action: Approved recommendation of the Budget & Finance Committee.

141

7. Budget Referral: Street Maintenance Funding to Prevent Further Deterioration of Pavement Condition to Save Tax Dollars and Our Streets (Reviewed by the Budget & Finance Committee)

From: Councilmember Kesarwani (Author), Councilmember Droste (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Refer to the FY 2022-23 budget process to establish a three-year plan (FY 2022-23 through FY 2024-25) to fully fund an adequate street paving budget that prevents further deterioration of the City's pavement condition. At the end of the three-year period, the fiscal plan should allocate a minimum total of \$8 million in additional ongoing annual General Fund—bringing the total street paving annual budget to at least \$15.1 million—the minimum amount needed to maintain pavement condition, as identified by our Public Works Department.

We recommend that the City slightly exceed the \$8 million General Fund need by

contributing \$3 million in ongoing funds in FY 2022-23, an additional \$3 million of ongoing funds in FY 2023-24, and a final addition of \$3 million in ongoing funds in FY 2024-25. This total of \$9 million, in addition to the existing allocation of \$7.3 million for annual street maintenance, will provide the City with about \$1.2 million more than the minimum total of \$15.1 million to account for inflation.

A three-year plan is suggested to give the City time to gradually enhance street paving resources, and annual inflation adjustments are recommended in out-years in order to ensure that maintenance funds remain adequate over time as construction costs rise. A dollar of maintenance early in a street's life-cycle saves \$8 later in the street's life-cycle due to avoided rehabilitation and/or reconstruction costs associated with failing streets, making this budget request an urgent matter of fiscal oversight. Policy Committee Recommendation: On April 19, 2022, the Budget & Finance Policy Committee sent the item to Council with a positive recommendation to: 1. Formally refer the item to FY 23-24 Biennial Budget Process; 2. State the Committee's recommendation that the City Council prioritize available General Fund revenues to supplement the street paving budget to prevent further deterioration; 3. To recommend that Council consider this proposed approach to develop an expenditure plan for street paving; 4. Set a goal of allocating an additional \$3-8 Million in ongoing General Fund revenues.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110 **Action:** Approved recommendation of the Budget & Finance Committee.

142

8. Budget Referral: Capacity Building for Merchant Associations in the Gilman and Lorin Districts

From: Councilmember Kesarwani (Author), Councilmember Bartlett (Co-Sponsor)

Recommendation: Referral to the City Manager and the FY 2022-23 Budget Process to provide one-time capacity building totaling \$20,000 (\$10,000 each) for the Gilman and Lorin District merchant associations to support economic development in their respective commercial areas. Distribution of funds should be contingent upon the following criteria: (a) Establishment of representative community advisory boards reflecting the diversity of businesses, agencies, nonprofits and resident stakeholders who could function as the leadership entity for fund management; (b) Obtainment of merchant associations' non-profit status; or partnership with an existing entity to enable fiscal sponsorship until nonprofit status is obtained; and (c) Requirement to use the funds within two years or risk having to return them.

Financial Implications: See report

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

Action: Approved recommendation as revised in Supplemental Communications

Packet #1 from Councilmember Kesarwani.

9. Urge the AC Transit Board of Directors to Restore and Expand on Pre-Pandemic Transbay Bus Service and Bus Service to the Berkeley Hills From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor) Recommendation: Send a letter to the AC Transit Board of Directors urging the restoration and expansion of transbay and Berkeley Hills bus service.

Financial Implications: None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Approved recommendation.

10. Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures

From: Councilmember Bartlett (Author), Councilmember Robinson (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation: Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and fringe benefits expenditures and an accompanying Budget Referral of approximately \$1,226,619.52 for the FY 22-23 June Budget process.

Financial Implications: See report

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

Action: Approved recommendation.

11. Budget Referral: Fund Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments

From: Councilmember Harrison (Author)

Recommendation: Refer to the FY 23 and FY 24 Annual Budget Process \$100,000 to provide Health, Housing & Community Services Department and Berkeley Fire Department the means study or hire a consultant(s) to:

- 1. Conduct a service needs assessment based on 911 and non-911 calls for service, dispatch, and response, to address the needs of Berkeley people with behavioral health issues and/or are unhoused using computer aided dispatch (CAD) or other data from the Berkeley dispatch, other dispatch agencies, BPD, BFD, and any other relevant data during the COVID pandemic from at least March 2020 through the present; and
- 2. Conduct a capacity assessment of crisis response and crisis-related services available to Berkeley people in Berkeley and Alameda County, including but not limited to with respect to the Specialized Care Unit (SCU), respite, and sobering centers.

Financial Implications: See report

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

Action: Approved recommendation as revised Supplemental Communications

Packet #1 from Councilmember Harrison.

12. Resolution in Support of SB 379: the Solar Access Act From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor) Recommendation: Send a letter of support for SB 379 (Wiener) - Residential solar energy systems: permitting, to Senators Wiener and Skinner, Assemblymember Wicks, and Governor Newsom. To increase the number of homes installing safe solar energy systems, Senate Bill 379, the Solar Access Act, would mandate jurisdictions above a certain population size to provide an online instant solar permitting process, like SolarAPP+, for residential solar and solar-plus-storage systems.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,358–N.S.

Council Consent Items

13. Referral to the Budget and Finance Policy Committee and Budget Referral to Consider General Fund Strategies and Related Fiscal Policies for Funding Capital Improvements, in Particular Street, Sidewalk, Micromobility and Transit Infrastructure (Reviewed by Budget & Finance Policy Committee)
From: Councilmember Harrison (Author)

Recommendation:

- 1. Refer to the Council Budget and Finance Policy Committee to explore specific options for improving how and to what extent the City's Capital Improvement Program (CIP) is funded, to include but not limited to the following potential strategies: (a). investigate historic assumptions and policies regarding secured-property and transfer tax revenues; (b). consider a one-time allocation of a certain percentage of salary savings accruing from historic vacancies that are not likely to be filled in the short-term; (c). consider prospective Public Works plan to charge utilities for pavement impact.
- 2. Refer to the June 2022 Budget process \$8 million per year to be transferred to the CIP based on Committee consideration and any conclusions.

 Policy Committee Recommendation: On April 19, 2022, the Budget & Finance Policy

Committee sent the item to Council with a qualified positive recommendation removing item 1 (c) consider the sale of underutilized city-owned property.

Financial Implications: See report.

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

Action: Approved recommendation of the Budget & Finance Committee.

14. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds to the Actor's Ensemble Company to Perform a Staged Reading of the play, "Roe" at the Goldman Theatre in the David Brower Center on June 12, 2022

From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor) Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Wengraf, to the Actor's Ensemble Company to fund a staged reading of the play, "Roe" at the Goldman Theatre of the David Brower Center on June 12, 2022

Financial Implications: See report.

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: Adopted Resolution No. 70,359–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$200; Councilmember Harrison - \$100; Councilmember Bartlett - \$250; Councilmember Taplin - \$200; Councilmember Robinson - \$200; Councilmember Kesarwani - \$50; Councilmember Hahn - \$250.

Action Calendar – New Business

15. Resolution Adopting the Resolution of Intention of Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516; Adopt First Ordinance Reading authorizing an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System From: City Manager

Recommendation:

- 1. Adopt the Resolution of Intention in order to approve the amendment of the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.
- 2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.

Council adopted Resolution #70,156 N.S.at its December 14, 2021, meeting authorizing the FY2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY2022-23 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

Financial Implications: See report.

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Action: 1 speaker. M/S/C (Arreguin/Harrison) to:

- 1. Adopt Resolution No. 70,360–N.S. including the amended contract;
- 2. Adopt first reading of Ordinance No. 7,813-N.S. including the amended contract. Second reading scheduled for June 14, 2022.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

Councilmember Hahn absent 8:52 p.m. – 8:58 p.m.

146

Action Calendar - Public Hearings

16. Changes to the Land Use Planning Division Fee Schedule / Hourly Rate From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to adopt revisions to the fee schedule for the Land Use Planning Division of the Planning and Development Department, effective July 1, 2022, to increase the hourly rate for staff time from \$200 to \$230 per hour, increase related deposits and fixed-rate permit application fees to reflect the new rate and to more accurately reflect the staff time required to process various permit types, adopt new fees for new permit types, and clarify the existing fee descriptions.

Financial Implications: See report

Contact: Alene Pearson, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,361–N.S.

Vote: All Ayes.

17. FY 2023 and FY 2024 Proposed Budget and Proposed Budget Public Hearing #1

From: City Manager

Recommendation: Accept the FY 2023 and FY 2024 Proposed Biennial Budget for review and consideration by the City Council and final adoption on June 28, 2022 and conduct Public Hearing #1 on the FY 2023 and FY 2024 Proposed Budget. **Financial Implications:** See FY 2023 and FY 2024 Proposed Biennial Budget Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:15 p.m.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Taplin, Hahn.

Councilmember Taplin absent 10:09 p.m. – 11:15 p.m.

Councilmember Hahn absent 10:12 p.m. – 11:15 p.m.

Public Testimony: The Mayor opened the public hearing. 7 speakers.

Vote: Presentation made and discussion held. No action taken.

Action Calendar - New Business

18. Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention

From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by November 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the City Manager and Finance Department. They have agreed to our findings and recommendations. Please see our report for their complete response.

Financial Implications: See report

Contact: Jenny Wong, Auditor, (510) 981-6750

Action: 4 speakers. Presentation made and discussion held.

Council Action Items

19. Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual (Reviewed by the Public Safety Committee) From: Councilmember Droste (Author), Councilmember Taplin (Author) Recommendation: Revise Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department (BPD) Law Enforcement Services Manual to enable officers of the Berkeley Police Department to conduct detentions and warrantless searches individuals on parole/probation consistent with and supportive of the provisions in the probationer's/parolee's release conditions.

Policy Committee Recommendation: Send the item to the City Council with a qualified positive recommendation, as revised by the committee and subject to legal review. Section 311.6 was revised to read: In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement or rehabilitative purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion. In the conduct of all such detentions and searches, officers shall consciously avoid the application of bias, shall not use such detentions or searches as a means to harass or annoy, and shall not conduct such detentions and searches in a manner that targets or is discriminatory toward any protected class.

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: 13 speakers. M/S/C (Arreguin/Droste) to continue the item, including revised

materials to July 12, 2022.

Vote: All Ayes.

Information Reports

20. Mental Health Commission Annual Report 2021-2022

From: Mental Health Commission

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Action: Received and filed.

Public Comment - Items Not Listed on the Agenda - 0 speakers.

Adjournment

Adjourned at 11:15 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on May 24, 2022.

Mark Numainville, City Clerk

Communications

Item #7: Budget Referral: Street Maintenance Funding to Prevent Further Deterioration of Pavement Condition to Save Tax Dollars and Our Streets

- 1. Linda and Steve Rosen
- 2. Rebecca Navarrete Davis

Item #19: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law

3. Vincent Southerland, on behalf of NYU Law

California Theatre

- 4. Dorothy Walker
- 5. Laura Soble
- 6. Lynn Koolish
- 7. Jennifer Winch
- 8. Robb Walker
- 9. Rosa Luevano
- 10. David Crane
- 11. Lucy Friedland

Ashby and North Berkeley BART Development

- 12. Michael Gene Anderson
- 13. Layo Freed (2)
- 14. Peter Fineberg
- 15. Avram Gur Arye
- 16. Isaac Nicholson
- 17. Helga Recke

- 18. Ned Himmel
- 19. Robin Halprin
- 20. David Rice
- 21. Sarah Adelman
- 22. Suzanne McMillan
- 23. Hal Sternbert
- 24. Shirley McNeal
- 25. Sabina McMurty
- 26. Dona Boatright
- 27. Cindy Shamban
- 28. Irene Rice
- 29. Shoana Humphries
- 30. Jacqueline Wilson
- 31. Franklin Lei
- 32. Robert Dunn
- 33. Ori Skloot
- 34. Jennifer King
- 35. Nancy Lichtenstein
- 36. Claire Schoen
- 37. Carolyn McMillan
- 38. Alex Bixler
- 39. Karen Eisenstadt
- 40.21 similarly-worded form letters (7 stories maximum)

Cesar Chavez Park

- 41. Sandra Blair
- 42. Jon Stewart
- 43. Marty Schiffenbauer
- 44. Max Ventura
- 45. Rebecca Weinstein
- 46. Ingrid Good

Climate Change

47. Thomas Lord (2)

Homelessness, RV Living and Encampments

- 48. Brigitte Nicoletti
- 49. Evan F.
- 50. Osha Neuman (2)
- 51. Paul Buddenhagen, Deputy City Manager

City of Berkeley's New Website

- 52. Thomas Lord (2)
- 53. Bryce Nesbitt

2134-36 Curtis Street Complaint

54. Ramona M. Cavanaugh (2)

Budget Proposal for Police Accountability Work

55. Michael Chang, Chairperson of Police Accountability Board

2712-2714 Telegraph Avenue

56. Christine Brozowski

Fair Work Week Ordinance

57. Jane Scantlebury

Bicycle Data

58. Margot Smith

Sanctuary Contracting Ordinance

59 Flana Auerbach

Traffic Intersection Cameras

60. Carol Cohen

Proclamation Honoring Yassir Chadly

61. Helga Recke

Life Threatening Incident at Strawberry Creek

62. David Kahn

Flex Team

63. Eric Friedman

Food Deserts

64. Genevieve Kaplan

933 Colusa

65. Ashok Sabhlok

5G Effects

66. Vivian Warkentin

Grizzly Peak Traffic

67. Joshua Bloom

Pandemic Variants

68. purplecosmicpoet@

BUSD AAPI Heritage Month

69. Reichi Lee

Bronx Tenants – Limited Equity Co-op

70. Marty Schiffenbauer

Decriminalize Entheogenic Plants

71. Abigail Kemalyan

Fentanyl Drug Trafficking

72. Ronald Kirkish

Agenda Committee v. Brown Act

73. Thomas Lord

Unsworn Officer Traffic Enforcement

74. Thomas Lord

Supplemental Communications and Reports 1

Item #7: Budget Referral: Street Maintenance Funding to Prevent Further Deterioration of Pavement Condition to Save Tax Dollars and Our Streets

75. Bob Laird

76. Karen Davis

77. Karen Rice

78. Linda Rosen

Item #8: Budget Referral: Capacity Building for Merchant Associations in the Gilman and Lorin Districts

79. Revised material, submitted by Councilmember Kesarwani

Item #11: Budget Referral: Fund Behavioral Health, Crisis Response, and Crisisrelated Services Needs and Capacity Assessments

80. Revised material, submitted by Councilmember Harrison

Item #15: Resolution Adopting the Resolution of Intention of Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516; Adopt First Ordinance Reading authorizing an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System

81. Supplemental material, submitted by Human Resources

Item #19: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

82. Michael Chang, Chairperson, Police Accountability Board

Supplemental Communications and Reports 2

Item #1: Amendment: FY 2022 Annual Appropriations Ordinance

83. Revised material, submitted by Councilmember Harrison

152

84. Leslie Stone

Item #6: Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances

85. Ronan

86. Victor Ichioka (2)

87. Roberta Wyn

Item #9: Urge the AC Transit Board of Directors to Restore and Expand on Pre-Pandemic Transbay Bus Service and Bus Service to the Berkeley Hills

88. Christian Peeples

89. Jack Kurzweil

Item #18: Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention

90. Revised material, submitted by the City Auditor

Item #19: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

91. Revised material, submitted by Mayor Arreguin

92. Erwin Chemerinsky

93. Diana Bohn

Supplemental Communications and Reports 3

Item #6: Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances

94. Cathy Fogel

95. Jim McGrath

96. Rachel Bradley

97. Jon and Satyal Love

98. Grant

99. Sally Tobin

100. Victor Ichioka

Item #12: Resolution in Support of SB 379: The Solar Access Act

101. Igor Tregub

Item #17: FY 2023 and FY 2024 Proposed Budget and Proposed Budget Public Hearing #1

102. Presentation, submitted by the City Manager's Office

Item #18: Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention

103. Presentation, submitted by the Auditor

Item #19: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

- 104. Kitt Saginor
- 105. Elliot Halpern
- 106. Mary Ann Meany
- 107. Moni Law
- 108. Diana Bohn

Support for Full Funding of the Community Anti-Displacement and Preservation Program in the California Budget Act of 2022

- 109. Submitted by Mayor Arreguin and Councilmember Harrison
- 110. Bhima Sheridan (2)
- 111. Chimey Lee
- 112. Katharine Bierce
- 113. Elana Auerbach
- 114. taptango@

MINTUES BERKELEY CITY COUNCIL MEETING

Tuesday, May 31, 2022 6:00 PM

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

JESSE ARREGUIN, MAYOR Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 5 – SOPHIE HAHN

DISTRICT 2 – TERRY TAPLIN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 4 – KATE HARRISON

DISTRICT 8 – LORI DROSTE

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL https://us02web.zoom.us/j/88127787306. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and enter Meeting ID: **881 2778 7306**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

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

Preliminary Matters

Roll Call: 6:05 p.m.

Present: Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Harrison

Councilmember Kesarwani present at 6:09 p.m.

Ceremonial Matters:

1. Adjourned in Memory of Toni Gardner, Local Activist and Mother of Vice-Mayor Harrison

- 2. Recognition of the Berkeley High School Debate Team National Tournament Champions
- 3. Presentation by East Bay Community Law Center and Eviction Defense Center

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Hahn) to add an item to the agenda relating to an excused bereavement absence for Vice-Mayor Harrison pursuant to Government Code Section (54954.2(b)(2) and making the finding that there is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 10 speakers.

Action: M/S/C (Arreguin/Wengraf) to adopt the Consent Calendar in one motion except as indicated.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Urgency Item: Grant Excused Absence to Vice Mayor Harrison Pursuant to Charter Article V, Section 19 and the City's Bereavement Policy

From: Vice Mayor Kate Harrison

Recommendation: Grant excused absence to Vice Mayor Harrison pursuant to Charter Article V., Section 19, and consistent with the City's bereavement policy regarding death of a "close family member."

Contact: Vice Mayor Kate Harrison, 510-981-7140

Action: Approved recommendation.

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

From: City Manager

Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, and May 10, 2022.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 70,362–N.S.

2. Minutes for Approval

From: City Manager

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

Financial Implications: None

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

Action: Approved the minutes as submitted.

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

From: City Manager

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

Financial Implications: See report

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

Action: Adopted Resolution No. 70,363–N.S.

4. Commission Reorganization: Amendments to Berkeley Municipal Code Section 7.52.190 (Homeless Services Panel of Experts)

From: City Manager Recommendation:

1. Adopt first reading of an Ordinance amending Section 7.52.190 of the Berkeley Municipal Code, the enabling legislation for the Homeless Services Panel of Experts (HSPOE) to add the functions of the Homeless Commission as found in Resolution No. 60.647-N.S.

2. Adopt a Resolution rescinding Resolution No. 60,647-N.S. which established the Homeless Commission.

Financial Implications: See report

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

Action: 1. Adopted first reading of Ordinance No. 7,814-N.S. Second reading

scheduled for June 14, 2022. 2. Adopted Resolution No. 70,364-N.S.

5. Assessments: Berkeley Tourism Business Improvement District

From: City Manager

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

Financial Implications: See report

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

Action: Adopted Resolution No. 70,365–N.S.

6. Assessments: Downtown Berkeley Property Based Business Improvement District

From: City Manager

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

Financial Implications: See report

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

Action: Adopted Resolution No. 70,366–N.S.

7. Assessments: North Shattuck Property Based Business Improvement District From: City Manager

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

Financial Implications: See report

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

Action: Adopted Resolution No. 70,367–N.S.

158

8. Assessments: Telegraph Property Based Business Improvement District From: City Manager

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

Financial Implications: See Report

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

Action: Adopted Resolution No. 70,368–N.S.

9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 31, 2022

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$535,000 Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Approved recommendation.

10. Notice of Appropriations Limit for Fiscal Year 2023

From: City Manager

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

Financial Implications: See report

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

Action: Adopted Resolution No. 70,369-N.S.

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

From: City Manager

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

- 1. Foster Care Program in the projected amount of \$93,187 for FY 2023.
- 2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for FY 2023.
- 3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for FY 2023.
- 4. Tobacco Prevention Program in the projected amount of \$78,960 for FY 2023.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,370–N.S. (Foster Care); Resolution No. 70,371–N.S. (BHS & BTA), Resolution No. 70,372–N.S. (School Linked); and Resolution No. 70,373–N.S. (Tobacco Prevention).

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

From: City Manager

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

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,374–N.S.

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

From: City Manager

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

Financial Implications: See report

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

Action: Adopted Resolution No. 70,375–N.S.

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

From: City Manager

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

- 1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$358,309 for FY 2023.
- 2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$381,147 for FY 2023.
- 3. Tobacco Trust Fund in the projected amount of \$300,000 in FY 2023.
- 4. Immunization Program: In the projected amount of \$1,185,901 for FY 2023.
- 5. Public Health Emergency Preparedness (PHEP)/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected allocation of \$265,000 for FY 2023. **Financial Implications:** See report.

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,376–N.S. (CHDP); Resolution No. 70,377–N.S. (MCAH), Resolution No. 70,378–N.S. (Tobacco Trust Fund); Resolution No. 70,379–N.S. (Immunization); and Resolution No. 70,380–N.S. (PHEP).

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

From: City Manager

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

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,381–N.S.

16. Contract: Interior Motions for Health, Housing, and Community Services Public Health Division Furniture

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Interior Motions for new furniture for the Public Health Division offices. The contract will be in an amount not to exceed \$135,000 for the period April 1, 2022 through December 30, 2022.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,382–N.S.

17. Expenditure Contract: California Mental Health Student Services Act Grant Funds for Berkeley Unified School District for Coordination and Provision of Mental Health Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Berkeley Unified School District (BUSD) to transfer grant funds in the amount of \$2,267,355 requested for BUSD and received from the Mental Health Services Accountability and Oversight Commission (MHSAOC). These funds will be used by BUSD to coordinate and provide mental health staffing and services in BUSD in Fiscal Years 2022 through 2027.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,383–N.S.

18. Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2023 From: City Manager

Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,384-N.S.

19. Berkeley Strategic Transportation Plan Update and Grant Application Opportunities

From: City Manager Recommendation:

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

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

Action: Adopted Resolution No. 70,385–N.S. (Safe Routes to School); Resolution No. 70,386–N.S. (Bicycle Boulevard Extension), and Resolution No. 70,387–N.S. (BeST Plan). Revisions in Supplemental Communications Packet #1 and #2 from the City Manager to increase dollar amounts and add grant projects.

20. Declaration of Intent – Fiscal Year 2023 Street Lighting Assessments From: City Manager

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

Financial Implications: See report

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

Action: Adopted Resolution No. 70,388–N.S. (District No. 1982-1); and Resolution No. 70,389, N.S. (District 2018)

No. 70,389-N.S. (District 2018).

21. Contract: Nema Construction for FY 2022 Street Light Maintenance Project From: City Manager

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

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

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

Action: Adopted Resolution No. 70,390–N.S.

163

22. Contract: Zanker Recycling for Construction and Demolition Materials Hauling, Sorting and Marketing Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zanker Recycling LLC to provide construction and demolition materials hauling, sorting and marketing services for an initial five-year term commencing on July 1, 2022. The contract includes an option to extend for one five (5) year period for a maximum ten (10) year contract term and a total amount not to exceed \$21,551,718.

Financial Implications: Zero Waste Fund - \$21,551,718 Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,391–N.S.

23. Contract No. 102498-1 Amendment: TK Elevator for Elevator Maintenance and Repair Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 102498-1 with TK Elevator (formerly Thyssenkrupp Elevator) to increase the contract amount by \$500,000 for a total contract amount not to exceed \$1,640,000 and to extend the contract term through June 30, 2025.

Financial Implications: Various Funds - \$500,000 Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,392–N.S.

24. Contract No. 108037-1 Amendment: MSR Mechanical, LLC for on-call heating, ventilation and air conditioning services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 108037-1, with MSR Mechanical LLC: to increase the contract amount by \$50,000 for a total contract amount not to exceed \$130,000; and to extend the contract term through June 30, 2024.

Financial Implications: Various Funds - \$50,000 Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,393–N.S.

25. Contract No. 31900031 Amendment: Downtown Streets Team for Expanded Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 31900031 with Downtown Streets Team (DST) to: 1. Increase the contract by \$400,000 for a new not to exceed amount of \$1,675,304 and extend the contract term through December 31, 2023; and 2. Expand DST services to include the cleanup of litter and illegally dumped materials at encampment sites and adjacent neighborhoods throughout the City of Berkeley as needed; and 3. Negotiate new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts in Fiscal Year 2024.

Financial Implications: Various Funds - \$400,000 Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,394–N.S.

26. Contract No. 32000246 Amendment: CF Contracting, Inc. for Sacramento Complete Streets Improvements Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000246 with CF Contracting, Inc. for work on the Sacramento Complete Streets Improvement Project ("Project"), Specification No.20-11379-C, increasing the contract amount by \$250,000 for an amended total not to exceed \$2,725,200.

Financial Implications: Measure BB Fund - \$250,000 Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,395–N.S.

27. Purchase Order: Papé Machinery, Inc. for the completed rebuild and repair of Zero Waste Division's John Deere Wheel Loader, Unit No. 6505

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Papé Machinery, Inc. for the completed rebuild, major component replacement and repair of Zero Waste Division's John Deere Wheel Loader, Unit No. 6505, in an amount not to exceed \$345,188.

Financial Implications: Equipment Maintenance Fund - \$345,188

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

Action: Adopted Resolution No. 70,396–N.S.

28. Authorization for Additional Civic Arts Commission Meeting in 2022

From: Civic Arts Commission

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

165

Financial Implications: None

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Action: Adopted Resolution No. 70.397–N.S.

29. Arts Commission Budget Referral: Festival Grants Budget Allocation

From: Civic Arts Commission

Recommendation: Refer to the City's Budget Process for Fiscal Year 2023 an increased budget allocation of \$41,685 for Festival Grants to bring the allocation for

these grants to \$200,000 annually beginning in Fiscal Year 2023.

Financial Implications: See Report

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Action: Approved recommendation.

Council Consent Items

30. Budget Referral: Small Business Rental and Legal Support From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)

Recommendation: Refer to the Fiscal Year 2023 Budget Process and the City Manager, \$1,000,000 from American Rescue Plan Act (ARPA) funding to launch a needs-based grant program for Berkeley-based small businesses (under 50 employees) to provide supplemental assistance to cover outstanding commercial rent debt and to fund legal assistance to small businesses. The City Manager shall create the criteria and formula to distribute the funds as described in the report.

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

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

Action: Approved recommendation.

31. Budget Referral: Ceasefire Program Staffing

From: Councilmember Taplin (Author)

Recommendation: Refer \$1,000,000 (\$1M) to the budget process to provide full

staffing for a Berkeley Ceasefire program.

Financial Implications: General Fund - \$1,000,000

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120 **Action:** Councilmember Wengraf added as a co-sponsor. Approved

recommendation.

Council Consent Items

32. Budget Referral: Fund Mental Health Wellness Support and Services Coordinator at the Berkeley High School Health Center

From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor) Recommendation: Refer to the FY 23 and FY 24 Annual Budget Process \$350,000 to provide a coordinator position to deliver mental health wellness support and services to the City-run Berkeley High School (BHS) Mental Health Center, and to expand services and training as appropriate, consistent with the May 5, 2022 Council action to reimagine public safety. This includes: 1. Counseling services for students experiencing depression, anxiety, self-harm, suicidal ideations, etc.; 2. Teacher training for mental health awareness; 3. Facilitator/support resources to assist with coordination and scheduling of services.

Financial Implications: General Fund - \$350,000

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

Action: Approved recommendation.

33. Budget Referral: Fund Additional HHCS Community Development Project Coordinator Position to Assist with Workforce Standards and Enforcement From: Councilmember Harrison (Author)

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

Financial Implications: General Fund - \$104,863

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

Action: Approved recommendation.

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

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

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

Financial Implications: Staff time

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: Approved recommendation.

35. Budget Referral: Purchase of Electric Bicycles for City Use

From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation: Refer \$25,000 to the FY 2023-2024 budget process to purchase electric bicycles, electric cargo bicycles, and any related safety, storage, or security equipment for use by employees on City business.

Financial Implications: General Fund - \$25,000

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Approved recommendation.

Action Calendar

36. Updating Published Charges: Mental Health Clinical Services

From: City Manager

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

Financial Implications: See report.

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.

M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste,

Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,398–N.S. **Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste,

Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Recess 7:38 p.m. – 7:49 p.m.

Action Calendar - New Business

37. Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election From: City Manager

Recommendation: Discuss the results of the recent community survey; provide direction to the City Manager on whether to continue working towards placing measure(s) on the November ballot, and, if so, the type of and dollar amounts for revenue measures; and provide input on the Vision 2050 Program Plan.

Financial Implications: See report

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

Action: 17 speakers. M/S/C (Hahn/Taplin) to approve the direction in Supplemental Communications Packet #2 from Mayor Arrequin as written below.

The City Council directs the City Manager and City Attorney to prepare a package of infrastructure revenue measures to submit to the November 2022 ballot modeled after Option #2 in the staff report (Two Measures) with the following details:

Parcel Tax for Streets

• A parcel tax of \$0.30 per building square foot, raising approximately \$28 million annually, to improve streets and traffic safety (Program Plan's Outcome 1).

168

Action Calendar

Provide the costs to voters of a lower parcel tax amount.

A parcel tax should:

- Focus on safe, attractive, green, and sustainable streets, funding improved streetscapes including rehabilitation of failed streets, maintenance and resurfacing, pedestrian/bike/transit improvements, and streetscape/landscape improvements made alongside repaving projects and projects unassociated with paving.
- Be time limited for a period of 14 years. Any extension after that period would require reauthorization by the voters.
- Include advisory language in the ballot measure requesting that the City Council
 make an annual commitment of General Fund revenues to maintain a minimum
 level of funding to ensure that the city's pavement condition does not decline,
 revenues/economic conditions permitting.
- Include an exemption for low-income homeowners
- Research whether the City can impose a split roll rate for residential and commercial properties, with the residential tax rate being lower.
- Advance equitable mobility by directing staff to follow adopted City policies and plans in developing the Vision 2050 Program Plan, choosing projects, and allocating funds.
- Direct staff to revise the Program Plan to specify the funding percentages/amounts that will be used for various parcel tax goals. Council should review and adopt the Program Plan prior to the November vote.

The Plan could be revised to outline allocations in various ways, for instance:

- o street rehabilitation of failed streets,
- street maintenance/resurfacing,
- ped/bike/transit improvements made alongside repaving projects,
- o ped/bike safety and transit improvements unassociated with paving, and
- sidewalks.

With respect to bicycle and pedestrian improvements, consider 10-year goal to at least build the Low-Stress Bikeway Network and implement pedestrian plan priority street segment recommendations.

169

General Obligation Bond for Housing and Other Infrastructure

Action Calendar

- A \$300 Million dollar general obligation bond to finance affordable housing production and preservation, and other infrastructure needs with the following allocation:
 - \$150 Million for affordable housing production and preservation including housing for seniors, persons with disabilities, low-income families and persons experiencing homelessness.
 - \$150 Million to improve resilience to climate change, wildfire prevention and protection, and to improve other public infrastructure (Program Plan's Outcomes 2, 3, and 4); request more definition of the types of projects that could be funded by this bond.

Direction for Both Measures

- Both measures should include references to the use of the Vision 2050 Program Plan and adopted City Plans and policies as guidance for the allocation of streets and infrastructure funding.
- Both measures should assess taxes on commercial parking garages including them in the building square footage taxable.
- Oversight by the new Transportation & Infrastructure Commission, Parks Commission (as needed) and Housing Advisory Commission (on housing funds), who will make recommendations on the annual paving plan, on infrastructure expenditures and housing allocations. The Commissions will also ensure on an annual basis that tax and bond proceeds are spent consistent with the purposes of the measures and produce reports outlining its review of expenditures.

Annual independent audits to ensure that funds are spent consistent with the purposes of the measure.

Additional requests for information related to options for oversight, process for determining priority of projects/repairs, and the funds dedicated to climate goals.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Council Action Items

38. City Council Comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program

From: City Manager

Recommendation: Provide comments on the FY 2023 and FY 2024 Proposed

Biennial Budget and Capital Improvement Program.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: M/S/C (Arreguin/Hahn) to continue Item 38, including Supplemental material from City Manager in Supplemental Communications Packet #2 to June 14, 2022.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste,

Arreguin; Noes – None; Abstain – None; Absent – Harrison.

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

From: Councilmember Harrison (Author)

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

Policy Committee Recommendation: Send the enclosed non-binding recommendations to Council with a qualified positive recommendation and support for Staff's ongoing work to establish public-facing metrics to measure projected and actual outcomes around potential bond projects that support Climate Action goals and other environmental policies.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Approved the recommendation of the Facilities,

Infrastructure, Transportation, Environment & Sustainability Committee.

Information Reports

40. Referral Response: Further Supporting Worker Cooperatives

From: City Manager

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

Action: Received and filed.

Information IReports

41. On-Call Energy Efficiency Services Contracts through On-Bill Financing

From: City Manager

Contact: Alene Pearson, Planning and Development, (510) 981-7400

Action: Received and filed.

Public Comment - Items Not Listed on the Agenda - 3 speakers.

Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on May 31, 2022.

Mark Numainville, City Clerk

Communications

Soft-Story Seismic Retrofit

1. Todd Andrew

Revitalizing Downtown Berkeley

2. Steven Schuyler

Unfreeze Vacant Positions at the Berkeley Police Department

- 3. Kaht Dorward and Edward Cohen
- 4. Rachel Bradley
- 5. Tom Miller

Hopkins Corridor

- 6. S. Omowale Fowles
- 7. Octavia
- 8. Margot Smith
- 9. Kaellyn Moss
- 10. Sally Nelson

May is Mental Health Awareness Month

11 Mental Health Commission

Brown Act Complaint

12. Thomas Lord (2)

ADA vs. Council Practice

13. Thomas Lord

City Code Regarding Tenants Rights

14. Jay Shawl

Decriminalize Entheogenic Plants

15. Shannon Lavelle

Tenant Opportunity to Purchase Act (TOPA)

16. Lynda Winslow

Rodeway Inn (Adobe Services)

17. Sylvia

People's Park

18. Rin Lopez

19. Chimey Lee

Mountain Biking Destroying Wildlife Habitat

20. Mike Vandeman

Homelessness and Encampments

21. Jahlee Arakaki (2)

22. S. Omowale Fowles

COVID-19

23. Todd Andrew

Chavez Park

24. Michele Bernal

California Theatre

25. Alexa Wilkie

Conflict of Interest Reports

26. Margot Smith

Train Horns

27. Lauren Parsons

Supplemental Communications and Reports 1

Item #19: Berkeley Strategic Transportation Plan Update and Grant Application Opportunities

28. Revised material, submitted by the Public Works Department

Item #37: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election 29. Jeffrey Heller

30. Tawny Reynolds

Item #38: City Council Comments on the FY 2023 and FY 2024 Propose Biennial Budget and Capital Improvement Program

- 31. Xandra Castleton
- 32. Sonia Caltvedt
- 33. Nina Boeddeker
- 34. Amy Young

Item 39: Referral to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Policy Committee to Consider Strategies and Make Recommendations to Council and Staff to Ensure Potential Infrastructure Bond Expenditure Is Consistent With Climate Action Goals and Other Environmental Policies

35. Tawny Reynolds

Supplemental Communications and Reports 2

Item #19: Berkeley Strategic Transportation Plan Update and Grant Application Opportunities

36. Revised material, submitted by Public Works

Item #22: Zanker Recycling for Construction and Demolition Materials Hauling, Sorting and Marketing Services

- 37. Eric Lynch, on behalf of Waste Management
- 38. Francine Areas, on behalf of Zanker Recycling

Item #37: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

- 39. Supplemental material, submitted by Mayor Arreguin
- 40. Revised material, submitted by Councilmember Harrison
- 41. Susan Schwartz
- 42. S. Entwistle
- 43. Ray Yep
- 44. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 45. Michael Katz
- 46. Rivka Polatnick, on behalf of Racism and Criminal Justice Reform group (RCJR)
- 47. Derethia DuVal

Item #38: City Council Comments on the FY 2023 and FY 2024 Propose Biennial Budget and Capital Improvement Program

48. Supplemental material, submitted by the City Manager

Supplemental Communications and Reports 3

Item #19: Berkeley Strategic Transportation Plan Update and Grant Application Opportunities

49. Abby Thorne-Lyman, on behalf of BART

Item #37: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

- 50. Presentation, submitted by Public Works
- 51. Hector Malvido
- 52. Barbara White
- 53. Wilhelmenia Wilson
- 54. Diana Bohn
- 55. Moni Law
- 56. Friends of Adeline
- 57. James McGrath
- 58. Barbara Gilbert
- 59. Charlene Washington

Miscellaneous

Ashby and North Berkeley BART Development

- 60. Neighbors Not Towers Voter Bloc
- 61. Anonymous



18

CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible

Issuance After Council Approval on June 28, 2022

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Total estimated cost of items included in this report is \$4,856,000.

PROJECT	Fund	Source	Amount	
Public Safety Building HVAC	011	Discretionary	\$356,000	
Specialized Care Unit Provider	354	ARPA – Local Fiscal Recovery	\$4,500,000	
Total:			\$4,856,000	

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 28, 2022 CONSENT CALENDAR June 28, 2022

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Darryl Sweet, General Services Manager, Finance, 510-981-7329

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 28, 2022
 - a. Public Safety Building HVAC
 - b. Specialized Care Unit Provider

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

NEXT 30 DAYS DATE SUBMITTED: June 28, 2022

SPECIFICATI ON NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
22-11532-C	Pub;ic Safety Building HVAC	7/19/2022	8/30/2022	New roof mounted mechanical equipment to provide redundant cooling to the existing second floor data center. Scope includes modifications to heating and cooling systems, associated electrical infrastructure, roofing and roof structure and related finishes.	\$356,000	011-54-623-677-0000-000- 444-662110- PWENCB2102	PW/Eng	Titus Chen 981-6410
Dept TOTAL					\$356,000.00			
22-11533-C	Specialized Care Unit Provider	6/29/2022	8/24/2022	Contract with a community partner to serve as the provider for the Specialized Care Unit pilot program. The contracted organization will provide 24/7 behavioral health crisis response services to individuals experiencing a crisis in Berkeley.	\$4,500,000	354-51-501-502-0000-000- 451-612240-; HHOARP2201- NONPERSONN- CONTRSERVI-CMMNTYAGY	HHCS/Office of the Director	Katie Hawn
Dept TOTAL					\$4,500,000			
TOTAL					\$4,856,000.00			

Page 4 of 4



19

CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: FY 2023 Revision to the Investment Policy and Designation of Investment

Authority

RECOMMENDATION

Adopt a Resolution accepting the changes to the Investment Policy and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2023.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts from accepting the revisions to the Investment Policy and renewing the delegation of authority to the Director of Finance to make investments.

CURRENT SITUATION AND ITS EFFECTS

A. FY 2023 Reinforcement and Revision to the Investment Policy:

1. **Recommendation:** Added Public Bank Obligations Category to the investment vehicles.

Authority: In accordance with Government Code section 53601(r), 53635(c), and 57603 local agencies are allowed to invest in public banks.

Public Bank Obligations

As authorized in Government Code Section 53601(r),53635(c), and 57603 local agencies may invest on commercial paper, debt securities or other obligations of a public bank. The maximum maturity of these investments shall be five years. Purchases may not exceed 10% of the City's total of unrestricted investments.

FY 2023 Revision to the Investment Policy and Designation of......CONSENT CALENDAR Investment Authority

JUNE 29, 2022

a. Added Public Banking Investment Portfolio Diversification Requirements Table on page 19, Section X.A.

Public Bank Obligations	10% of Unrestricted Investments	5 Years
-------------------------	---------------------------------	---------

B. Delegating Authority to Make Investments

The Investment Policy requires the City Council to annually confirm the delegation of investment authority to the Director of Finance.

BACKGROUND

The State statutes that govern investment activity requires the City Council to annually affirm the Investment Policy and to annually confirm the delegation of investment authority.

INVESTMENT OVERSIGHT

All investments included in the portfolio comply with the City's adopted investment policies and State law.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Investment Policy provides opportunities to make environmentally responsible investments that support the City's environmental sustainability goals.

RATIONALE FOR RECOMMENDATION

The State requires City Council to annually affirm the Investment Policy, and to annually confirm the delegation of investment authority to the Director of Finance.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 981-7326

Attachments:

- 1: Resolution
- 2. Investment Policies for Idle Pooled Cash (Effective July 1, 2022)
- 3. Investment Policies for Retiree Medical Plan Trust Funds (Effective July 1, 2022)

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

ACCEPTING THE INVESTMENT POLICY AND RENEWING THE DELEGATION OF AUTHORITY TO MAKE INVESTMENTS TO THE DIRECTOR OF FINANCE

WHEREAS, by Resolution No. 69,941-N.S. dated June 29, 2021, the City Council adopted the Investment Policy for the City of Berkeley; and

WHEREAS, the Statement of Investment Policies requires the Director of Finance to submit and make recommendations for amendments to the investment policy; and

WHEREAS, the Director of Finance has recommended an amendment to the City's investment policy to the City Council.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley shall adopt a resolution to affirm the Statement of Investment Policies, and to confirm the delegation of investment authority to make investments to the Director of Finance for FY 2023.

City of Berkeley Investment Policy



Effective July 1, 2022

City of Berkeley **Investment Policy**

July 1, 2022

Table of Contents

l.	INTRODUCTION	2
A.	•	
В. С.	,	
II.	INVESTMENT AUTHORITY AND RESPONSIBILITIES	6
A.	Authorized Investment Officers	6
В.		
C.	Evaluation of Investment Officer Actions	9
III.	CAPITAL PRESERVATION AND RISK	9
A.		
В.	Portfolio Diversification Practices	9
IV.	ELIGIBLE FINANCIAL INSTITUTIONS	10
A.	Authorized Dealers	10
B.	Individual Placement of Deposits	10
V.	INVESTMENT VEHICLES	11
A.	State of California Limitations	11
В.	City Policies	14
VI.	INVESTMENT MATURITY	16
VII.	CASH MANAGEMENT	16
VIII.	EVALUATION OF INVESTMENT PERFORMANCE	16
IX.	INVESTMENT REPORTING	17
Χ.	APPENDICES	19
A.	Investment Portfolio – Diversification Requirements	19
В.		

I. Introduction

Pursuant to Sections 2.44.040 and 2.44.060 of the Berkeley Municipal Code, Resolution No. 45,087-N.S., and Sections 53601, 53607, 53636 and 53648 of the State Government Code, the Director of Finance, the Treasurer of the City, is authorized to make investments of the City's idle funds. The Code also directs the City to present an annual investment policy to the City Council for approval. This Investment Policy, after approval of the amendments by the City Council, will serve as the Investment Policy for the City of Berkeley for fiscal year 2019.

A. Scope of Policies

These investment policies apply to the investments of the City of Berkeley and the Rent Stabilization Board. All financial assets of any non-trust funds, including the general fund and other funds that may be created from time to time, shall be administered in accordance with the provisions of these policies.

B. Investment Objectives

The City's primary investment objective is to achieve a reasonable rate of return on public funds while minimizing the potential for capital losses arising from market changes or issuer default. Although the generation of revenues through interest earnings on investments is an appropriate City goal, the primary consideration in the investment of City funds is capital preservation in the overall portfolio. As such, the City's yield objective is to achieve a reasonable rate of return on City investments rather than the maximum generation of income, which could expose the City to unacceptable levels of risk.

The following investment objectives, in order of priority, shall be applied in the management of City funds: safety, liquidity and yield.

- 1. Safety of principal is the foremost objective of the investment program Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk, summarized as follows:
 - a. Credit risk. This is the risk of loss due to the failure of the security issuer or backer. Credit risk may be mitigated by:
 - · Limiting investments to the safest types of securities.
 - Determining the credit worthiness of the financial institutions, broker/dealers, and intermediaries with which the City does business.
 - Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
 - b. Interest rate risk. This is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity; and
- Investing operating funds primarily in shorter-term securities.

2. Liquidity

No investment shall be made that could not appropriately be held to maturity without compromising liquidity requirements. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary markets (dynamic liquidity).

3. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a reasonable return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- i. Liquidity needs of the portfolio require that the security be sold.
- ii. A security swap would improve the quality, yield, or target duration in the portfolio.

4. Responsible Investing

Investment policies of the City of Berkeley shall comply with the letter of the following ordinances, resolutions and directives:

- Nuclear-Free Berkeley Act
- Resolution No. 59,853-N.S.-Oppressive States Contract prohibition
- Divestment from Gun Manufacturers and Tobacco Companies
- Divestment from Publicly Traded Fossil Fuel Companies and Banks that Finance Pipelines and Fossil Fuel Infrastructure
- Divestment from Prisons Resolution No. 67,640-N.S. and Immigration Detention Companies
- Divest from Any Companies Designing, Building or Financing the U.S. Mexico Border Wall Resolution No. 67,865-N.S.
- No Investment in Any Entity Involve in the Production and Manufacturing of Weapons-Resolution No. 68,766-N.S.
- Integrate Environmental, Social, and Governance Principles (ESG) for All Investment Decision Making Process (See Appendix B for details.)

a. Nuclear-Free Berkeley Act

To the extent possible, without compromising the City's safety, liquidity and yield objectives, it is the City's policy to prefer investments in U.S. Agency securities. They are preferred because of their generally higher yields and generally socially preferable uses, such as housing loans or student loans, versus investments in Treasury securities with their association with nuclear weapons.

All financial institutions, which hold deposits or investments of the City, shall file a statement with the Director of Finance indicating the percentage of the bank's assets which are loaned to or invested in nuclear weapons agents as defined in Section 12.90 of the Nuclear-Free Berkeley Act. The Director of Finance shall use this information as a factor in selecting banks which have minimum involvement in the nuclear weapons industry. A summary of these reports shall be attached to the annual Statement of Investment Policies.

- Investments in United States Treasury securities may be made by the City of Berkeley.
- The City of Berkeley shall ensure that any City funds, or any funds controlled by the City, invested or other third parties, are invested according to the provisions of this section and, to this end, shall obtain written assurances to this effect from any such trustees or third parties.

b. Divestment From Publicly-Traded Fossil Fuel Companies and Companies that Provide Direct Financing or On-going Lines of Credit for the Funding of Fossil Fuel Infrastructure

The City of Berkeley has a responsibility to protect the lives and livelihoods of its inhabitants from the threat of climate change. While fossil fuel companies provide an attractive return on investment, the City of Berkeley will suffer greater economic and financial losses from the impact of unchecked climate change. The City's infrastructure, businesses and communities would face greater risk of damages and losses due to that climate change. The City believes that its investments should support a future where all citizens can live healthy lives without the negative impacts of a warming environment. For the purposes of the Investment Policy, a "fossil fuel company "shall be defined as any of the two hundred publicly-traded companies with the largest coal, oil and gas reserves as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned, as listed in the Carbon Tracker Initiative's "Unburnable Carbon" report.

Staff responsible for managing the City's investment portfolio are directed to divest all City funds held in fossil fuel companies or companies that provide direct financing or on-going lines of credit for the funding of fossil fuel infrastructure such as the Dakota Access Pipeline and are prohibited from making any new investments in such companies.

c. Divestment from Gun Manufacturers and Tobacco Companies

The City of Berkeley has a responsibility to protect the lives and livelihoods of its inhabitants from the threat of dangerous weapons and products. There is no better role for city government than to protect people. If the City invests in companies that are putting dangerous weapons and dangerous products on our streets, then the City is part of the problem.

Staff responsible for managing the City's investment portfolio are directed to divest all City funds held in gun manufacturers and tobacco companies and are prohibited from making any new investments in such companies.

d. Divestment from Prisons and Immigration Detention Companies

The prison and immigration detention industry reaps large monetary benefits from the imprisonment of these communities. Prison companies admit that their companies benefit from high incarceration rates. With the increasing economic benefits that come with commodifying human lives, the City of Berkeley should divest from prison and immigration detention companies to make a statement that the industry harms human lives and degrades them as monetary investment.

Staff responsible for managing the City's investment portfolio are directed to divest all City funds held in Prisons and Immigration Detention Companies and are prohibited from making any new investments in such companies.

e. Divestment from any Companies Designing, Building or Financing the U.S.-Mexico Border Wall - Resolution No. 67,865-N.S.

The City of Berkeley is strongly opposed to the construction of a border wall between the United States and Mexico as called for in Presidential Executive Order 13767. Immigration has been part of this country's history since its inception. Construction of a border wall with tightened security will harm refugees who are feeling violence and conflict in Central American countries including Honduras and El Salvador. A border wall would increase international tensions and cause environmental damage by increasing emissions, cutting off natural water flows, and disturbing wildlife migration routes. The wall would cut through ancestral native lands and would significantly disrupt tribal communities. In addition, construction of a wall would be huge financial burden to taxpayers. Therefore, to ensure that local tax dollars in no way support the construction of the proposed border wall, the City of Berkeley will divest from all companies involved with designing, building, and financing the border wall.

Staff responsible for managing the City's investment portfolio are directed to divest all city funds from companies that design, build or finance the U.S.-Mexico border wall as called for in Presidential Executive Order 13767, and are prohibited from making any new investments in such companies.

f. No Investment in Any Entity Involve in the Production and Manufacturing of Weapons-Resolution No. 68,766-N.S.

The City of Berkeley joins the cities nationwide that oppose militarism and violence, and encourages other cities to follow Berkeley's lead. U.S. weapons manufacturers continue to supply repressive regimes around the world and U.S. produced weapons are being used in attacks that the international community deems unlawful for their disproportionate and excessive harm to civilians.

Staff responsible for managing the City's investment portfolio are directed to divest all City funds from companies that are involved in the production or manufacturing of weapons and weapons system, whether conventional or nuclear and including the manufacture of civilian arms.

These guidelines apply to all cash-equivalent assets included within the scope of the City's audited financial statements and held either directly by the City or held and invested by fiscal agents.

g. Integrate Environmental, Social, and Governance Principles (ESG) for All Investment Decision Making Process (See Appendix B for details.)
This combines environmental, social, and governance issues with traditional

financial factors in the investment decision-making process. ESG investing helps cities like Berkeley to benefit from both impact driven and financially prudent investments. ESG principles would put Berkeley's values into our investment dollars.

C. Use of State Investment Guidelines

Government Code Sections 16481.2, 53601, 53607, 53635, and 53646 of the State of California regulate the investment practices. It is the policy of the City of Berkeley to use the State's provisions for local government investments as the base for developing and implementing the City's investment policies and practices.

As required under Government Code Sections 16481.2 and 53646, the Statement of Investment Policies will be reviewed by the Council annually.

II. Investment Authority and Responsibilities

A. Authorized Investment Officers

1. Idle Funds

Pursuant to Sections 2.44.040, 2.44.060 of the Berkeley Municipal Code, Resolution No. 45,087-N.S., and Sections 53601, 53636 and 53648 of the State Government Code, the Director of Finance, the Treasurer of the City, is authorized to make investments of the City's idle funds. Responsibility for the operation of the investment program is hereby delegated to the Director of Finance, who shall carry out established written procedures and internal controls for the operation of the investment program consistent with this plan. Procedures should include references to: safekeeping, delivery versus payment basis of settling transactions, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts. In the exercise of this responsibility, the authority to perform specific investment tasks and duties is delegated as follows:

- Treasury Manager/Revenue Collection Manager. In the absence, and under the direction, of the Finance Director, to invest idle funds on a daily basis as required for cash flow purposes pursuant to the requirements of the Statement of Investment Policies.
- Senior Accountant or Accounting Manager. To execute necessary investment documents, and obtain the approval of the Director of Finance to authorize wire transfers and execute bank authorizations.
- Deputy City Manager. To execute necessary investment documents, authorize
 wire transfers; execute bank authorization in absence of the Director of
 Finance, Treasury Manager/ Revenue Collection Manager, Senior
 Accountant, and the Accounting Manager.

B. Internal Controls

The Director of Finance shall establish a system of internal controls designed to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City of Berkeley. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management. These controls shall include:

Separation of transaction authority from accounting and physical custody.

- By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
- Also, securities purchased from any bank or dealer including appropriate collateral (as
 defined by State Law), shall be placed with an independent third party for custodial
 safekeeping.
- Avoidance of physical delivery of securities by using a delivery versus payment "Basis of Settlement Only."
- All trades will be executed on a delivery versus payment (DVP) basis. This ensures that
 securities are delivered to the City's safekeeping bank at the same time the funds
 are released by the City's safekeeping bank.
- Third-Party custodial safekeeping of securities held in the name of the City. Delivered securities must be properly safeguarded against loss or destruction. Book entry securities are recorded in electronic records and the potential for fraud and loss increases with physically delivered securities. All investment securities, except collateralized certificates of deposit and money market funds, purchased by the City will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by a City-approved custodian bank, its correspondent New York Bank or the Depository Trust Corporation (DTC). Whenever possible, securities purchased are to be recorded in "book entry" form.
- All securities and applicable collateral will be held by the City's third party custodian and
 evidenced by safekeeping receipts. All book entry securities owned by the City shall
 be evidenced by a safekeeping receipt issued to the City by the custodian bank to
 acknowledge that the securities are held in the Federal Reserve system in a
 "customer account" for the custodian bank which names the City as "customer";

The Director of Finance will require each approved safekeeping financial institution to submit a copy of its Consolidated Report of Condition and Income (Call Report) to the City within 60 days after the end of each calendar quarter.

- Competitive bidding on investment transactions. Before the City invests in any
 secondary market funds, competitive bids shall be requested. If a specific maturity
 date is required, either for cash flow purposes or for conformance to maturity
 guidelines, bids will be requested from at least three financial institutions for
 instruments which meet the maturity requirement. If no specific maturity is required, a
 yield curve analysis will be conducted to determine which maturities would be most
 advantageous.
- Written confirmation and documentation of all financial transactions.

- Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.
- Rapid deposit of funds received by the City (i.e., large checks.)
- Bonding of all investment officials.

C. Evaluation of Investment Officer Actions

Section 53600.3 of the Government Code identifies trustees as those persons authorized to make investment decisions on behalf of a local agency. As a trustee, the standard of prudence to be used by investment officials shall be the "prudent investor" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this plan.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.

III. Capital Preservation and Risk

A. Overview

Some level of risk is inherent in any investment transaction. Losses may be incurred due to issuer default, market price changes, or technical cash flow complications such as investments in non-marketable certificates of deposit. Diversification of the City's portfolio by institution, investment vehicle, and maturity term is the primary tool available to the City in minimizing investment risk and capital losses by safeguarding the overall portfolio from any individual loss.

B. Portfolio Diversification Practices

The following sections summarize the City's major portfolio diversification practices and guidelines in determining:

- Authorized Dealers
- Investment Vehicles
- Investment Maturity

Portfolio limitations included in these guidelines are to be based on the portfolio composition and investment management plan policies in effect at the time of placement; the actual composition of the City's investments may vary over time from plan limitations due to overall portfolio changes from when the individual placement was made as well as changes in the City's investment management plan

IV. Eligible Financial Institutions

A. Authorized Dealers

Investments shall be purchased only through well-established, financially sound
institutions. The Finance Director shall maintain a list of financial institutions and
broker/dealers approved for investment. All financial institutions and broker/dealers
who desire to become qualified bidders for investment transactions will be given a
copy of the City's Statement of Investment Policies, and a return cover letter which
must be signed indicating that the Statement of Investment Policies has been read
and understood.

Qualified financial institutions and broker/dealers must supply the Director of Finance with the following:

- Financial Institutions
 - Current audited financial statements Depository contracts, as appropriate
 - A copy of the latest FDIC call report or the latest FHLBB report, as appropriate.
- Broker/Dealers
 - Current audited financial statements
 - Proof that brokerage firm is a member in good standing with a national securities exchange.
- Except for repurchase agreements, investments shall be awarded based on competitive bids. Documentation relating to investment quotes shall be maintained by the Finance Department for a period of one year.

B. Individual Placement of Deposits

Individual placement of negotiable, collateralized, and other time certificates of deposit with eligible financial institutions shall be based on the following practices and procedures:

- Deposits shall only be placed with financial institutions maintaining offices within the City of Berkeley.
- Unless collateralized by eligible securities as provided in Sections 53651 and 53652 of the Government Code, the maximum amount of Certificates of Deposit to be placed with any single institution is \$250,000.

V. Investment Vehicles

A. State of California Limitations

As provided in Sections 53601, 53635, and 16429.1 of the Government Code, the State of California limits the investment vehicles available to local agencies to the following:

1. U.S. Treasury Instruments

As authorized in Government Code Section 53601(b), this category includes bills, notes, bonds or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. There are no portfolio limitations on the amount.

2. Government Sponsored Enterprises

As authorized in Government Code Section 53601(f), this category includes a wide variety of government securities. These securities include U. S. government-sponsored enterprise obligations, such as issues by the Federal National Mortgage Association (FNMA's), Federal Home Loan Bank (FHLB), Federal Farm Credit (FFCB), Student Loan Marketing Association (SLMA), etc. There are no portfolio limitations on the amount.

3. Municipal Securities

As authorized in Government Code Section 53601(a)(c)(d)(e), this category includes obligations of the City, the State of California, any of the other 49 states, and any local agency within the State of California, provided that:

- The securities are rated "A" or higher by at least one nationally recognized statistical rating organization.
- No more than 5% of the portfolio may be invested in any issuer.
- The maximum maturity does not exceed five years.

4. Banker's Acceptances

As provided in Government Code Section 53601(f)g, 40% of the City's portfolio may be invested in Banker's Acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank, although no more than 30% of the portfolio may be invested in Bankers' Acceptances with any one commercial bank. Additionally, the maturity period cannot exceed 180 days.

5. Commercial Paper

Commercial paper is a short-term, unsecured promissory note issued by financial and non- financial companies to raise short-term cash. As provided in Government Code Section 53601(h) up to 25% of the City's portfolio may be invested in "prime" commercial paper of the highest ranking or of the highest letter and number rating as provided by a nationally recognized statistical-rating organization (i.e., Moody's or Standard and Poor's or Fitch), with maturities not to exceed 270 days. The issuer must have total assets in excess of \$500 million, and have debt other than Commercial Paper rated "A" or higher by a nationally recognized statistical-rating organization.

6. Negotiable Certificates of Deposit

Negotiable certificates of deposit are a fixed deposit certificate that may be negotiated (traded) to a third party. The institution issuing the certificate promises to pay the holder the initial investment plus the interest rate stated on the certificate at maturity. As authorized in Government Code Section 53601(i), the City may invest 30% of its portfolio in negotiable certificates of deposit issued by commercial banks, thrifts and foreign banks.

7. Repurchase Agreements

Repurchase agreements are agreements between the local agency and seller for the local agency to purchase government securities to be resold back to the seller at a specific date and for a specific amount and are authorized by Government Code Section 53601(j). Although the legal maximum maturity on these investments is 360 days, repurchase agreements are generally short-term investments varying from one day to two weeks. Investments in repurchase agreements must be collateralized, and collateral required for repurchase agreements is limited to Treasury and Agency securities. In order to anticipate market changes and provide a level of security for all funds, the required collateralization level is 102% of market value of principal and accrued interest.

8. Reverse Repurchase Agreements

Reverse repurchase agreements are a sale of securities by the local agency with a simultaneous agreement for the local agency to repurchase the securities on or before a specified date. As provided in Government Code section 53635(j), reverse repurchase agreements require the prior approval of the City Council. Reverse repurchase agreements can only be made with primary dealers of the Federal

Reserve Bank of New York or with a nationally or state-chartered bank that has or has had a significant banking relationship with the local agency. There are no portfolio limitations on the amount for these investments.

9. Medium-Term Corporate Notes

As authorized in Government Code Section 53601(k), local agencies may invest in corporate bonds and notes of industrial companies, banks, bank holding companies, insurance companies, thrifts and finance companies that are rated "A" or better by a nationally recognized rating service; and issued by corporations organized and operating in the United States. The maximum remaining maturity is limited to five years, and the amount invested must not exceed 30% of the agency's portfolio.

10. Shares of Beneficial Interest Issued By Diversified Management Companies

As authorized in Government Code Section 53601(I), local agencies are also authorized to invest in shares of beneficial interest issued by diversified management companies (i.e., mutual funds) as defined in Section 23701(m) of the Revenue and Taxation Code in an amount not to exceed 20% of the agency's portfolio.

11. Financial Futures and Financial Option Contracts

As authorized in Government Code Section 53601.1, local agencies may invest in financial futures or option contracts in any of the above investment categories subject to the same overall portfolio limitations.

12. Time Certificates of Deposit

As authorized in Government Code Section 53635, time certificates of deposit are fixed term, non-negotiable investments which are required to be collateralized 110% by eligible pooled securities. The pool is administered by the State, and is composed of a wide variety of government securities, secured by first mortgages on improved residential property located in the State. There are no portfolio limits on the amount; however the maturity period for this investment vehicle may not exceed five years unless approved by the Council.

13. Local Agency Investment Fund

As authorized in Government Code Section 16429.1, local agencies may invest in the Local Agency Investment Fund (LAIF), a pooled investment fund managed by the State Treasurer's Office. It operates like a money market fund, but is for the exclusive benefit of governmental entities within the State. The current maximum amount of money that may be invested is \$40 million.

14. Moneys Held By A Trustee Or Fiscal Agent

As authorized in Government Code Section 53601(m), debt proceeds held by a trustee or fiscal agent, which are pledged to the payment or security of bonds or other indebtedness may be invested in accordance with the statutory provisions governing the issuance of those bonds or other agreement; or to the extent not

inconsistent with statutory provisions, or if there are no specific statutory provisions, investments may be made in accordance with the ordinance, resolution, indenture, or agreement of the local agency for the issuance.

This category includes investment agreements approved in writing by insurance companies, supported by appropriate opinions of counsel with notice to Standard and Poor's.

15. Other Secured Notes, Bonds Or Other Obligations

As authorized in Government Code Section 53601(n), notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Section 53651 as eligible securities.

16. Mortgage Pass Through, Collateralized Mortgage Obligation, Mortgage-backed Bond, Equipment Lease-backed Certificate, Consumer Receivable Pass through Certificate, and Consumer Receivable-backed Bond

As authorized in Government Code Section 53601(o), securities in this category must be rated "AA" or its equivalent or better by a nationally recognized rating service. Purchases may not exceed 20% of the agency's portfolio.

17. Public Bank Obligations

As authorized in Government Code Section 53601(r),53635(c), and 57603 local agencies may invest on commercial paper, debt securities or other obligations of a public bank. The maximum remaining maturity is limited to five years.

B. City Policies

1. Allowable Investment Vehicles and Restrictions

The Director of Finance/City Treasurer is authorized to invest in any of the investment vehicles allowed by Sections 53601, 53635 and 16429.1 of the Government Code above, with the following limitations:

Financial futures; option contracts, floaters, inverse floaters, range notes, interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest income if held to maturity may not be purchased. Exclusion of these vehicles is consistent with the City's overall objective of achieving reasonable yields on public funds while minimizing risk and capital losses. Although the potential exists for greater interest yields with these vehicles, it is believed that the potential level of risk exceeds their benefits except in very limited circumstances.

 Reverse repurchase agreements shall be entered into only to effect a "matched" transaction whereby the proceeds of the reverse are reinvested for the same

period as the term of the reverse repurchase agreement.

- Funds will only be invested in negotiable Certificates of Deposit that are fully insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC) in amounts up to \$250,000 (including interest).
- The authority to invest in certain securities is restricted by the provisions of the section entitled "Responsible Investing".
- No more than 45% of the portfolio may be invested in callable agency or government- sponsored enterprise securities.
- Commercial paper is limited to a maturity of 180 days, and the issuer must have the highest rating from two nationally recognized rating agencies, not one (as required by the State).
- The greater of \$5 million or 2% of the short-term portfolio can be in the commercial paper of any single corporation or group under essentially common ownership or control.
- Purchases of such corporate notes as mortgage pass through, collateralized mortgage obligation, mortgage-backed bond, equipment lease-backed certificate, consumer receivable pass through certificate and consumer receivable-backed bond must be rated "Aa" or AA or its equivalent or better by a nationally recognized rating service. As authorized in Government Code Section 53601(j), staff may invest in corporate bonds and notes of industrial companies, banks, bank holding companies, insurance companies, thrifts and finance companies that are rated "A" or better by a nationally recognized rating service; and issued by corporations organized and operating in the United States. The amount invested must not exceed 30% of the agency's portfolio.
- No investment shall be made which involve a "hidden" reduction in the
 investment rate or yield in order to subsidize other investment programs. For
 example, the City invests \$10,000,000 for a year at a rate of 1% less than
 "market" rates.
- Up to 100% of the portfolio may be placed in money market accounts.

See Appendix A for the Investment Portfolio/Diversification Requirements, which lists the maximum amounts that may be invested in the various investment types and the maximum authorized maturities.

2. Term

Reserve funds from the proceeds of debt issues may be invested by the Director of Finance/City Treasurer in government agency securities with terms exceeding five (5) years, if the maturity of such investments are made to coincide as nearly as practicable with the life of the debt issue. A maximum of 30 percent of the par value of the portfolio may be invested in a stated maturity of up to 10 years.

3. New Investments

No new types of investments will be purchased for the first time without at least two weeks notification to the City Council. For example, although Mortgage Pass through securities are authorized investments, none will be purchased for the first time without such prior City Council notification.

VI. Investment Maturity

In addition to the risks associated with the credit-worthiness of the financial institution and the security of the investment vehicle, the maturity period of investments is also a significant consideration in the management of the City's portfolio. In order to minimize the impact of market risk, it is intended that all investments will be held until maturity. Investments may be sold prior to maturity for cash flow or appreciation purposes; however, no investment shall be made based solely on yields resulting from anticipated capital gains.

Also, except for debt proceeds, a maximum of 30 percent of the par value of the portfolio may exceed five years.

VII. Cash Management

To achieve a reasonable return on public funds, the following cash management practices will be followed:

- Maintain maximum investment of all City funds not required to meet immediate cash flow needs while maintaining adequate compensating balances as required under the City's banking services agreement.
- Pool resources available for investment from all City-administered funds, with interest earnings allocated to each of the funds in accordance with generally accepted accounting principles.
- Maximize the City's cash flow through the immediate deposit of all cash receipts, use of direct deposits and wire transfers when available, and appropriate timing of payments to vendors.

 Maximize the cash flow information available through the use of only one operating bank account.

VIII. Evaluation of Investment Performance

As indicated in the Introduction section of this document, it is the City's primary investment objective to achieve a reasonable rate of return on public funds while minimizing risks and preserving capital. In evaluating the performance of the City's portfolio in achieving this objective, it is expected that yields on City investments will regularly meet or exceed the average return on the State Local Agency Investment Fund (LAIF).

IX. Investment Reporting

Consistent with Sections 16481.2 and 53646 of the Government Code, the Department of Finance shall submit an annual Statement of Investment Policies to the Council for consideration at a public meeting.

In addition to the submittal of an annual Statement of Investment Policies, the Department of Finance shall provide the Council with a quarterly and annual investment report providing the following information for each investment or security:

- Issuer or broker/dealer (financial institution)
- Type of investment
- Certificate or other reference number if applicable
- Percentage yield on an annualized basis
- Purchase date
- Maturity date for each investment and the weighted average maturity of all the investments within the portfolio
- Current book value
- Current market value
- Total cost and market value, including source of this valuation, of the City's portfolio
- A description of the compliance with the Statement of Investment Policies
- An evaluation of investment operations for the preceding year. This shall include an evaluation of how well the objectives have been achieved: the accuracy of forecasting expenditures and revenues, as well as a comparison of the average returns on the investment portfolio with that of the Local Agency Investment Fund (LAIF).
- Report of investments. The Director of Finance shall prepare a report that
 provides a clear status of the current investment portfolio and transactions. The
 report will be prepared in a manner which allows the City Manager and Council
 to ascertain whether investment activities during the reporting period have
 conformed to the investment policies.

Page 22 of 39

Public

- Summary of key or unusual events, including but not limited to:
 - Any exceptions to policies;
 - Adherence to or deviations from social investment goals;
 - Purchases of Treasury securities, other than in repurchase agreements with maturities of seven days or less;
 - Purchases of securities that exceed maturity limits;
 - Sales of securities more than three months before maturity;
 - Changes in investment procedures, dealers, staff, etc.
- Investment performance:
 - A glossary, defining all funds or accounts referred to elsewhere in the report; and a listing of banks, securities dealers and custodians that the City has had investment transactions during the period.
 - A summary of the certifications for deposits of City funds.
 - Other information regarding the City's portfolio as appropriate

The Quarterly Investment Report shall include all investments as of the end of the quarter from all funds held in the City's portfolio, and shall be issued within 60 days after the end of the quarterly reporting period to the City Manager, and the City Council; the annual report shall be issued within 90 days after the end of the fiscal year to the City Manager, and the City Council.

X. Appendices

A. Investment Portfolio – Diversification Requirements

Investment Portfolio

Diversification Requirements

Investment Instrument	Maximum Amount of Portfolio	Maximum Length to Maturity
Bank / Time Deposit Accounts	100%	5 Years
Money Market Deposit Accounts	100%	N/A
Repurchase Agreements	10%	1 Year
Reverse Repurchase Agreements	10%	7 Days
Bankers Acceptances	40%	7 Days
U.S. Government Securities (Treasury Bills, Notes, and Bonds)	100%	10 Years
U.S. Government Agency Securities by Agency	100%	10 Years
Certificates of Deposit (Negotiable)	30%	10 Years
Municipal Bonds	100%	5 Years
Commercial Paper	25%	180 Days
Medium Term Notes	30%	10 Years
Public Bank_Obligations	10% of Unrestricted Investments	5 Years

B. Berkeley's ESG Investing Initiative

CITY OF BERKELEY



BERKELEY'S ESG INVESTING INITIATIVE

On November 27, 2018, City of Berkeley City Council approved the recommendation to incorporate the Environmental, Social, and Governance (ESG) principles in the City of Berkeley's investment policy. This is a new effort to integrate ESG considerations into Berkeley's investment decision-making process would lead the way for responsible investment in the United States and across the globe. ESG factors makes good business sense and leads to more sustainable markets and better outcomes for societies.

WHAT IS ESG INVESTING?

ESG investing describes the consideration of environmental, social, and governance (ESG) factors alongside traditional financial factors in the investment decision-making process, ensuring that investments are financially prudent and impact driven. ESG factors may include greenhouse gas emissions, energy usage, labor standards, business ethics, gender and racial diversity, executive compensation, and more.

WHY IS ESG INVESTING IMPORTANT?

First, ESG investing drives better risk-adjusted returns, since companies that score higher on ESG factors tend to have stronger fundamentals that mitigate financial risk, putting those companies in a better position for long-run stability and profitability.

And second, ESG investing helps guide investment dollars to make a positive impact on some of the most fundamental challenges facing Berkeleyans. Through promoting investments in companies that prioritize conservation and sustainable business practices, it helps protect our environment for future generations. Through promoting investments in companies that promote a better quality of life for all of us, it helps create a more equitable, just corporate eco-system and world. And through promoting investments in companies with strong corporate governance, it helps promote sound and representative management practices.

WHAT IS THE CITY OF BERKELEY'S APPROACH?

We plan to take clear, defined steps toward fully integrating ESG factors into the investment decisions within our operating portfolio, potentially including the following actions and commitments:

- 100% Integration: Ensure that 100% of investment decisions on corporate securities are analyzed through ESG factors, making Berkeley one of the few cities in the country to take this step with its operating portfolio. Specific factors will include (but will not be limited to):
 - Environmental: Carbon Footprint; Energy Consumption; Water/Waste; External Conservation Initiatives; and Sector-Specific Adjustments.
 - o Social: Labor Rights; Employee Diversity; Corporate Social Responsibility; and Human Rights/Ethics.
 - Governance: Leadership Structure; Executive Compensation; Human Capital Management; Transparency/Disclosure; and Shareholder Rights.
- Comprehensive Approach: Seek to maintain a minimum ESG portfolio rating of investment grade or higher,
- Proactive, Responsible Investing: Pursue opportunities for sustainable investments, including purchasing securities from
 market leaders in disclosure and corporate board diversity, securities that fund community development projects, and
 other securities with strongly positive effects on our communities.
- Commitment to Carbon-Neutrality: Achieve a carbon-neutral portfolio from an investment perspective, which may include
 seeking to offset existing investments in the top 200 publicly-owned coal, oil, and gas reserve owners (ranked by the carbon
 emissions embedded in their reserves) with socially responsible investments.

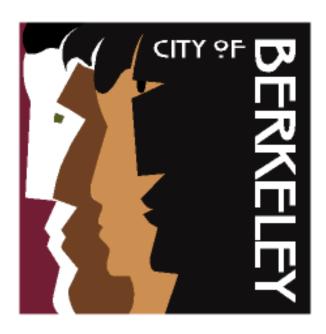
2180 Milvia Street. 3rd Floor | Civic Center Building - 3rd Floor | Berkeley, CA 94704 Phone: (510) 981-7300 | Fax: (510) 981-7390 | Email: finance@ci.berkeley.ca.us

ATTACHMENT 3

CITY OF BERKELEY

INVESTMENT POLICY

FOR RETIREE MEDICAL PLAN TRUST FUNDS



Effective July 1, 2022

City of Berkeley INVESTMENT POLICIES FOR RETIREE MEDICAL PLAN TRUST FUNDS July 1, 2022

Table of Contents

I. Introduction	
A. Scope of Policies	1
B. Investment Objectives	1
C. Use of State Investment Guidelines	2
II. Investment Authority and Responsibilities	
A. Authorized Investment Officers	2
B. Internal Controls	
C. Evaluation of Investment Officer Actions	3
III. Capital Preservation and Risk	
A. Overview	
B. Portfolio Diversification Practices	4
IV. Eligible Financial Institutions	
A. Authorized Dealers	
B. Individual Placement of Deposits	5
V. Investment Vehicles	
A. State of California Limitations	6
VI. Investment Maturity	10
VII. Cash Management	10
VIII. Evaluation of Investment Performance	10
IX. Investment Reporting	10
Appendix A Investment Portfolio Diversification Requirements	12

I. INTRODUCTION

Pursuant to Sections 2.44.040 and 2.44.060 of the Berkeley Municipal Code, Resolution No. 45,087-N.S., and Sections 53601, 53607, 53636 and 53648 of the State Government Code, the Director of Finance, the Treasurer of the City, is authorized to make investments of the City's idle funds. The Code also directs the City to present an annual investment policy to the City Council for approval. This Investment Policy, after approval of the amendments by the City Council, will serve as the Investment Policy for the City of Berkeley for the subsequent fiscal year.

Notwithstanding Section 53601 or 53635, the governing body of a local agency may invest funds designated for the payment of employee retiree health benefits in any form or type of investment deemed prudent by the governing pursuant to Section 53622. The authority of the governing body to invest or to reinvest funds intended for the payment of employee retiree health benefits, or to sell or exchange securities purchased for that purpose, may be delegated by the governing body to designated officers. The City Council has designated the Director of Finance, the Treasurer of the City, or his/her designee, the authority to make investments of the City's retiree medical plan trust funds.

Funds intended for the payment of employee retirement health benefits shall only be held for the purpose of providing benefits to participants in the retiree health benefit plan and defraying reasonable expenses of administering that plan.

The governing board or designated officer, when making investments of the funds, shall discharge its duties with respect to the investment of the funds.

- (1) Solely in the interest of, and for the exclusive purposes of providing benefits to, participants in the retiree health benefit plan, minimizing employer contributions thereto, and defraying reasonable expenses of administering the plan.
- (2) With care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.
- (3) Shall diversify the investments of the funds so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly prudent not to do so.

A. SCOPE OF POLICIES

These investment policies apply to the investments of the Retiree Medical Plan Trust Funds.

B. INVESTMENT OBJECTIVES

The Treasurer adheres to the principle which maintains that over the long-term, prudent investment risk-taking may be rewarded with higher incremental returns. Consequently, while capital preservation (i.e., Safety) is regarded to be of paramount importance, the Treasurer regards prudent risk-taking as justifiable.

C. USE OF STATE INVESTMENT GUIDELINES

As required under Government Code Sections 16481.2 and 53646, the Statement of Investment Policies will be reviewed by the Council annually.

II. INVESTMENT AUTHORITY AND RESPONSIBILITIES

A. AUTHORIZED INVESTMENT OFFICERS

1. Retiree Medical Trust Funds:

A Trust is to be established by the City for the purpose of holding and investing assets separate and apart from the other funds of the City to fund the benefits of the Program. The specific terms governing the Trust are to be set forth in a separate trust instrument.

- The trustee of the Trust (the "Trustee") may be the City Treasurer (i.e., Director of Finance) or an independent third party qualified to act as a trustee under California law and designated by the City.
- The Trustee shall be a fiduciary of the Program and shall act solely in the interest of the Participants, minimizing employer contributions to the Trust, and defraying reasonable expenses of administering the Program.
- The City Manager may, with the written concurrence of the City Council, appoint an "investment manager" (as that term is defined in section 3(38) of the Employee Retirement Income Security Act) to have responsibility for investment of the Trust assets. In this case, the Trustee shall act as directed by the investment manager. The investment manager shall act as a fiduciary of the Program and shall act with the same duties and responsibilities set out in "Investment Objectives" section above.

B. INTERNAL CONTROLS

The Director of Finance shall establish a system of internal controls designed to prevent losses of trust funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City of Berkeley. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management. These controls shall include:

- Separation of transaction authority from accounting and physical custody.
- By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
- Also, securities purchased from any bank or dealer including appropriate collateral (as
 defined by State Law), shall be placed with an independent third party for custodial
 safekeeping.
- Avoidance of physical delivery of securities by using a delivery versus payment "Basis

- of Settlement Only".
- All trades will be executed on a delivery versus payment (DVP) basis. This ensures that securities are delivered to the City's safekeeping bank at the same time the funds are released by the City's safekeeping bank.
- Third-Party custodial safekeeping of securities held in the name of the City. Delivered securities must be properly safeguarded against loss or destruction. Book entry securities are recorded in electronic records and the potential for fraud and loss increases with physically delivered securities. All investment securities, except collateralized certificates of deposit and money market funds, purchased by the City will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by a City-approved custodian bank, its correspondent New York Bank or the Depository Trust Corporation (DTC). Whenever possible, securities purchased are to be recorded in "book entry" form.
- All securities and applicable collateral will be held by the City's third party custodian and evidenced by safekeeping receipts. All book entry securities owned by the City shall be evidenced by a safekeeping receipt issued to the City by the custodian bank to acknowledge that the securities are held in the Federal Reserve system in a "customer account" for the custodian bank which names the City as "customer";

The Director of Finance will require each approved safekeeping financial institution to submit a copy of its Consolidated Report of Condition and Income (Call Report) to the City within 60 days after the end of each calendar quarter.

- Competitive bidding on investment transactions. Before the City invests in any secondary market funds, competitive bids shall be requested. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, bids will be requested from at least three financial institutions for instruments which meet the maturity requirement. If no specific maturity is required, a yield curve analysis will be conducted to determine which maturities would be most advantageous.
- Written confirmation and documentation of all financial transactions.
- Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.
- Rapid deposit of funds received by the City (i.e., large checks.)
- Bonding of all investments officials.

C. EVALUATION OF INVESTMENT OFFICER ACTIONS

Section 53600.3 of the Government Code identifies trustees as those persons authorized to make investment decisions on behalf of a local agency. As a trustee, the standard of prudence to be used by investment officials shall be the "prudent investor" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations

are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this plan.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.

III. CAPITAL PRESERVATION AND RISK

A. OVERVIEW

The Treasurer adheres to the principle which maintains that over the long-term, prudent investment risk-taking may be rewarded with higher incremental returns. Consequently, while capital preservation (i.e., Safety) is regarded to be of paramount importance, the Treasurer regards prudent risk-taking as justifiable.

Some level of risk is inherent in any investment transaction. Losses may be incurred due to issuer default, market price changes, or technical cash flow complications such as investments in non-marketable certificates of deposit. Diversification of the City's portfolio by institution, investment vehicle, and maturity term is the primary tool available to the City in minimizing investment risk and capital losses by safeguarding the overall portfolio from any individual loss.

B. PORTFOLIO DIVERSIFICATION PRACTICES

The following sections summarize the City's major portfolio diversification practices and guidelines in determining:

- Authorized Dealers
- Investment Vehicles
- Investment Maturity

Portfolio limitations included in these guidelines are to be based on the portfolio composition and investment management plan policies in effect at the time of placement; the actual composition of the City's investments may vary over time from plan limitations due to overall portfolio changes from when the individual placement was made as well as changes in the City's investment management plan.

IV. ELIGIBLE FINANCIAL INSTITUTIONS

A. AUTHORIZED DEALERS

• Investments shall be purchased only through well-established, financially sound institutions. The Finance Director shall maintain a list of financial institutions and broker/dealers approved for investment. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions will be given a copy of the City's Statement of Investment Policies, and a return cover letter which must be signed indicating that the Statement of Investment Policies has been read and understood.

Qualified financial institutions and broker/dealers must supply the Director of Finance with the following:

Financial Institutions

Current audited financial statements

Depository contracts, as appropriate

A copy of the latest FDIC call report or the latest FHLBB report, as appropriate.

Broker/Dealers

Current audited financial statements

Proof that brokerage firm is a member in good standing with a national securities exchange.

• Except for repurchase agreements, investments shall be awarded based on competitive bids. Documentation relating to investment quotes shall be maintained by the Finance Department for a period of one year.

B. INDIVIDUAL PLACEMENT OF DEPOSITS

Individual placement of negotiable, collateralized, and other time certificates of deposit with eligible financial institutions shall be based on the following practices and procedures:

- Deposits shall only be placed with financial institutions maintaining offices within the City of Berkeley.
- Unless collateralized by eligible securities as provided in Sections 53651 and 53652 of the Government Code, the maximum amount of Certificates of Deposit to be placed with any single institution is \$250,000.

V. INVESTMENT VEHICLES

The governing body of a local agency may invest funds designated for the payment of employee retiree health benefits in any form or type of investment deemed prudent by the governing pursuant to Section 53622. Some of the investment vehicles the City Council has authorized are the following:

1. U.S. Treasury Instruments

As authorized in Government Code Section 53601(b), this category includes bills, notes, bonds or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. There are no portfolio limitations on the amount.

2. Government Sponsored Enterprises

As authorized in Government Code Section 53601(f), this category includes a wide variety of government securities. These securities include U. S. government-sponsored enterprise obligations, such as issues by the Federal National Mortgage Association (FNMA's), Federal Home Loan Bank (FHLB), Federal Farm Credit (FFCB), Student Loan Marketing Association (SLMA), etc. There are no portfolio limitations on the amount.

3. Municipal Securities

As authorized in Government Code Section 53601(a)(c)(d)(e), this category includes obligations of the City, the State of California, any of the other 49 states, and any local agency within the State of California, provided that:

- The securities are rated "A" or higher by at least one nationally recognized statistical rating organization.
- There are no limitations on the amount or period.

4. Banker's Acceptances

As provided in Government Code Section 53601(f)g, 40% of the City's portfolio may be invested in Banker's Acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank, although no more than 30% of the portfolio may be invested in Bankers' Acceptances with any one commercial bank. Additionally, the maturity period cannot exceed 180 days.

5. Commercial Paper

Commercial paper is a short-term, unsecured promissory note issued by financial and non-financial companies to raise short-term cash. As provided in Government Code Section 53601(h) up to 25% of the City's portfolio may be invested in "prime" commercial paper of the highest ranking or of the highest letter and number rating as provided by a nationally recognized statistical-rating organization (i.e., Moody's or Standard and Poor's or Fitch), with maturities not to exceed 270 days. The issuer must have total assets in excess of \$500 million, and have debt other than Commercial Paper rated "A" or higher by a nationally recognized statistical-rating organization.

6. Negotiable Certificates of Deposit

Negotiable certificates of deposit are a fixed deposit certificate that may be negotiated (traded) to a third party. The institution issuing the certificate promises to pay the holder the initial investment plus the interest rate stated on the certificate at maturity. As authorized in Government Code Section 53601(i), the City may invest 30% of its portfolio in negotiable certificates of deposit issued by commercial banks, thrifts and foreign banks.

7. Repurchase Agreements

Repurchase agreements are agreements between the local agency and seller for the local agency to purchase government securities to be resold back to the seller at a specific date and for a specific amount and are authorized by Government Code Section 53601(j). Although the legal maximum maturity on these investments is 360 days, repurchase agreements are generally short-term investments varying from one day to two weeks. Investments in repurchase agreements must be collateralized, and collateral required for repurchase agreements is limited to Treasury and Agency securities. In order to anticipate market changes and provide a level of security for all funds, the required collateralization level is 102% of market value of principal and accrued interest.

8. Reverse Repurchase Agreements

Reverse repurchase agreements are a sale of securities by the local agency with a simultaneous agreement for the local agency to repurchase the securities on or before a specified date. As provided in Government Code section 53635(j), reverse repurchase agreements require the prior approval of the City Council. Reverse repurchase agreements can only be made with primary dealers of the Federal Reserve Bank of New York or with a nationally or state-chartered bank that has or has had a significant banking relationship with the local agency. There are no portfolio limitations on the amount for these investments.

9. Medium-Term Corporate Notes

As authorized in Government Code Section 53601(k), local agencies may invest in corporate bonds and notes of industrial companies, banks, bank holding companies, insurance companies, thrifts and finance companies that are rated "A" or better by a nationally recognized rating service; and issued by corporations organized and operating in the United States. There are no portfolio limitations for these investments.

10. Shares of Beneficial Interest Issued By Diversified Management Companies

As authorized in Government Code Section 53601(l), local agencies are also authorized to invest in shares of beneficial interest issued by diversified management companies (i.e., mutual funds) as defined in Section 23701(m) of the Revenue and Taxation Code in an amount not to exceed 20% of the agency's portfolio.

11. Financial Futures and Financial Option Contracts

As authorized in Government Code Section 53601.1, local agencies may invest in financial futures or option contracts in any of the above investment categories subject to the same overall portfolio limitations.

12. Time Certificates of Deposit

As authorized in Government Code Section 53635, time certificates of deposit are fixed term, non-negotiable investments which are required to be collateralized 110% by eligible pooled securities. The pool is administered by the State, and is composed of a wide variety of government securities, secured by first mortgages on improved residential property located in the State. There are no portfolio limits on the amount; however the maturity period for this investment vehicle may not exceed five years unless approved by the Council.

13. Local Agency Investment Fund

As authorized in Government Code Section 16429.1, local agencies may invest in the Local Agency Investment Fund (LAIF), a pooled investment fund managed by the State Treasurer's Office. It operates like a money market fund, but is for the exclusive benefit of governmental entities within the State. The current maximum amount of money that may be invested is \$40 million.

14. Moneys Held By A Trustee Or Fiscal Agent

As authorized in Government Code Section 53601(m), debt proceeds held by a trustee or fiscal agent, which are pledged to the payment or security of bonds or other indebtedness may be invested in accordance with the statutory provisions governing the issuance of those bonds or other agreement; or to the extent not inconsistent with statutory provisions, or if there are no specific statutory provisions, investments may be made in accordance with the ordinance, resolution, indenture, or agreement of the local agency for the issuance.

This category includes investment agreements approved in writing by insurance companies, supported by appropriate opinions of counsel with notice to Standard and Poor's.

15. Other Secured Notes, Bonds Or Other Obligations

As authorized in Government Code Section 53601(n), notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Section 53651 as eligible securities.

16. Mortgage Pass Through, Collateralized Mortgage Obligation, Mortgage-backed Bond, Equipment Lease-backed Certificate, Consumer Receivable Pass through Certificate, and Consumer Receivable-backed Bond

As authorized in Government Code Section 53601(o), securities in this category must be rated "AA" or its equivalent or better by a nationally recognized rating service. Purchases may not exceed 20% of the agency's portfolio.

In addition to the authorized investments above, the following investments may be made by Retiree Medical plan funds:

• Up to 100% of the retiree medical plans funds may be invested in equity mutual funds¹ or equity index funds², preferred stock₃ and bond funds₄.

¹Equity Mutual Fund – A financial intermediary that allows a group of investors to pool their money together with a predetermined investment objective. The mutual fund will have a fund manager who is responsible for investing the pooled money into specific securities. When you invest in a mutual fund, you are buying shares of the mutual fund and become a shareholder of the fund. They are very cost effective, as the fund can purchase securities with much lower trading costs then an individual investor. But the biggest advantage to mutual funds is diversification.

²Equity Index Fund – A mutual fund that attempts to copy the performance of a stock market index. The most common index fund tries to track the S&P 500 by purchasing all 500 stocks using the same percentages as the index. Index funds have lower fees because computers do most of the work. There is no need to hire an expensive fund manager or research analysts. Index funds can have an expensive ratio as low as .18%, while actively managed funds can have an expense ratio over 3%. Over the long-term, the S&P 500 beats the returns of 80% of actively managed funds.

³Preferred Stock – A hybrid between common stock and a bond. Each share of preferred stock is normally paid a guaranteed dividend that receives first priority (i.e., the common stockholders cannot receive a dividend until the preferred dividend has been paid in full) and has priority over the common stockholders relative to the company's assets in the event of bankruptcy.

4Bond Fund- A bond fund is a more efficient way of investing in bonds than buying individual securities. Bond mutual funds are just like stock mutual funds in that you put your money into a pool with other investors, and a professional invests that pool of money according to what he or she thinks the best opportunities are. They are very cost effective, as the fund can purchase securities with much lower trading costs then an individual investor. But the biggest advantage to mutual funds is diversification.

Some of the investment vehicles that are Unallowable Investment Vehicles and Restrictions:

The Director of Finance/City Treasurer is not authorized to invest in any of the following investment vehicles:

Financial futures; option contracts, floaters, inverse floaters, range notes, interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest income if held to maturity may not be purchased. Exclusion of these vehicles is consistent with the City's overall objective of achieving reasonable yields on public funds while minimizing risk and capital losses. Although the potential exists for greater interest yields with these vehicles, it is believed that the potential level of risk exceeds their benefits except in very limited circumstances.

See Appendix A for the Investment Portfolio/Diversification Requirements, which lists the maximum amounts that may be invested in the various investment types and the maximum authorized maturities.

Page 36 of 39

Public

In accordance with Government Code Sections 53620-53622, the assets of the City of Berkeley Retiree Medical Plan Trust may be invested in any form or type of investment deemed prudent by the City Council. The maximum maturity for Retiree Medical Plan Trust funds is 30 years.

VI. CASH MANAGEMENT

To achieve a reasonable return on public funds, the following cash management practices will be followed:

- Maintain maximum investment of all City funds not required to meet immediate cash flow needs.
- Maximize the City's cash flow through the immediate deposit of all cash receipts, use of direct deposits and wire transfers when available, and appropriate timing of payments to vendors.
- Maximize the cash flow information available through the use of only one operating bank account.

VII. EVALUATION OF INVESTMENT PERFORMANCE

An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees' retiree medical trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero for the last 10 years, the average rate currently earned is significantly below that 7% level.

VIII. INVESTMENT REPORTING

Consistent with Sections 16481.2 and 53646 of the Government Code, the Department of Finance shall submit an annual Statement of Investment Policies to the Council for consideration at a public meeting.

In addition to the submittal of an annual Statement of Investment Policies, the Department of Finance shall provide the Council with a quarterly and annual investment report providing the following information for each investment or security:

- Issuer or broker/dealer (financial institution)
- Type of investment
- Certificate or other reference number if applicable
- Percentage yield on an annualized basis
- Purchase date
- Maturity date for each investment and the weighted average maturity of all the investments within the portfolio
- Current book value
- Current market value
- Total cost and market value, including source of this valuation, of the City's portfolio
- A description of the compliance with the Statement of Investment Policies

Public

- An evaluation of investment operations for the preceding year. This shall include an evaluation of how well the objectives have been achieved: the accuracy of forecasting expenditures and revenues, as well as a comparison of the average returns on the investment portfolio with that of the Local Agency Investment Fund (LAIF).
- Report of investments. The Director of Finance shall prepare a report that provides a
 clear status of the current investment portfolio and transactions. The report will be
 prepared in a manner which allows the City Manager and Council to ascertain whether
 investment activities during the reporting period have conformed to the investment
 policies.
- Summary of key or unusual events, including but not limited to:
 - o Any exceptions to policies;
 - o Adherence to or deviations from social investment goals;
 - o Purchases of Treasury securities, other than in repurchase agreements with maturities of seven days or less;
 - o Purchases of securities that exceed maturity limits;
 - o Sales of securities more than three months before maturity;
 - o Changes in investment procedures, dealers, staff, etc.
- Investment performance;
 - o A glossary, defining all funds or accounts referred to elsewhere in the report; and
 - o A listing of banks, securities dealers and custodians that the City has had investment transactions during the period.
 - o A summary of the certifications for deposits of City funds.
 - o Other information regarding the City's portfolio as appropriate

The Quarterly Investment Report shall include all investments as of the end of the quarter from all funds held in the City's portfolio, including funds held and invested by trustees; and shall be issued within 30 days after the end of the quarterly reporting period to the City Manager, and the City Council; the annual report shall be issued within 90 days after the end of the fiscal year to the City Manager, and the City Council.

Public

APPENDIX A

INVESTMENT PORTFOLIO Diversification Requirements

Investment Instrument	Maximum Amount Of Portfolio	<u>Maximum</u> <u>Length</u> To Maturity
Bank / Time Deposit Accounts	100%	5 Years
Money Market Deposit Accounts	100%	N/A
Repurchase Agreements	10%	1 Year
Reverse Repurchase Agreements	10%	7 Days
Bankers Acceptances	40%	7 Days
U.S. Government Securities (Treasury Bills, Notes, and Bonds)	100%	30 Years
U.S. Government Agency Securities by Agency	100%	30 Years
Certificates of Deposit (Negotiable)	30%	30 Years
Municipal Bonds	100%	30 Years
Commercial Paper	25%	180 Days
Medium Term Notes	30%	30 years

In addition to the investments above, the following investments may be made by Retiree Medical plan funds:

• Up to 25% of the retiree medical plans funds may be invested in equity mutual funds¹ or

Page 39 of 39

Public

equity index funds², and preferred stock³.

¹Equity Mutual Fund – A financial intermediary that allows a group of investors to pool their money together with a predetermined investment objective. The mutual fund will have a fund manager who is responsible for investing the pooled money into specific securities. When you invest in a mutual fund, you are buying shares of the mutual fund and become a shareholder of the fund. They are very cost effective, as the fund can purchase securities with much lower trading costs then an individual investor. But the biggest advantage to mutual funds is diversification.

²Equity Index Fund – A mutual fund that attempts to copy the performance of a stock market index. The most common index fund tries to track the S&P 500 by purchasing all 500 stocks using the same percentages as the index. Index funds have lower fees because computers do most of the work. There is no need to hire an expensive fund manager or research analysts. Index funds can have an expensive ratio as low as .18%, while actively managed funds can have an expense ratio over 3%. Over the long-term, the S&P 500 beats the returns of 80% of actively managed funds.

³Preferred Stock – A hybrid between common stock and a bond. Each share of preferred stock is normally paid a guaranteed dividend that receives first priority (i.e., the common stockholders cannot receive a dividend until the preferred dividend has been paid in full) and has priority over the common stockholders relative to the company's assets in the event of bankruptcy.



20

CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Appropriations Limit for FY 2023

RECOMMENDATION

Adopt a Resolution establishing the appropriations limit at \$328,834,462 for FY 2023 pursuant to Article XIIIB of the Constitution of the State of California based on the calculations for the appropriations limit.

FISCAL IMPACTS OF RECOMMENDATION

The amount of appropriations subject to the limit are budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit. The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for FY 2023. Thus, there are no present financial implications of establishing the limit.

CURRENT SITUATION AND ITS EFFECTS

Each year in June, concurrent with the adoption of the budget, Council must approve an appropriations limit for the following fiscal year pursuant to the State constitution. This resolution adopts the appropriations limit for FY 2022 at \$328,834,462. The excess of the appropriations limit over appropriations is \$55,077,874 for FY 2023 based on the proposed budget appropriations for FY 2023.

The Finance Department has compiled the data and made calculations to determine the FY 2023 appropriations limit. The documentation of determination, upon adoption and promulgation of the attached draft resolution, has been available for review by the public in the Office of the City Clerk. Exhibits A and B attached hereto, provide the required documentation. Exhibit A is a summary of the appropriations limit determination, the amount of appropriations subject to the limit, and the excess of the appropriations limit over appropriations. Exhibit B provides details of the appropriations limit calculations.

The Council action will set the FY 2023 appropriations subject to the limitations of Article XIIIB of the Constitution of the State of California, which may not exceed the

amounts calculated by the City's Finance Department. These calculations were filed with the City Clerk at least 15 days prior to June 28, 2022.

BACKGROUND

In November 1989, the voters of the State of California approved Proposition 4, commonly known as the (Paul) Gann Initiative, and added Article XIIIB of the State's Constitution. In June 1990, this Article was modified by the passing of Proposition 111. These propositions placed various limitations on the fiscal powers of state and local government.

Senate Bill 1352 requires that: 1) the governing body of each local jurisdiction shall establish by a legislative action its appropriations limit at a regularly scheduled meeting or noticed special meeting; and 2) 15 days prior to such meeting, give notice that documentation used to determine the appropriations limit shall be made available to the public.

The Council action will set the FY 2023 appropriations subject to the limitations of Article XIIIB of the Constitution of the State of California, which may not exceed the amounts calculated by the City's Finance Department. These calculations were filed with the City Clerk 15 days prior to June 28, 2022.

RATIONALE FOR RECOMMENDATION

This is a state law.

ALTERNATIVE ACTIONS CONSIDERED

None

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

Attachments:

1: Resolution

Exhibit A: GANN Appropriation Limit FY 2023

Exhibit B: Schedule to Calculate Appropriation Limitation FY 2023

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

ESTABLISHING AN APPROPRIATIONS LIMIT FOR FY 2023

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, on June 5, 1990, the citizens of the State of California approved Proposition 111 which provided new Proposition 111 adjustment formulas; and

WHEREAS, Senate Bill 1352, enacted by the Legislature of the State of California, provides for the implementation of Article XIII by defining various terms in this article; and

WHEREAS, pursuant to the requirements of Senate Bill 1352, the City Council, on May 31, 2016 adopted a Resolution which gave notice, as required by law, that the City Council would establish the City of Berkeley appropriations limit for FY 2023 by a Resolution of the City Council on June 28, 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley, that the Council, pursuant to the requirements and criteria set forth in Senate Bill 1352, does hereby establish the appropriations limit at \$328,834,462 for FY 2023 for the City of Berkeley as documented in Exhibits A and B attached hereto and incorporated herein by reference as though fully set forth.

Exhibits:

A: GANN Appropriation Limit FY 2023

B: Schedule to Calculate Appropriation Limitation FY 2023

EXHIBIT A

CITY OF BERKELEY GANN APPROPRIATION LIMITATION FOR FY 2023 (Based on the FY 2023 Proposed Budget)

FY 2022 Gann Appropriation Limit of \$251,375,973 (before Special Taxes				
Added), Adjusted for Growth Factor of 1.0688 (See Exhibit B)	\$	268,670,640		
ADD DACW.				
ADD BACK:				
Library Relief Tax		23,837,768		
Emergency Medical Services Special Tax		3,562,620		
Park Maintenance, City Trees and Landscaping Special Tax	16,791,663			
Emergency Services for Severely Disabled Tax	1,590,735			
Firefighting, Emergency Medical Response and Wildfire	8,604,000			
Fire Protection and Emergency Response and Preparedness		5,777,036		
TOTAL Gann Appropriation Limitation	\$	328,834,462 ⁽¹⁾		
Appropriations Subject to Gann Limitation	\$	273,756,588 (2)		
EXCESS of Limitation Over Appropriation	\$	55,077,874		

Notes:

- (1) The appropriation limit is the calculated dollar amount, which restricts the ability to receive and appropriate proceeds of taxes.
- (2) The amounts of appropriations subject to the limitation are budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those funds exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.) and the total of these budgeted revenue cannot exceed the total appropriation limitations.

The GANN Limit override to raise the spending limit for the special taxes are required to be renewed by voters every four years. The date the next GANN Limit override is to be submitted to voters is November, 2024

Page 5 of 5

CITY OF BERKELEY SCHEDULE TO CALCULATE APPROPRIATION LIMITATION FOR FY 2020 (Based on the FY 2020 Proposed Budget)

Total City Appropriations (Per Final Amended B	udget for FY	1978/79)	\$ 72,457,778
Less: 1. Debt Service Appropriation	\$	457,186	
2. Inter-service Funds:			
Equipment Maintenance		1,436,890	
Warehouse		554,883	
3. Enterprise Funds:			
Off-Street Parking		414,609	
Marina Operations & Maintenance		1,623,144	
Sanitary Sewer Maintenance &			
Construction		1,260,012	
Refuse Collection		3,635,197	
4. Non-Proceeds of Taxes		33,147,004	
Appropriation Subject to Limitation		-	42,528,925
Base Year 1978/79			\$ 29,928,853

	Beginning Balances		Less: Trans	ferred Cost	Add Back: Special Taxes			Special Taxes					
Fiscal Year	Growth Factor	Appropriation Limit Before Transferred Cost and Add Back of Special Taxes	Landscaping	Street Lighting	Library Relief Tax	Emergency Medical Services Special Tax	Park Maintenance City Trees and Landscaping Special Tax	Emergency Paratransit Tax	Disaster Fire Protection Tax	Fire Protection & Emergency Response & Preparedness	Firefighting, Emergency Medical Response and Wildfire	Subtotal Transferred Cost and Special Taxes	Appropriation Limit After Transferred Cost and Add Back of Special Taxes
Base Year		\$ 29,928,853										-	\$ 29,928,853
1980	1.097700	32,852,902										-	32,852,902
1981	1.121400	36,841,244										-	36,841,244
1982	1.083100	39,902,752	\$ (949,298)	\$ (522,600)								\$ (1,471,898)	38,430,854
1983	1.070200	41,128,700										-	41,128,700
1984	1.029600	42,346,109										-	42,346,109
1985	1.047000	44,336,377										-	44,336,377
1986	1.045400	46,349,249										-	46,349,249
1987	1.025800	47,545,060										-	47,545,060
1988	1.047500	49,803,451										-	49,803,451
1989	1.054700	52,527,700										-	52,527,700
1990	1.050200	55,164,591			\$ 6,010,000							6,010,000	61,174,591
1991	1.056300	58,270,356			6,600,000							6,600,000	64,870,356
1992	1.056800	61,580,113			6,752,000							6,752,000	68,332,113
1993	1.057900	65,145,601			6,850,000							6,850,000	71,995,601
1994	1.043100	67,953,377			7,202,000							7,202,000	75,155,377
1995	1.016900	69,101,789			7,202,000							7,202,000	76,303,789
1996	1.030200	71,188,663			7,570,000							7,570,000	78,758,663
1997	1.063200	75,687,786			7,570,000							7,570,000	83,257,786
1998	1.060800	80,289,604			7,570,000							14,709,599	94,999,203
1999	1.060400	85,139,096			7,927,500	1,651,547	5,790,163					15,369,210	100,508,306
2000	1.059900	90,238,928			8,373,875	1,701,093	5,850,400					15,925,368	106,164,296
2001	1.057500	95,427,666			8,936,938	1,812,014	6,025,912					16,774,864	112,202,530
2002	1.097300	104,712,778			9,478,469	1,927,257	7,211,984	\$ 661,000				19,278,710	123,991,488
2003	0.999740	104,685,553			9,997,653	1,974,876	7,435,281	689,369				21,097,179	125,782,732
2004 2005	1.031489	107,981,996			11,654,000	2,034,352	7,609,028	690,475	970,000			22,957,855	130,939,851
	1.040236	112,326,760			11,603,755	2,000,000	7,594,920	702,727	950,639			22,852,041	135,178,801
2006	1.060000	119,066,366			12,214,113	2,040,000	7,755,780	754,105	969,652			23,733,650	142,800,016
2007 2008	1.052907 1.055370	125,365,810 132,307,315			12,580,535 13,209,469	2,120,827 2,184,452	7,975,189	771,244 805,333	969,652 998,742			24,417,447 25,412,441	149,783,257 157,719,756
2008	1.055370	132,307,315					8,214,445						
2009	1.036666	142,430,173			13,520,414 13,655,619	2,274,380	8,502,545	839,882	969,652 969,652	5 400 000		26,106,873 31,799,117	165,911,515 174,229,290
						2,297,124	8,587,570	889,152		5,400,000			
2011 2012	1.072060 1.0381	152,693,690 158,511,319			13,904,789 14,425,555	2,332,903 2,461,803	8,754,869 9,237,474	894,401 944,155	969,652 969,652	3,600,000 3,788,761		30,456,614 31,827,400	183,150,304 190,338,719
2012	1.0381	158,511,319			14,425,555	2,481,803	9,237,474	944,155	969,652 985,734	3,879,323		31,827,400	190,338,719
2013	1.04767				15,870,770	2,484,633	9,586,190	1,022,302	985,734 985,734	4,095,987		34,122,218	210,837,211
2014	1.011200				16,345,912	2,640,032	9,865,971	1,022,302	985,734	4,186,198		35,075,969	213,770,170
2015	1.051700				16,617,288	2,640,032	10,043,981	1,032,122	985,734 985,734	4,186,198		35,661,357	223,594,048
2010	1.064900	200,129,523			17,893,335	2,778,750	12,150,387	1,152,175	985,734	4,583,053		39,543,434	239,672,957
2017	1.047200		ľ		18,786,687	2,916,558	12,763,390	1,209,625	985,734	4,812,892		41,474,886	251,050,522
2018	1.045400				19,746,463	3,047,265	13,411,968	1,270,257	985,734	5,058,273		43,519,960	262,610,330
2020	1.046200	229,212,345			20,806,525	3,215,011	14,143,821	1,339,668	985,734	5,328,686		45,819,445	275,031,790
2020	1.041100				20,342,539	3,183,676	14,369,024	1,361,402	985,734	5,405,100		45,647,475	284,280,447
2021	1.053400	251,375,973			21,704,603	3,330,634	15,320,468	1,451,853	965,754	5,559,637	12,750,000	60,117,195	311,493,168
2022	1.068800				23,837,768	3,562,620	16,791,663	1,590,735	0		8,604,000	60,163,822	328,834,462
2023	1.000000	200,070,040			25,057,700	3,302,020	10,771,003	1,570,755	· ·	5,777,030	0,004,000	30,103,022	320,034,402



21

CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services

Subject: Revenue Grant Agreement: Medi-Cal Administrative Activities Funding from

State of California to Conduct Health Promotion Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and to execute any resultant revenue agreements and amendments to conduct health promotion for the Medi-Cal Administrative Activities (MAA) program for an amount not to exceed \$4,200,000 for the period of the agreement, Fiscal Years 2023 through 2025.

FISCAL IMPACTS OF RECOMMENDATION

The MAA program reimburses a portion of the City's public expenditure that supports Medi-Cal-related activities. This funding can be up to \$1,400,000 per year for three years for the Public Health Division, the Aging Services Division and the Health, Housing and Community Services (HHCS) Office of the Director. The precise amount of revenue the City earns is determined by the City's level of match funding, program staff time-studies, and level of eligible services. The revenue and expense for this contract will be tracked in Targeted Case Management/Linkages fund in the Aging Services, Public Health, and Office of the Director Divisions within HHCS (ERMA GL 313-51-505-5XX-2070/313-51-505-5XX-2071).

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Health, Housing and Community Services Department provides a broad range of public health and community health services in Berkeley; with the goals of achieving health equity, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. Funding through Medi-Cal Administrative Activities supports this work by supporting program efforts to enroll community members into Medi-Cal and assist their access to Medi-Cal services.

BACKGROUND

Revenue Grant Agreement: Medi-Cal Administrative Activities Funding from State of California to Conduct Health Promotion Services

The City of Berkeley receives funding from many sources annually to complete work related to achieving health equity and health promotion in the community. As a local health jurisdiction, the City is entitled to specific State funding to meet core public health objectives. The HHCS Department is committed to providing essential services to the community to prevent the spread of disease and to promote healthy environments.

The State establishes funding caps for the MAA program, with actual revenue determined by City matching funds and service delivery. Revenue projections are based on recent year actual revenues in these programs, service-delivery staffing, eligible client populations, and available matching funds. These projections enable the Department to keep expenditures within actual revenues by budgeting expenditures to realistic revenue projections.

The MAA Program provides administrative activities that directly support efforts to identify and enroll potentially eligible persons into Medi-Cal in the Public Health and Aging Services Divisions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The HHCS Department tracks MAA program staff time studies using a web-based time-tracking system, which eliminates the need for paper documentation. MAA program invoices are also submitted to the California Department of Health Care Services electronically.

RATIONALE FOR RECOMMENDATION

These funds support vital services related to City mandates as a public health jurisdiction and local initiatives designed to improve the health of Berkeley residents. These non-competitive grants support the Department's mission and provide the City with funding to continue working to protect and improve the health of the community.

ALTERNATIVE ACTIONS CONSIDERED

This funding is essential for the Department's mission and goals. The Health, Housing and Community Services Department assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would result in a significant reduction in public health services to the community.

CONTACT PERSON

Tanya Bustamante, Manager of Aging Services Division, 981-5178

Attachments:

1: Resolution

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

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE MEDI-CAL ADMINISTRATIVE ACTIVITIES PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services is committed to the identification and enrollment of potentially eligible persons into Medi-Cal; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services provides a broad range of critical public and community health services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services works to achieve health equity, promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services seeks to eliminate health inequities; and

WHEREAS, non-competitive grants from the State of California support the Department's mission and provide the City with funding to continue to protect and improve the health of the community.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion for Medi-Cal Administrative Activities (MAA) Program for an amount not to exceed \$4,200,000 for the period of the agreement, Fiscal Years 2023 through 2025. The revenue and expense for this contract will be tracked in Targeted Case Management/Linkages fund in the Aging Services, Public Health and Office of the Director Divisions within the HHCS Department. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.



CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Amending Contract No. 32100184 with O.C. Jones & Sons, Inc. for the

Berkeley Marina Roadway Improvements Project

RECOMMENDATION

Adopt a Resolution amending contract no. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project by adding \$200,000 for a total not-to-exceed contract amount of \$6,375,185.82.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the contract are currently available in the Marina Fund (from the 200 Marina Blvd, LLC Capital Contribution Agreement) and Measure T1. No other funding is required, and no other projects will be delayed due to this expenditure.

Construction contract

Current amount	\$6,175,185.82
Proposed amendment	\$200,000.00
Total construction contract cost	\$6,375,185.82

Amendment

Measure T1 Fund (511-52-545-000-0000-000-461-665110-PRWT119006)	\$87,378
200 Marina Blvd, LLC (608-52-545-000-0000-000-461-665110-PRWT119006)	\$112,622
Total amendment	\$200,000

CURRENT SITUATION AND ITS EFFECTS

The contract with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project was executed on April 20, 2021 for a total amount not to exceed \$6,175,185.82 (Resolution No. 69,801-N.S.).

During construction, unforeseen underground utilities and site conditions and an automobile accident require a contract amendment to allow additional work be performed. In addition, given that the roadway is opened up, other Other project elements can be constructed cost-effectively while the roadway is opened up, as follows: a sewer main extension for the future restroom building at Cesar Chavez Park on Spinnaker Way, a security camera connection at the intersection of Marina Blvd and

Contract No. 32100184 Amendment: O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project

CONSENT CALENDAR June 28, 2022

University Ave, and installing native pollinator landscaping along the new medians on University Ave, Marina Blvd and Spinnaker Way.

BACKGROUND

On February 1, 2021, the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project was advertised for competitive bids. On March 11, 2021, ten (10) bids were received (See Attachment 2: Bid Abstract Summary). Staff reviewed the bid results and the Contractor's references, and has determined that the bid from O.C. Jones & Sons, Inc. is the lowest responsive and responsible bidder.

The Berkeley Marina is one of the largest marinas in the East Bay. It is a highly valued community resource offering recreational opportunities and open space amenities for both local residents and visitors throughout the Bay Area. It contains a range of facilities: a hotel, restaurants, marina-related offices, 1,000 boat slips, the historic Berkeley Municipal Pier, and the trails and open space at Cesar Chavez Park and McLaughlin Eastshore State Park. Plans are currently underway to bring back a ferry service, as well as a new portion of Eastshore State Park called the Brickyard.

The purpose of this project is to perform the much-needed pavement rehabilitation, public access improvements, and green infrastructure where appropriate to three major roadways at the Berkeley Marina: University Avenue from West Frontage Road to Marina Boulevard, Spinnaker Way, and Marina Boulevard.

ENVIRONMENTAL SUSTAINABILITY

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit, as well as the conditions contained in a Caltrans Encroachment Permit.

This project is a maintenance project of an existing infrastructure and therefore will not negatively affect natural habitat. The City, acting as the CEQA lead agency, reviewed the Project's potential environmental impacts and determined that the Project was eligible for a Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities), and Section 15302 (Replacement or Reconstruction) because the Project consists of the maintenance of existing public structures/facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. On January 25, 2021, the City filed a Notice of Exemption (NOE) for the Project with the Alameda County Clerk.

RATIONALE FOR RECOMMENDATION

Contract No. 32100184 Amendment: O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project

CONSENT CALENDAR June 28, 2022

The City and O.C Jones & Sons, Inc. have negotiated a price within the City's budget for these improvements. This increase to the contract is necessary to address unforeseen conditions, perform supplemental work to enhance the project, to better support other current and future projects at the Marina, and to complete current change orders. The City does not have the in-house labor or equipment resources to complete these construction activities.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700 Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:

1: Resolution

Page 4 of 4

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

CONTRACT NO. 32100184 AMENDMENT: O.C. JONES & SONS, INC. FOR THE BERKELEY MARINA ROADWAY IMPROVEMENTS PROJECT

WHEREAS, University Avenue between West Frontage Road and Marina Boulevard, Spinnaker Way, and Marina Boulevard at the Berkeley Marina are in need of rehabilitation; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids was duly advertised on February 1, 2021, bids were opened on March 11, 2021, and the City received 10 bids; and

WHEREAS, the bid from O.C. Jones & Sons, Inc. was the lowest responsive, responsible bidder, and references for O.C. Jones & Sons, Inc. were provided and checked out satisfactorily; and

WHEREAS, the contract with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project was executed on June 11, 2021 for a total amount not to exceed \$6,175,185.82 (Resolution No. 69,801-N.S.); and

WHEREAS, an increase of \$200,000 to the not-to-exceed contract amount is necessary to complete change orders and supplement project elements; and

WHEREAS, funds for the contract are currently available in the Marina Fund (from the 200 Marina Blvd, LLC Capital Contribution Agreement) and Measure T1.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project, increasing the contract amount by \$200,000, for a total amended amount not to exceed \$6,375,185.82. A record signature copy of any amendments to be on file in the Office of the City Clerk.



23

CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Vision Zero Annual Report

RECOMMENDATION

Adopt a Resolution 1) accepting the City of Berkeley Vision Zero Annual Report for 2021-2022; 2) affirming the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan; and 3) directing the City Manager to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerkDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the "Safer Streets by Everyone: Enforcement" actions described in the Vision Zero Action Plan.

FISCAL IMPACTS OF RECOMMENDATION

The recommendation has no direct fiscal impacts.

CURRENT SITUATION AND ITS EFFECTS

In March 2020, the Berkeley City Council adopted the Berkeley Vision Zero Action Plan (Resolution No. 69,324-N.S). One of the recommended actions in the Plan calls for staff to provide an annual Vision Zero progress report to the Berkeley City Council, describing the City's progress toward eliminating severe injury and fatal traffic crashes. The Vision Zero Annual Report attached to this staff report is submitted in fulfillment of this recommended action. As described in the Annual Report, the City has made substantial progress on implementing many elements of the Vision Zero Action Plan, while some elements have been temporarily delayed because of the impacts of the COVID-19 pandemic, and other actions are proposed to be elevated in priority for 2022, to strengthen the City's ability to respond more quickly to severe and fatal traffic crashes. Public Works is supporting these efforts through a combination of City staff and on-call transportation planning and consulting staff.

BACKGROUND

Vision Zero is a safety-first approach to transportation that seeks to eliminate all traffic deaths and severe injuries. In March 2018, the Berkeley City Council adopted a Vision Zero Policy with the goal of eliminating traffic deaths and severe injuries in Berkeley by 2028, and directed staff to form a Vision Zero Task Force and develop a Vision Zero

Action Plan (Resolution No. 68,371-N.S.). Following the March 2018 City Council action, Public Works convened a Vision Zero Task Force and a Vision Zero Advisory Committee. The Task Force consisted of government agency representatives from multiple City of Berkeley Departments and partner agencies, including the Berkeley Police Department; Berkeley Fire Department; Department of Public Works; Department of Health, Housing, and Community Services; AC Transit; the University of California, Berkeley; and the Office of the City Manager. Representatives from the Mayor's and Council Members' offices also participated. The Advisory Committee consisted of members of the public representing various parts of the Berkeley community, including City of Berkeley Commissions, the Berkeley Unified School District Board of Directors, Safe Routes to Schools parents, business associations, and pedestrian and bicycle advocates. In partnership with these two groups, Public Works staff developed a Vision Zero Action Plan.

One of the Plan's priority actions recommended the creation of an ongoing Vision Zero implementation committee. After consultation with the City Clerk, Public Works staff recommended continuation of both the Task Force and the Advisory Committee in one consolidated "Vision Zero Coordinating Committee", formed to advise the City Manager on Action Plan implementation. Similar to the composition of the existing Task Force and Advisory Committee, this new Committee would consist of City staff from affected departments; staff representatives from other relevant public agencies; Commissioners selected by their respective commissions; and other members of the Berkeley community as appropriate. The Committee would be an ad-hoc non-legislative body not subject to the Brown Act, and would meet quarterly to discuss a predetermined work plan and agenda. It would provide quarterly updates to the City Manager that the City Manager would in turn report to the City Council in the form of Information Items. As described in the Annual Report, this item has been delayed due to impacts of the COVID-19 pandemic, and is a high priority for the second half of 2022.

The Draft Vision Zero Action Plan was presented to the Berkeley Transportation Commission on November 21, 2019. The Transportation Commission passed a motion recommending the draft Vision Zero Action Plan for approval by the Berkeley City Council. Transportation Commissioners expressed concern about the Plan's traffic enforcement actions, based on historical patterns of racialized outcomes of traffic enforcement and other equity concerns. In response to these concerns, Public Works staff recommended that new Vision Zero traffic enforcement efforts be undertaken only after the creation of an equity-driven Vision Zero Enforcement Policy, to be developed in partnership with the Berkeley Police Department and with the guidance of the Vision Zero Coordinating Committee. As described in the Annual Report, this item has been delayed pending formation of the Vision Zero Coordinating Committee and the need to coordinate such a policy with the traffic enforcement equity components of the ongoing BerkDOT and Reimagining Public Safety Task Force processes.

As described in the annual report, staff from multiple departments continue to work to elevate in priority certain Vision Zero actions in order to strengthen the City's ability to respond to the most severe, life-changing, near-fatal, and fatal traffic crashes. These actions include the creation of a Quick-build Program as a way to accelerate delivery of traffic safety projects, as well as the development of a Vision Zero Rapid Response Safety Communication Protocol, as a communication strategy in response to recent severe and fatal collisions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Walking and cycling trips do not release air pollutants or greenhouse gasses. Implementation of the Vision Zero Action Plan as described in the Vision Zero Annual Report aims to increase walking and cycling trips by improving the safety and accessibility of these modes. A survey for the 2017 Berkeley Bicycle Plan found that 71% of Berkeley residents are interested in bicycling, but do not ride because they are concerned about safety. Increasing cycling and walking would help the City achieve the Berkeley Climate Action Plan greenhouse gas emission reduction targets of 80% below year 2000 levels by 2050. The Climate Action Plan states that transportation modes such as walking and cycling must become the primary means of fulfilling the City's mobility needs in order to meet these targets.

RATIONALE FOR RECOMMENDATION

The Berkeley Vision Zero Action Plan outlines a strategic, paradigm-shift approach to eliminating severe and fatal traffic collisions by the year 2028. The Vision Zero Annual report provides an update on progress in implementing the priority actions from this Plan, and affirms the actions and priorities in this Plan.

ALTERNATIVE ACTIONS CONSIDERED

Council could opt not to receive the Annual Report and/or could request updates on Vision Zero via other channels. Council could opt not to affirm the Vision Zero Action Plan actions and priorities, and instead pursue the goal of zero traffic deaths and severe injuries through other, as yet unspecified strategies.

CONTACT PERSON

Farid Javandel, Deputy Director, Public Works, 510-981-7061 Beth Thomas, Principal Planner, Public Works, 510-981-7068 Eric Anderson, Senior Planner, Public Works, 510-981-7062

Attachments:

1: Resolution

Exhibit A: Vision Zero Annual Report 2021-2022

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

ACCEPTANCE OF THE BERKELEY VISION ZERO ANNUAL REPORT

WHEREAS, in March 2018 the Berkeley City Council adopted the Vision Zero Policy with a goal of eliminating traffic deaths and severe injuries in Berkeley by 2028, and directed staff to form a Vision Zero Task Force and develop a Vision Zero Action Plan (Resolution No. 68,371-N.S.); and

WHEREAS, in March 2020, the Berkeley City Council adopted the Berkeley Vision Zero Action Plan (Resolution No. 69,324-N.S); and

WHEREAS, one of the recommended actions in the Plan calls for staff to provide an Annual Vision Zero Progress Report to the Berkeley City Council, describing the City's progress toward eliminating severe injury and fatal traffic crashes; and

WHEREAS, one of the recommended actions in the Plan calls for the creation of an ongoing Vision Zero implementation committee, and creation of this committee has been delayed due to impacts of the COVID-19 pandemic and is a high priority for the second half of 2022; and

WHEREAS, in response to concerns about equity in Vision Zero Traffic Enforcement, Public Works staff recommended that new Vision Zero traffic enforcement efforts be undertaken only after the creation of an equity-driven Vision Zero Enforcement Policy, an item that has been delayed pending formation of a Vision Zero Coordinating Committee and by the need to coordinate such a policy with the ongoing Berkeley Department of Transportation (BerkDOT) organizational process.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby accepts the City of Berkeley Vision Zero Annual Report for 2021-2022.

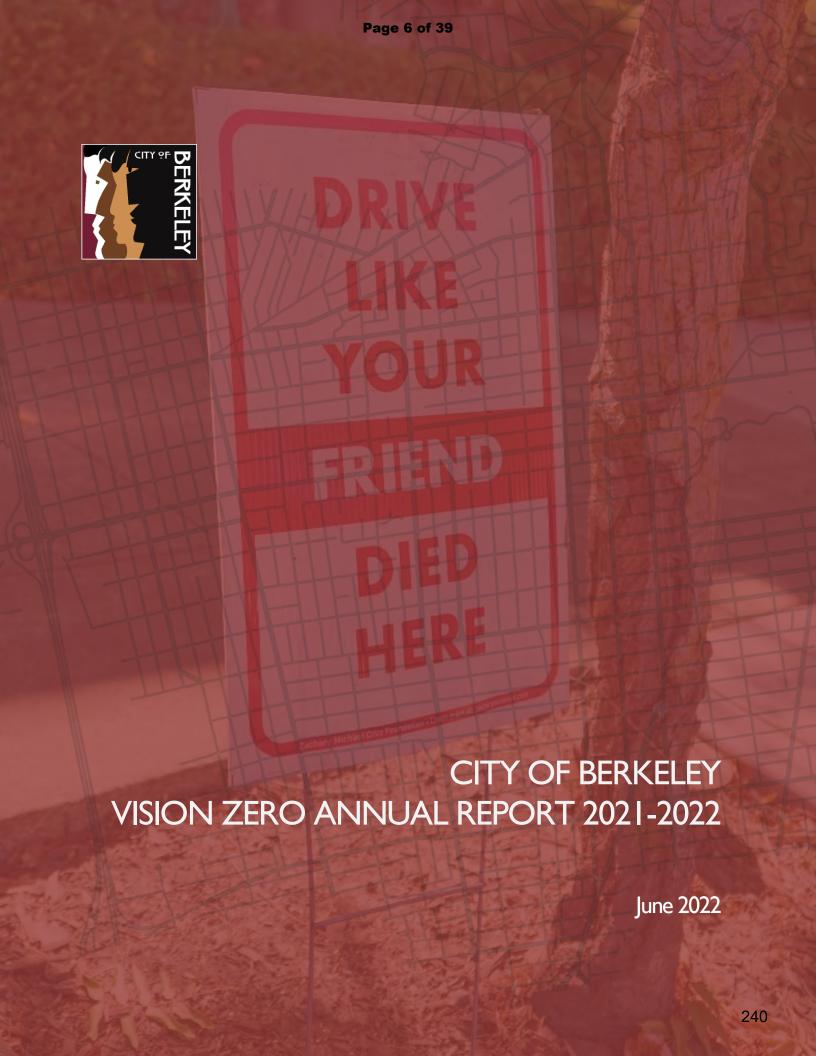
BE IT FURTHER RESOLVED, that the Council of the City of Berkeley affirms the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan.

BE IT FURTHER RESOLVED, that the City Manager is directed to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerkDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the "Safer Streets by Everyone: Enforcement" actions described in the Vision Zero Action Plan.

CONSENT CALENDAR June 28, 2022

Exhibits

A: Vision Zero Annual Report 2021-2022



VISION ZERO PROGRAM - CORE STAFF

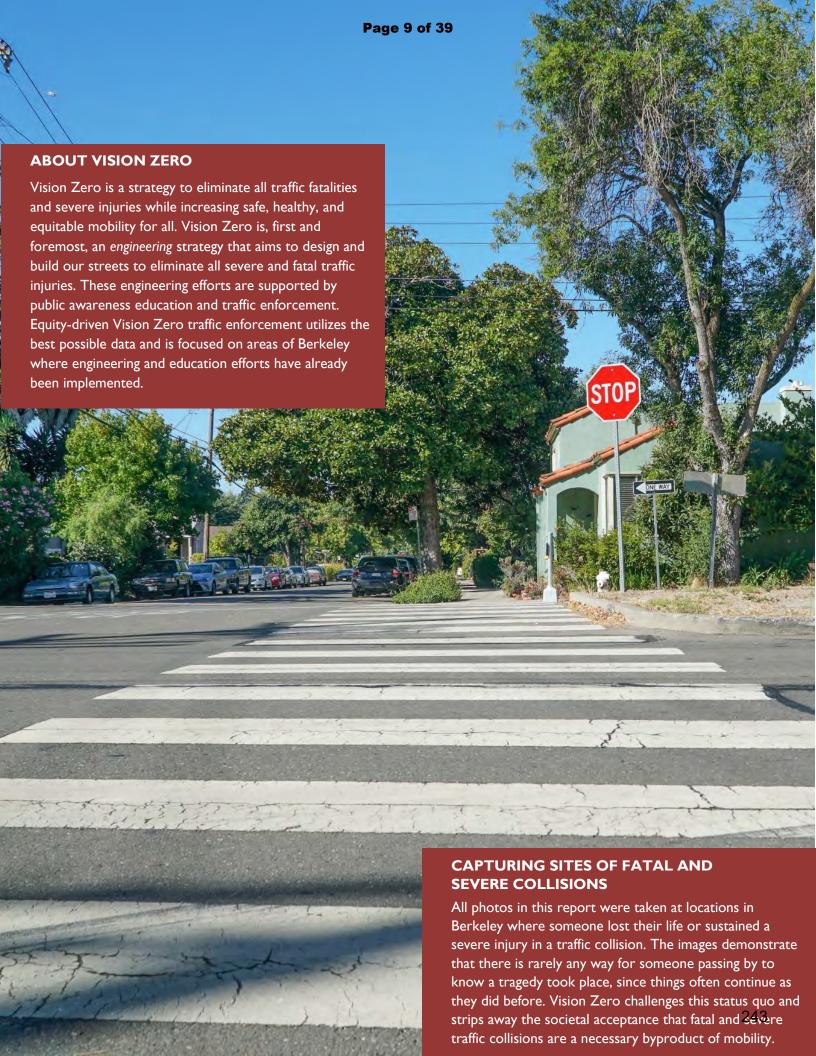
Eric Anderson, Senior Transportation Planner, Vision Zero Program Manager Matthew Cotterill, Assistant Transportation Planner
Beth Thomas, Principal Transportation Planner
Farid Javandel, Deputy Director of Public Works

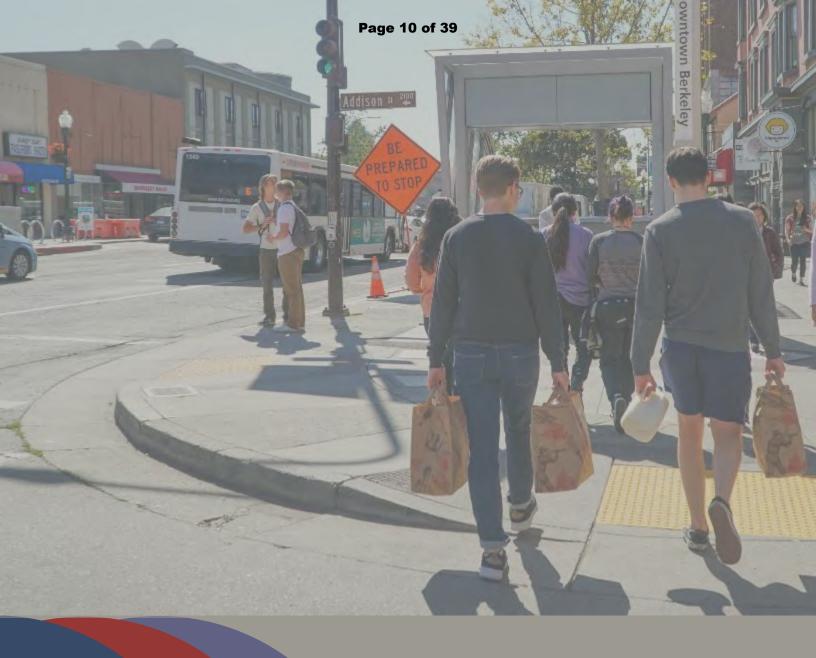
Vision Zero is a "One City One Team" effort. In addition to the staff listed above, City workers in nearly every department, including the City Manager's Office, Public Works, Health Housing and Community Services, the Berkeley Police Department, the Berkeley Fire Department, and others, play an integral role in achieving our goal of zero deaths and severe injuries on Berkeley streets.

TABLE OF CONTENTS

Appendix B: SWITRS Violation Code Data Tables

Introduction	2
Why We Need Vision Zero	4
Taking Action	12
Appendices	17
Appendix A: Vision Zero Actions	





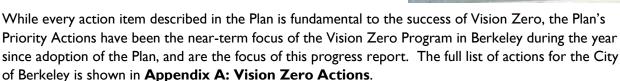
INTRODUCTION

Every year, an average of three people die and at least 33 people are severely injured in Berkeley due to traffic violence. Vision Zero is about recognizing that these deaths and severe injuries are preventable and unacceptable – no one should lose their life or experience a life-altering injury while traveling on Berkeley streets, no matter who they are or how they travel.

We began our commitment to Vision Zero in 2018 through the adoption of a Vision Zero resolution to end all traffic-related deaths and severe injuries on City streets by 2028. We continued this commitment with the adoption of the Vision Zero Action Plan in 2020. The actions described in the Plan and this Annual Report are motivated by the following Vision Statement and Guiding Principles:

The City of Berkeley is committed to an equityfocused, data-driven effort to eliminate traffic deaths and severe injuries on our city streets by 2028.

- 1. Safety is our highest priority.
- 2. Traffic deaths and severe injuries are preventable and unacceptable.
- 3. People make mistakes.
- 4. Slower streets are safer streets.
- 5. We will create safer transportation options for people who walk, bike, and take transit.
- 6. Street safety must be achieved equitably.
- 7. Vision Zero will be accountable, transparent, and data-driven.







WHY WE NEED VISION ZERO

BERKELEY NEEDS VISION ZERO

Every year, on average three people die and at least 33 people sustain severe injuries on Berkeley streets due to traffic violence. This is unacceptable and preventable – no one should lose their life or suffer a life-altering injury when traveling in our city. Unless otherwise noted, all updated traffic crash data in this Annual Report is from the years 2011 to 2020 - the most recent ten years of collision data available through the Statewide Integrated Traffic Records System (SWITRS).

VISION ZERO IS ABOUT THE 2%

On average, 2% of collisions on Berkeley streets result in a fatality or severe injury.

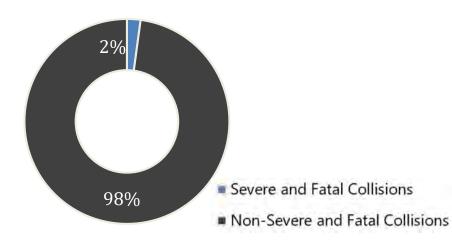
That is 2% too many.

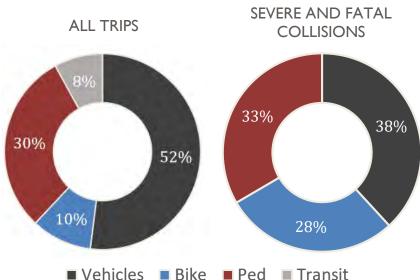
VISION ZERO IS ABOUT MODE

Collisions disproportionately impact people riding bicycles and people walking. The numbers are stark – collisions involving someone riding a bicycle or walking make up almost 61% of collisions that result in death or severe injury, despite making up just 40% of trips in Berkeley.

DISPROPORTIONATE BURDEN

We know that people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, seniors, and people with disabilities are over-represented in fatal and severe injury collisions, but we currently have limited data within SWITRS collision reports to understand the magnitude of the disproportionate burden. The Vision Zero Action Plan addresses those data gaps head-on and establishes strategies to start collecting and utilizing more meaningful data to understand inequities on our streets. We also are not waiting for more data to take an equity-driven approach to Vision Zero.





Collision Data: SWITRS ten-year injury collision data, 2011-2020 Mode Data: California Household Travel Survey for the City of Berkeley, 2012

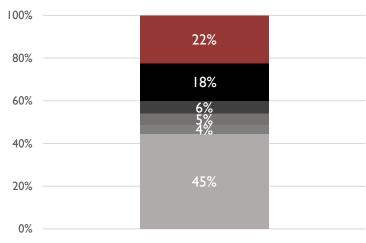
VISION ZERO IS ABOUT TRAFFIC VIOLATIONS

Every collision involves multiple factors. The top traffic violations reported during the years 2011 to 2020 for collisions in Berkeley that resulted in death or severe injury were traveling at unsafe speeds; driver not yielding at crosswalk; failing to signal; failure to yield to oncoming traffic while making left or U-turns; pedestrian crossing outside crosswalk or legal crossing. Vision Zero focuses on the most significant factors associated with severe and fatal traffic collisions in order to make the greatest impact.

Safety is also about how we share public space and how we interact on our streets. When we consider the primary party at fault, the top traffic violations for severe and fatal vehicle-involved collisions in Berkeley were drivers not yielding at crosswalks; drivers traveling at unsafe speeds; drivers failing to yield to oncoming traffic when making a left- or U-turn; drivers not yielding at stop signs; and pedestrian crossing outside crosswalk or legal crossing. While party at fault data is subjective and may not include the victim's perspective, it can add to our understanding of the unsafe behaviors that result in severe and fatal collisions.

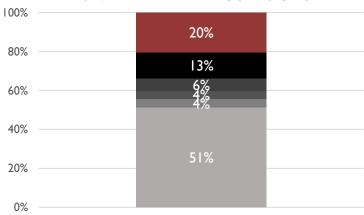
Violation data tables are provided in **Appendix B: SWITRS Violation Code Data Tables**.

TOPVIOLATIONS IN SEVERE AND FATAL COLLISIONS



- Unsafe speed
- Driver not yielding at crosswalk
- Failing to signal
- Failure to yield to while making left- or U-turn
- Pedestrian crossing outside crosswalk or legal crossing
- Other

TOP VIOLATIONS BY PARTY AT FAULT IN SEVERE AND FATAL COLLISIONS



- Driver not yielding at crosswalk
- Driver traveling at unsafe speed
- Driver failing to yield to while making left- or U-turn
- Driver not yielding at stop sign
- Pedestrian crossing outside crosswalk or legal crossing
- Other

Collision Data: SWITRS ten-year injury collision data, 2011-2020



GETTING TO ZERO

Berkeley's Vision Zero goal is to reach zero severe and fatal traffic crashes by the year 2028. To this end, the Berkeley Vision Zero Program tracks severe and fatal traffic crashes year-to-year, utilizing the most recently available 10-year SWITRS dataset. The chart on the next page shows severe and fatal crashes by mode for the last 10 years, along with US Census data "Journey to Work" mode share.

Following a peak in 2015 and an apparent decrease in severe and fatal traffic crashes in 2016 and 2017, beginning in 2018 SWITRS crash data appeared to show a substantial increase in severe injury traffic crashes for nearly all modes of transportation in Berkeley. SWITRS is a State of California data clearinghouse that gathers traffic crash data as reported by local police departments using the California Highway Patrol collision report form (CHP 555). Public Works and Berkeley Police Department staff are looking at a variety of data such as changes in mode share (e.g. the number of people walking, biking, driving, or taking public transit or ridehailing services to work), changes in traffic volumes, or other factors to try to understand this apparent increase in severe injury traffic crashes. As shown by the "Journey to Work" transportation mode share trend lines on the graph, this change does not appear to be correlated with increases in transportation activity. Our preliminary analysis suggests that this apparent increase may be linked to changes in the crash report form (CHP 555) used by officers to record the crash data made available through SWITRS.

In 2017, California changed the terminology to describe the extent of injury on the CHP 555 form. This form previously offered the options: FATAL INJURY – SEVERE INJURY – OTHER VISIBLE INJURY – COMPLAINT OF PAIN. It was revised to offer the options: FATAL INJURY – SUSPECTED SERIOUS INJURY –

SUSPECTED MINOR INJURY – POSSIBLE INJURY. Previously, officers completing the form were required to make an informed judgment as to whether or not an injury was "severe"; the revised form now requires them to assess whether they merely suspect an injury may be "serious". The change in descriptive terminology from severe to serious and the introduction of the new term "suspected" may have inadvertently lowered the standard for characterizing traffic injuries, leading officers to characterize more injuries as "suspected serious" than would have previously been categorized as "severe". As shown on the chart on the following page, the overall number of reported traffic crashes during the 10-year period from 2011-2020 decreased from 2017 to 2020. In absolute numbers, this decrease was mostly in

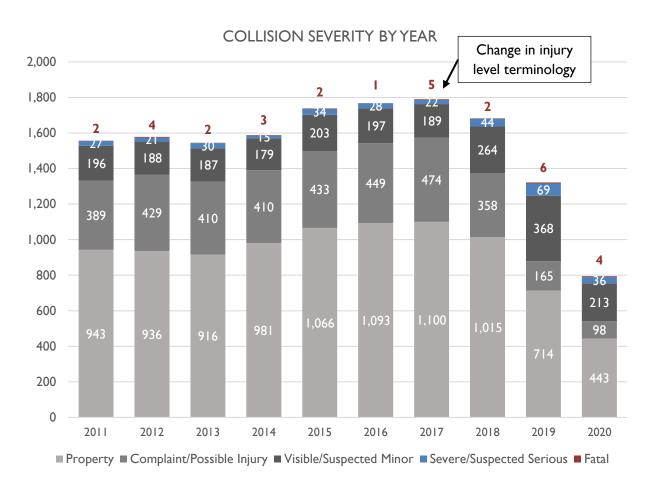
property damage crashes, from a 10-year high of 1100 crashes in 2017 to a 10-year low of 443 crashes in 2019. Importantly, the total number of injury crashes during this period also decreased: starting in 2017, the total number of injury crashes declined, reaching a 10-year low point of 601 crashes in 2019, with a moderate increase to 691 total injury crashes in 2020. During 2017-2019, while the changes in terminology in the CHP 555 Crash Report form were taking effect, "Possible Injury" crashes (formerly "Complaint of Pain") appeared to decrease dramatically, while "Suspected Minor Injury" (formerly "Visible Injury") and "Suspected Serious Injury" (formerly "Severe Injury") both appeared to increase dramatically. In 2020, the total number of crashes of all types declined, presumably due to reduced transportation activity during the beginning of the COVID-19 pandemic, but as noted above, by contrast the total number of injury crashes increased from 2019 to 2020. This increase was in the least severe category: "Possible Injury", whereas the number of "Suspected Minor" and "Suspected Serious" injuries both declined at a rate greater rate than the rate of decline of the total of all types of crashes.

80 80% 70 70% # of Severe and Fatal Collisions Change in injury 26 level terminology 60% 60 Commute Mode Share 50 50% 40% 40 17 28 21 30 30% 15 8 9 8 П 16 20 20% 13 13 6 12 9 13 10 10% 12 5 13 12 0 0% 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 Car Bicyclist Total Pedestrian Total Driver Total Bike Walk

NUMBER OF SEVERE AND FATAL CRASHES BY PARTY INVOLVED

Collision Data: SWITRS ten-year injury collision data, 2011-2020 Mode Share Data: US Census, ACS 5-Year Journey to Work, 2011-2020

It is possible that some crashes formerly classified as Complaint of Pain are now being recorded as Suspected Minor Injury or Suspected Severe Injury. As such, apparent trends in crash data since 2017 may be at least in part related to changes to the terminology used on the CHP 555. Public Works staff are discussing potential strategies for working around these inconsistencies in SWITRS data. These issues put additional emphasis on the need to develop an alternative metric that indicates whether Berkeley is successfully moving toward our goal of zero severe injury and fatality traffic crashes by 2028. City staff plans to develop an alternative crash data metric based on local Berkeley Police Department crash report data for the upcoming Vision Zero Action Plan update in 2023.



Collision Data: SWITRS ten-year injury collision data, 2011-2020

LOCATIONS OF SEVERE AND FATAL COLLISIONS

This map is not for use in developing focused enforcement efforts

Note: due to limitations in SWITRS data, not all crashes can be mapped. This map presents a statistically significant representative sample of the locations of severe injury and fatal crashes in Berkeley from 2011-2020. See Appendix B tables for crash data by party involved.

VISION ZERO IS ABOUT STREETS

This map shows the locations of **295** of the **357** severe injury and fatality traffic crashes that occurred on Berkeley streets between 2011 and 2020.

Although only **37%** of streets lie in the Equity Priority Area, **42%** of severe and fatal collisions occur there.



PRIORITIZING EQUITY

Lower income residents and people of color are disproportionately impacted by the risk of traffic injuries and fatalities. The Equity Priority Area considers historic federal Home Owners' Loan Corporation "redlining" practices, racial/ethnic composition, property value, and cultural centers to guide the City of Berkeley in prioritizing infrastructure projects that remedy systemic inequity. A full description of the Equity Priority Area methodology can be found in the City of Berkeley Pedestrian Plan.

//// Equity Priority Area

Collision Type

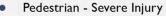


Bicyclist - Fatal

Bicyclist - Severe Injury



Pedestrian - Fatal





Driver - Fatal

Driver - Severe Injury

Collision Data: SWITRS ten-year injury collision data, 2011-2020

HIGH-INJURY STREETS

This map is not for use in developing focused enforcement efforts

BER

ELEY

VISION ZERO IS ABOUT STREETS

The High-Injury Streets map represents the City of Berkeley's streets with the most severe injury and fatality crashes based on data between 2011 and 2020.

86% of Berkeley's severe and fatal collisions occur on just **15%** of City streets.

University of California, Berkeley

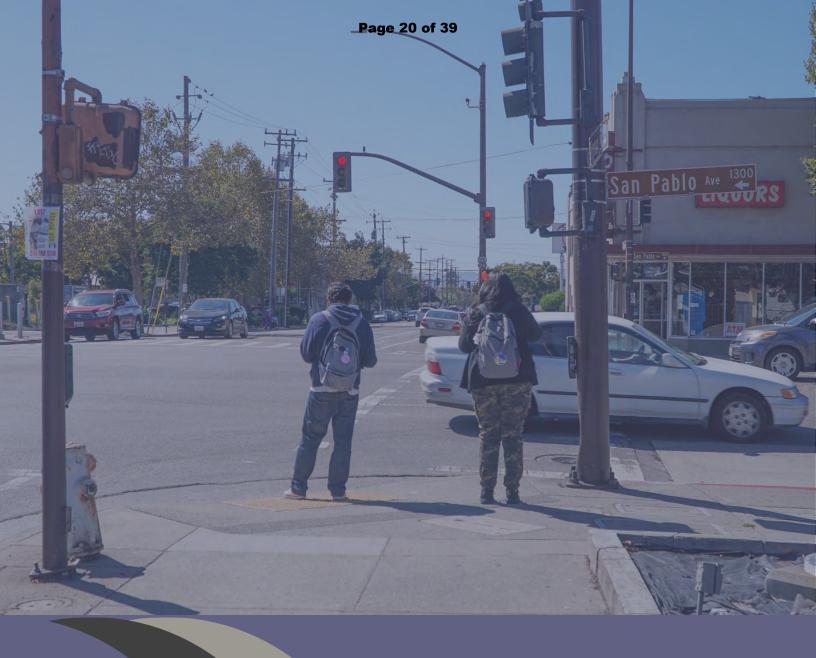
PRIORITIZING EQUITY

Lower income residents and people of color are disproportionately impacted by the risk of traffic injuries and fatalities. The Equity Priority Area considers historic federal Home Owners' Loan Corporation "redlining" practices, racial/ethnic composition, property value, and cultural centers to guide the City of Berkeley in prioritizing infrastructure projects that remedy systemic inequity. A full description of the Equity Priority Area methodology can be found in the City of Berkeley Pedestrian Plan.

High-Injury Streets

Equity Priority Area

Collision Data: SWITRS ten-year injury collision data, 2011-2020



TAKING ACTION

PRIORITY ACTIONS – PROGRESS AND PRIORITIES

The Vision Zero Action Plan contains 33 recommended actions, prioritized into the 11 Priority Actions listed below. The Plan was adopted by the Berkeley City Council in March 2020, almost exactly one week before the start of COVID-19 Public Health Shelter in Place orders. Despite the ongoing challenges of this unprecedented public health crisis, the City continues to make substantial progress on Vision Zero Priority Actions. Please see Appendix A for a complete list and full descriptions of each action.

- **Establish a standing Vision Zero Coordinating** Committee: During COVID-19, existing Commission and Committee meetings were temporarily suspended. Formation of a new committee was not possible during that time, and as such this item has been on hold due to COVID-19. Online Commission meetings were authorized for 2021, and it is anticipated that in-person or hybrid commission and committee meetings will eventually be authorized. The City plans to form this new Committee in 2022, with the goal of holding two quarterly Coordinating Committee meetings during the second half of 2022. Special attention will be given to equity and accessibility in recruitment and retention of members of the Berkeley community to serve on the committee. Formation of this Committee is integral to initiating certain new Vision Zero actions as well as continuing progress on some of the other inprocess Vision Zero actions.
- Conduct a citywide Vision Zero Action Plan assessment, including creating a staffing matrix and establishing a milestone staffing and funding schedule: During COVID-19, City resources were reprioritized to respond to the public health crisis. As such, a citywide assessment of staffing and resources would not have yielded results useful for the Vision Zero program in future years. In 2023 Public Works staff plans to initiate an assessment process following a return to more normal City operations in 2022. Additionally, the Department of Public Works has initiated an organizational analysis related to the possible formation of a Berkeley Department of Transportation (BerkDOT). The BerkDOT process is in response to a July 14, 2020 Berkeley City Council referral to the City Manager to "pursue the creation of a Berkeley Department

What is "Rapid Response"?

City staff from multiple departments are working to strengthen the City's ability to respond more quickly to the most severe, life-changing, nearfatal, and fatal traffic crashes. This Rapid Response strategy incorporates several Vision Zero Actions: Quick-build Traffic Safety Projects, the Vision Zero Rapid Response Safety Communication Protocol, and the Vision Zero Branding, Promotional, and Educational Campaign.

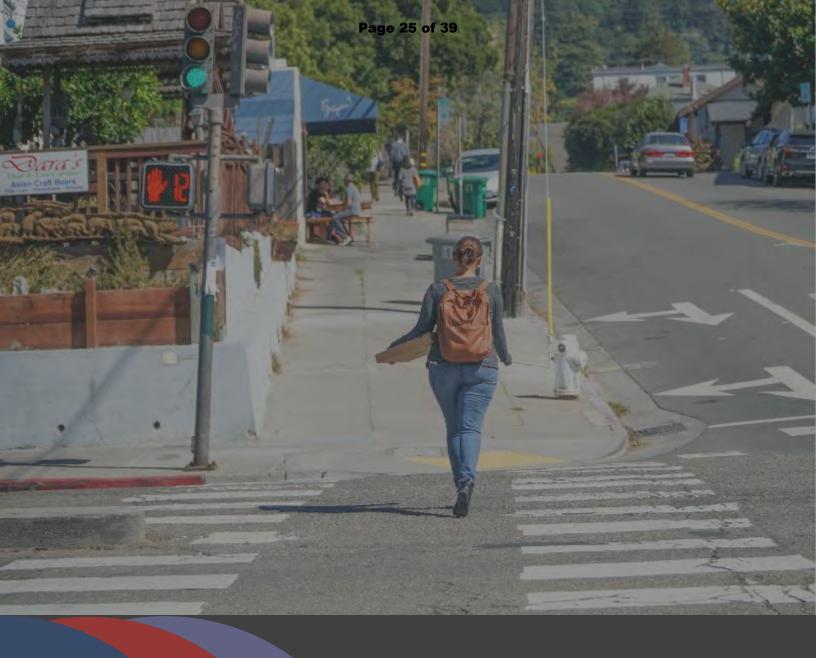
Public Works has initiated development of a Quick-Build Program to use less expensive, less permanent materials to deliver Vision Zero traffic safety projects more quickly. The Quick-Build Program would respond to severe and fatal traffic crashes with quick-build traffic safety interventions in the hope of preventing future incidents.

Public Works has also initiated development of a Vision Zero Branding, Promotional, and Educational Campaign as well as a Safety Communication Protocol. Together, these two actions would function as a traffic safety public awareness communication strategy, pushing out relevant traffic safety messages in response to recent severe and fatal collisions.

- of Transportation (BerkDOT) to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs, and infrastructure". Where appropriate, the City intends to address remaining organizational issues related to Vision Zero through the BerkDOT process.
- Proactively build capital-intensive and quick-build safety projects: Despite the challenges and delays related to COVID-19, the City has continued to make substantial progress delivering traffic safety and transportation improvement projects on Vision Zero High-Injury Streets. Among other capital-intensive projects, within the last year the Department of Public Works continued construction on the final phase of the 9th Street Bicycle Boulevard Pathway, and completed construction on the Sacramento Complete Streets Project and the Milvia Bikeway Project. Public Works initiated the public engagement, design, and engineering process for the Southside Complete Streets project, the City's largest complete streets project to date, and initiated a grant-funded quickbuild pedestrian crossing safety improvements project on Martin Luther King Jr. Way between Dwight Way and Russell Street. Public Works continues to approach repaying projects as "Complete Streets". Recent repaying projects, such as Center Street in Downtown Berkeley, have included construction of the bikeways called for in the Berkeley Bicycle Plan (2017). Recent grant funding successes include funds for public engagement and preliminary engineering of Adeline Street between MLK Jr. Way and the south city limits, as described in the Adeline Corridor Specific Plan.. Public Works has recently submitted California Active Transportation Program, Alameda County Transportation Commission Capital Improvement Program, and California Highway Safety Improvement Program grant applications for new projects that improve safety along or at crossings of High-Injury Streets in Berkeley. In 2020, Public Works initiated development of a "quick-build" program to formalize the accelerated use of less expensive, less permanent materials to deliver Vision Zero traffic safety projects more quickly and affordably, in order to help meet our 2028 goal of zero traffic deaths and severe injuries. Quick-builds are sometimes called "paint and posts" projects for their use of street markings and traffic delineator posts. However, quick-build projects can include a more aestheticallyappealing toolbox of safety measures and design elements that provide a more lasting investment in our neighborhoods, such as colored pavement and more visible crosswalks; concrete pedestrian crossing islands; planter boxes; and even solar-powered streetlights and pedestrian crossing beacons. In the past, Berkeley has used a quick-build approach to incorporate protected bikeways, bus only lanes, or bus boarding islands into repaying projects such as Bancroft Way between Fulton Street and Dana Street, or Adeline Street between Shattuck Avenue and Ashby Avenue. In 2022 Public Works staff will continue development of a Quick-Build Program, to formalize a design toolbox and accelerate delivery of traffic safety projects from City Council-adopted transportation plans. The Quick-Build Program is one of the actions which Public Works staff has elevated in priority for 2022, to proactively address safety issues and to strengthen the City's ability to respond to severe and fatal traffic crashes with quick-build traffic safety interventions. For a summary of capital-intensive and quick-build project progress, please see the City's Vision Zero Story Map: https://storymaps.arcgis.com/stories/13fc2f8a4eb548c68ca57a099b33b8cd
- Request a Vision Zero Performance Audit: Public Works planned to request an audit of the Vision Zero program at the end of year one of the program, as a companion metric to the staffing and funding assessment described above. However, due to the impacts of the COVID-19 response, this

- audit request has been delayed pending completion of the assessment and other organizational tasks, potentially in 2023.
- Establish a Vision Zero Rapid Response Safety Communication Protocol: Public Works initiated this task in 2020 and continued to work with other City Departments by convening a Rapid Response group meeting in response to each of the fatal crashes that occurred over the last year.. The Vision Zero Rapid Response Safety Communication Protocol is one of the actions which City staff from multiple departments will continue with as a priority for 2022, as a communication strategy in response to recent severe and fatal collisions.
- Support statewide traffic safety legislation: Public Works initiated this task in 2020 as part of staff advocacy to encourage the Metropolitan Transportation Commission (MTC) to form a Regional Vision Zero Working Group. MTC has formed a Working Group, and as part of this group's work plan, City staff has asked MTC to leverage the influence of Bay Area communities to influence state traffic safety legislation. This legislative agenda would include allowing cities to lower the statutory speed limit below the current minimum 25 MPH, and allowing automated traffic enforcement. Automated enforcement has also been identified as a traffic enforcement strategy to support the equity goals of Berkeley's Reimagining Public Safety process.
- Establish a Complete Streets Repaying and Development Project Checklist: Public Works
 Transportation Division staff initiated this task in 2020 in partnership with Engineering Division project
 delivery staff and Planning Department staff. Public Works anticipates completion of this action in
 2022 or 2023.
- Develop and proactively deliver a Vision Zero branding, promotional, and educational campaign: Public Works staff initiated this task in 2020 and have worked with a consultant to develop preliminary logos and taglines for program branding and preliminary public messaging. The preliminary materials were presented to the Transportation Commission in January 2021. Based on Transportation Commission feedback, before continuing further with the branding and messaging process, Public Works staff plans to seek the input of the Vision Zero Coordinating Committee in 2022, to ensure that all materials are representative of and accessible to all members of the Berkeley community. Following this, Public Works staff will be developing public awareness traffic safety messages that can be deployed as part of a proactive Vision Zero educational campaign, as well as utilized as part of a Rapid Response Communication Protocol following severe injury or fatality crashes.
- Develop a publicly accessible matrix and map to prioritize and track projects: In 2020 and continuing through 2021, Public Works staff initiated development of a GIS-based Vision Zero "Story Map" to track capital projects on Vision Zero High-Injury Streets that are part of the City's Capital Improvement Program. In 2022, staff will continue to update this map to show ongoing capital project progress. Public Works Staff anticipates working with the Vision Zero Coordinating Committee to ensure this communication tool meets the needs of the Berkeley Community as articulated by Berkeley residents and stakeholders who participated in the Vision Zero Advisory Committee during development of the Action Plan. The Vision Zero Story Map can be found here: https://storymaps.arcgis.com/stories/13fc2f8a4eb548c68ca57a099b33b8cd

- Utilize the Berkeley Police Department's collision report data on parties involved: Public Works staff initiated this task in 2020 as part of Vision Zero Program liaison activities with Berkeley Police Department Traffic Bureau officers to access and better understand Police crash report data. Public Works staff continued to work on data reporting and analysis with Traffic Bureau officers in 2021, and anticipates working with Police Department officers in developing an alternative crash data metric based on local Berkeley Police Department crash report data for the upcoming Vision Zero Action Plan update in 2023.
- Focus traffic enforcement efforts proportionately on the most significant traffic violations for severe and fatal collisions by party at fault: The Vision Zero Action Plan includes tables of crash data organized by "party at fault" to help us better understand which of our transportation behaviors are putting others at risk on our streets. In 2020, following Council adoption of the Plan, Public Works staff provided these tables to Berkeley Police Department Traffic Bureau staff for use in implementing the 2020-2021 California Office of Traffic Safety (OTS) traffic enforcement grant. As part of the OTS-funded traffic enforcement efforts, Traffic Bureau officers have conducted DUI and distracted driving patrols, as well as traffic enforcement patrols focusing on problematic locations and behaviors, including violations identified by Vision Zero crash data analysis, such as excess speed, failure to yield, and failure to stop at stop signs/signals. These enforcement activities have included both general traffic safety patrols as well as operations focused specifically on pedestrian and bicycle safety. While enforcement activities may engage with anyone walking, biking, or driving on Berkeley streets, due to the nature of the violations these patrols often focus on the Primary Collision Factors (PCFs) where a driver is most often found at fault. Appendix C of this report updates the Vision Zero Action Plan "party at fault" crash data tables to include the most recent 10 years of SWITRS data. At the time the Draft Vision Zero Action Plan was presented to the Berkeley Transportation Commission on November 21, 2019, Commissioners expressed concern about the Plan's traffic enforcement actions, based on historical patterns of racialized outcomes of traffic enforcement and other equity concerns. In response to these concerns, Public Works staff recommended that new Vision Zero traffic enforcement efforts be undertaken only after the creation of an equity-driven Vision Zero Enforcement Policy, to be developed in partnership with the Berkeley Police Department and with the guidance of the Vision Zero Coordinating Committee. On July 14, 2020, the Berkeley City Council made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions, and directions, with the goal of achieving a new and transformative model of positive, equitable and community-centered public safety for Berkeley. One component of this ongoing process was the formation of a Reimagining Public Safety Task Force. As such, any new Vision Zero traffic enforcement efforts have been delayed pending formation of the Vision Zero Coordinating Committee and the need to coordinate with the traffic enforcement equity components of the ongoing BerkDOT and Reimagining Public Safety Task Force processes. Public Works staff anticipates working with Traffic Bureau staff to implement new Vision Zero traffic enforcement actions consistent with whatever Vision Zero traffic enforcement policy results from Vision Zero Steering Committee and ongoing organizational and public safety processes.



APPENDICES

APPENDIX A: VISION ZERO ACTIONS

I.I THE VISION ZERO PROGRAM: COLLABORATION

Priority	Action	Lead Department	Timeline
☆	Establish a standing Vision Zero Coordinating Committee consisting of City staff, Commissioners, partner institutions, members of the community, advocacy groups, and community-based organizations who have a role in advancing Vision Zero action items with quarterly meetings organized around a predetermined annual agenda. Seek to establish a funding source to compensate members of the community and community-based organizations to enable their participation.	City Manager's Office	
	Incorporate Vision Zero goals and actions into plan and policy updates of all departments and partner institutions, including the upcoming City of Berkeley Zoning Ordinance update and General Plan Update, UC Berkeley's Long-Range Development Plan, Berkeley Unified School District's Sustainability Plan, the City's Strategic Plan, Departmental Priority Projects Lists, and departmental and individual staff work plans.	City Manager's Office	
	With the Metropolitan Transportation Commission, Alameda County Transportation Commission, and Alameda County Department of Public Health, establish a peer-to-peer Bay Area Vision Zero Network for information-sharing and collaboration on countywide and regional initiatives such as a public health analysis of collision victim hospital data.	Mayor's Office	
	Develop a focused, strategic Vision Zero staff training plan to send key staff responsible for implementing the Vision Zero Action Plan, such as Public Works, Police, Health, Housing, and Community Services, and City Manager's Office and elected officials, to Vision Zero-related conferences and trainings.	City Manager's Office	

1.2 THE VISION ZERO PROGRAM: CAPACITY

Priority	Action	Lead Department	Timeline
☆	 Conduct a citywide Vision Zero Action Plan assessment of existing staffing and funding capacity to complete Vision Zero action items. Create a staffing matrix of existing and proposed staff for the delivery of high-priority Vision Zero action items. New or realigned staff needs are anticipated in the areas listed below: Public Works safety project team Public Works Vision Zero Program support staff Public Information Officers in key Vision Zero departments including Police and Health, Housing, and Community Services Berkeley Police Department Vision Zero collision data analysis Health, Housing, and Community Services Vision Zero data analysis and public awareness programs Establish a milestone staffing and funding schedule to complete high-priority Vision Zero action items, including City and grant funds. 	City Manager's Office; Public Works	
☆	Request a Vision Zero Performance Audit to be conducted during the FY21 audit period to evaluate the implementation of the Action Plan and make any needed recommendations, including additional and/or realigned staffing and funding, for effective Vision Zero Action Plan implementation. Provide required six-month updates to City Council.	Public Works	

1.3 THE VISION ZERO PROGRAM: TRANSPARENCY AND EQUITY

		Lead	
Priority	Action	Department	Timeline
☆	Utilize the Berkeley Police Department's collision report data on parties involved, such as housing status or whether parties involved are disabled, to help address equity gaps in Statewide Integrated Traffic Records System (SWITRS) collision data. Confirm that Berkeley Police Department report training emphasizes consistent use of these collision report data fields and, if needed, provides training resources for avoiding transportation mode bias in collision reporting. When necessary, update the police collision report form to be consistent with emerging mobility modes.	Public Works; Police	
	Provide an annual Vision Zero Progress Report, reviewed by the City Auditor, to City Council, City Department Directors, Vision Zero Coordinating Committee, and Transportation Commission, on progress reducing fatal and severe collisions, including in historically underserved neighborhoods, equity in traffic enforcement, and on meeting the funding, staffing, and Vision Zero program delivery schedules. Include an updated Vision Zero High-Injury Streets map. Utilize Berkeley Police Department collision data to supplement the Statewide Integrated Traffic Records System dataset to avoid lag in data availability.	Public Works	
	Complete a full update of the Vision Zero Action Plan every three years to ensure continued relevancy of the Action Plan by integrating advancements in best practices and technologies. The first update will include an equity evaluation to identify gaps in safety and collision datasets and develop milestones to address inequities, as well as identify strategies to include hospital data provided by Alameda County Department of Public Health, linked to emergency medical services data and police reports, in Vision Zero analyses and maps.	Public Works	
	Maintain an understanding of the Berkeley community's perception of safety and personal security. Focus direct public engagement to residents of Berkeley's historically underserved neighborhoods and other vulnerable users.	Health, Housing, and Community Services	

2.1 SAFER STREETS FOR EVERYONE: PROJECT PLANNING AND DEVELOPMENT

Priority	Action	Lead Department	Timeline
☆	Develop a publicly accessible matrix and map to prioritize and track projects. Prioritize both new/existing requests/referrals and delivery of established infrastructure project lists (e.g., Five Year Repaving Program, BeST Plan, etc.) according to the Vision Zero High-Injury Streets map and equity-driven prioritization from City Council adopted plans such as the Bicycle Plan and forthcoming Pedestrian Plan.	City Manager's Office	
☆	Establish a Complete Streets Repaving and Development Project Checklist to ensure proactive and reactive Vision Zero safety infrastructure for people of all ages and abilities are included with each repaving project and in the conditions of approval for development projects. With the Vision Zero Coordinating Committee, consider establishing an equity-driven approach to prioritizing repaving projects.	Public Works	
	Establish a Vision Zero Rapid Response Safety Project Protocol that utilizes data from the renamed Fatal Accident Investigation Team (FAIT), to identify quick-build projects if engineering countermeasures may effectively improve safety. The protocol should outline a path forward for Public Works staff to be a part of the immediate on-the-ground response to an investigation of severe and fatal collisions.	Public Works; Police	
	Conduct before and after studies of a sample of Vision Zero quickbuild projects to evaluate countermeasure effectiveness where existing understanding is insufficient.	Public Works	
	Undertake a Standards of Coverage/Response Time Study to provide a data-driven understanding of how safety improvements impact emergency response times.	Fire	
	Establish a pre-approved toolbox of traffic safety infrastructure design treatment improvements with the Vision Zero Coordinating Committee to streamline the implementation of projects.	Public Works	

2.2 SAFER STREETS FOR EVERYONE: PROJECT DESIGN

Priority	Action	Lead Department	Timeline
	Establish Vision Zero Design Guidelines that consolidate policies and design guidelines from Council-adopted plans such as the Pedestrian Plan, Bicycle Plan, and Complete Streets Policy to guide Berkeley's street design, traffic, and parking procedures in order to prioritize safety and reduce the incidence of severe and fatal collisions. Ensure revisions and updates are reviewed by the Vision Zero Coordinating Committee to maintain accessibility for people of all ages and abilities.	Public Works	
	Develop Curbside Management Guidelines and incorporate them into the Vision Zero Guidelines to ensure Berkeley addresses safety concerns at the curb due to existing and emerging mobility options.	Public Works	
	Update the Berkeley Municipal Code to be consistent with the Vision Zero Design Guidelines.	Public Works	
	Refine the existing traffic calming toolbox to include design guidelines for all street types, utilizing Council-adopted plans where applicable. Ensure the traffic calming toolbox is reviewed by the Vision Zero Coordinating Committee to streamline the implementation of projects.	Public Works	

2.3 SAFER STREETS FOR EVERYONE: PROJECT DELIVERY

Priority	Action	Lead Department	Timeline
☆	Proactively build capital-intensive and quick-build safety projects on all Vision Zero High-Injury Streets on a schedule to complete such projects by 2028.	Public Works	
	Reactively build newly identified quick-build projects at locations with recent severe and fatal collisions if engineering countermeasures may effectively improve safety, based on Rapid Response Safety Project Protocol.	Public Works	
	Continue to deliver traffic calming projects. Utilize the traffic calming toolbox and evaluate requests based on an equity- and data-driven approach to implementation for both residential and Vision Zero High-Injury Streets. Increase public awareness of the traffic calming program.	Public Works	

3.1 SAFER STREETS BY EVERYONE: PUBLIC AWARENESS

Priority	Action	Lead Department Timeline
☆	Develop and proactively deliver a Vision Zero branding, promotional, and educational campaign to increase awareness about Vision Zero and the top traffic violations for severe and fatal injuries in Berkeley, elevating victims' stories. Regularly update the campaign to ensure it is context-specific, accessible, and culturally relevant. Collaborate with community-based organizations to distribute material and promote messages and public events that normalize active transportation and transit as healthy and responsible transportation choices.	Health, Housing, and Community Services
☆	Establish a Vision Zero Rapid Response Safety Communication Protocol. Employ a communication strategy in response to recent severe and fatal collisions aimed at the human element of traffic safety, including health and prevention messaging to the Berkeley community.	Public Works
	Partner with UC Berkeley, Berkeley City College, and Berkeley Unified School District to distribute targeted Vision Zero messaging for students.	Public Works
	Integrate Vision Zero traffic safety awareness and education into training for City employees who drive City vehicles or drive while on City business, including Police, Fire, Public Works, and all City departments and divisions.	City Manager's Office

3.2 SAFER STREETS BY EVERYONE: ENFORCEMENT

Priority	Action	Lead Department	Timeline
☆	Focus traffic enforcement efforts proportionately on the most significant traffic violations for severe and fatal collisions by party at fault. Focus enforcement efforts on areas of Berkeley where engineering and education efforts have already been implemented. Conduct traffic enforcement consistent with the City of Berkeley's Fair and Impartial Policing Policy.	Police	
☆	Support state-wide traffic safety legislation allowing automated speed enforcement by local agencies, designation of speed limits on local streets based on desired safety outcomes rather than the existing prevailing speed, and the reduction of local residential street speed limits to below 25 MPH, which would allow for 20 MPH speed limit on local residential streets, consistent with "20 Is Plenty" campaigns. Utilize existing legislated automated enforcement strategies, such as red light cameras.	City Manager's Office	
	Rename the Fatal Accident Investigation Team to replace the word "accident" with "collision" and include reference to near-fatal and major collisions, to acknowledge that most collisions are preventable, and to be in line with Vision Zero philosophies.	Police	
	Continue and regularly update a collision data-driven enforcement strategy focusing on collision reports from the renamed Fatal Accident Investigation Team (FAIT) to supplement collision data from SWITRS. Focus on areas of Berkeley where engineering and education efforts have already been implemented. Conduct traffic enforcement consistent with the City of Berkeley's Fair and Impartial Policing policy.	Police	
	Seek opportunities to educate before issuing citations during traffic enforcement.	Police	
	Develop a traffic ticket diversion program for bicycle and pedestrian traffic tickets to promote access to bicycle and pedestrian safety courses and programs.	Police	

APPENDIX B: SWITRS VIOLATION CODE DATA TABLES

Cited California Vehicle Code Violation by Party at Fault¹

Cited California Vehicle Code Violation	Party Cited as at Fault						
California Vehicle Code Summary	Driver	Ped	Parked Vehicle	Bicyclist	Other	None cited	Total
Unsafe speed	50	0	0	29	0	ı	80
Driver not yielding at crosswalk	62	0	0	0	0	ı	63
Not Cited	6	1	0	6	0	16	29
Failing to signal	15	0	0	6	0	0	21
Failure to yield to while making left- or U-turn	19	0	0	0	0	0	19
Pedestrian crossing outside crosswalk or legal crossing	2	13	0	0	0	0	15
Driver not yielding at stop sign	13	0	0	ı	0	0	14
Driving under the influence	13	0	0	0	0	0	13
Driver not stopping at line	7	0	0	5	0	0	12
Failure to drive in a single lane	11	0	0	0	0	0	П
Failure to yield to oncoming traffic when entering or crossing road from property or alley	6	0	0	3	0	0	9
Driving under the influence causing bodily injury	9	0	0	0	0	0	9
Opening door in unsafe conditions	5	0	1	0	1	0	7
Pedestrian suddenly leaving curb	0	6	0	0	0	0	6
Pedestrian had flashing DON'T WALK	0	5	0	0	0	0	5
Failure to stop at stop bar	I	0	0	4	0	0	5
Unsafe backing of vehicle	4	0	0	0	0	0	4
Driver crossing double parallel solid yellow lines	2	0	0	I	0	0	3
Driver passes unsafely	3	0	0	0	0	0	3
Pedestrian crossing between signalized intersections Driving with 0.04% or more	0	2	0	0	0	0	2
alcohol in blood with a passenger for hire in the vehicle	2	0	0	0	0	0	2
Driving under the influence of a drug	2	0	0	0	0	0	2

Cited California Vehicle Code	Party Cited as at Fault						
Violation				y Cited as a	t rauit		
California Vehicle Code Summary	Driver	Ped	Parked Vehicle	Bicyclist	Other	None cited	Total
Bicyclist has same rights and subject to same rules as motor vehicles	0	0	0	ı	0	0	I
Bicyclist riding during darkness without front light and rear reflector	0	0	0	ı	0	0	I
Driver did not proceed straight or yield properly	I	0	0	0	0	0	I
Driver not yielding to pedestrians during right turn on red	0	I	0	0	0	0	ı
Failure to comply with traffic signal	1	0	0	0	0	0	1
Driving on the left-hand side of an intermittent barrier dividing opposing traffic	ı	0	0	0	0	0	I
Failure to drive in a single lane	I	0	0	0	0	0	I
Unsafe following of another vehicle Pass on the left with a safe	I	0	0	0	0	0	I
distance	1	0	0	0	0	0	1
Driver overtaking another vehicle on the right where not allowed	ı	0	0	0	0	0	ı
Driver passes bicyclist unsafely	I	0	0	0	0	0	I
Driver passes bicyclist unsafely in violation of 3-foot rule	I	0	0	0	0	0	ı
At intersection, yield to vehicles already in the intersection	I	0	0	0	0	0	I
Failure to yield to U-turning driver taking appropriate care	I	0	0	0	0	0	I
Driver did not slow down or exercise due care when approaching pedestrian in crosswalk	I	0	0	0	0	0	-
Driver overtaking a stopped vehicle at crosswalk	0	I	0	0	0	0	I
Failure to turn left as close as practicable to left edge of left lane	I	0	0	0	0	0	I
Driver disobeys traffic control device	I	0	0	0	0	0	I

Cited California Vehicle Code Violation	Party Cited as at Fault						
California Vehicle Code Summary	Driver	Ped	Parked Vehicle	Bicyclist	Other	None cited	Total
Making a U-turn with a vehicle approaching from another							
direction	ı	0	0	0	0	0	ı
Reckless driving	I	0	0	0	0	0	ı
Reckless driving causing bodily injury	I	0	0	0	0	0	I
Driving with 0.08% or more alcohol in blood causing bodily injury	I	0	0	0	0	0	I
Driving a vehicle in an unsafe condition or not safely loaded	I	0	0	0	0	0	I
Total	251	29	ı	57	ı	18	357
Notes: I. SWITRS ten-year severe and fatal injury collision data, 2011-2020							

Cited CA Vehicle Code Violations by Parties Involved in Severe and Fatal Collisions¹

Violation b	oy Party at Fault for Severe or Fatal Collisions	Total # of	Other Parties Involved ²					
Cited Party at Fault	California Vehicle Code Summary	Severe or Fatal Collisions ³	Driver	Pedestrian	Parked Vehicle	Bicyclist	Other	Solo Crashes
Driver	Driver not yielding at crosswalk	62	I	66	0	0	0	0
Driver	Unsafe speed	41	33	9	8	5	2	9
Driver	Failure to yield to while making left- or U-turn	19	14	0	I	5	0	0
-	Not Cited	16	15	2	3	12	0	0
Driver	Driver not yielding at stop sign	13	10	1	0	2	0	0
Pedestrian	Pedestrian crossing outside crosswalk or legal crossing	13	14	0	0	0	0	0
Bicyclist	Unsafe speed	12	8	1	2	ı	0	17
Driver	Failing to signal	10	9	0	0	2	0	5
Driver	Failure to drive in a single lane	10	14	0	0	0	0	1
Driver	Driving under the influence	8	10	2	2	0	0	5
Driver	Driving under the influence causing bodily injury	7	6	3	0	0	0	2
Driver	Driver not stopping at line	7	6	I	0	ı	0	0
Driver	Failure to yield to oncoming traffic when entering or crossing road from property or alley	6	4	0	0	3	0	0
Pedestrian	Pedestrian suddenly leaving curb	6	6	0	0	0	0	0
Driver	Not Cited	5	3	I	0	ı	0	1
Bicyclist	Driver not stopping at line	5	4	0	0	0	I	0
Pedestrian	Pedestrian had flashing DON'T WALK	5	5	0	0	0	0	0
Driver	Opening door in unsafe conditions	5	0	0	0	5	0	0
Bicyclist	Failure to stop at stop bar	4	4	0	0	0	0	0
Bicyclist	Failing to signal	3	3	0	I	0	0	3
Driver	Unsafe backing of vehicle	3	I	2	0	0	0	1
Bicyclist	Failure to yield to oncoming traffic when entering or crossing road from property or alley	3	3	0	0	0	0	0
Driver	Driver passes unsafely	2	2	0	0	0	0	ı
Driver	Driver crossing double parallel solid yellow lines	2	2	0	0	0	0	0

Violation by Party at Fault for Severe or Fatal Collisions		Total # of	Other Parties Involved ²					
Cited Party at Fault	California Vehicle Code Summary	Severe or Fatal Collisions ³	Driver	Pedestrian	Parked Vehicle	Bicyclist	Other	Solo Crashes
Driver	Pedestrian crossing outside crosswalk or legal crossing	2	I	2	0	0	0	0
Pedestrian	Pedestrian crossing between signalized intersections	2	2	0	0	0	0	0
Driver	Driving with 0.04% or more alcohol in blood with a passenger for hire in the vehicle	2	0	I	0	I	0	0
Driver	Driving under the influence of a drug	2	4	0	0	0	0	0
Pedestrian	Not Cited	ı	I	0	0	0	0	0
Bicyclist	Bicyclist has same rights and subject to same rules as motor vehicles	I	I	0	0	0	0	0
Bicyclist	Bicyclist riding during darkness without front light and rear reflector	ı	ı	0	0	0	0	0
Driver	Driver did not proceed straight or yield properly	I	I	0	0	0	0	0
Pedestrian	Driver not yielding to pedestrians during right turn on red	I	0	0	0	I	0	0
Bicyclist	Driver crossing double parallel solid yellow lines	I	I	0	0	0	0	0
Driver	Failure to comply with traffic signal	I	0	0	0	ı	0	0
Driver	Failure to drive in a single lane	I	I	0	0	0	0	0
Driver	Unsafe following of another vehicle	ı	2	0	0	0	0	0
Driver	Pass on the left with a safe distance	I	0	0	0	I	0	0
Driver	Driver overtaking another vehicle on the right where not allowed	ı	1	0	0	0	0	0
Driver	Driver passes bicyclist unsafely	I	0	0	0	I	0	0
Driver	Driver passes bicyclist unsafely in violation of 3-foot rule	ı	0	0	0	ı	0	0
Driver	At intersection, yield to vehicles already in the intersection	I	0	0	0	I	0	0
Driver	Failure to yield to U-turning driver taking appropriate care	I	0	0	0	I	0	0
Bicyclist	Driver not yielding at stop sign	I	I	0	0	0	0	0

Violation by Party at Fault for Severe or Fatal Collisions Cited Party		Total # of	Other Parties Involved ²					
		Severe or Fatal	Parked So					Solo
at Fault	California Vehicle Code Summary	Collisions ³	Driver	Pedestrian	Vehicle	Bicyclist	Other	Crashes
-	Failure to yield at crosswalk or pedestrian walking into vehicle path	ı	I	I	0	0	0	0
Driver	Driver did not slow down or exercise due care when approaching pedestrian in crosswalk	ı	0	ı	0	0	0	0
Pedestrian	Driver overtaking a stopped vehicle at crosswalk	ı	I	0	0	0	0	0
Driver	Failure to turn left as close as practicable to left edge of left lane	ı	I	0	0	0	0	0
Driver	Driver disobeys traffic control device	1	ı	0	0	0	0	0
Driver	Making a U-turn with a vehicle approaching from another direction	ı	I	0	0	0	0	0
-	Unsafe speed	ı	2	0	0	0	0	0
Driver	Failure to stop at stop bar	ı	I	0	0	0	0	0
Parked Vehicle	Opening door in unsafe conditions	ı	0	0	0	ı	0	0
Other	Opening door in unsafe conditions	I	0	0	0	I	0	0
Driver	Reckless driving	ı	I	0	3	0	0	0
Driver	Reckless driving causing bodily injury	ı	I	ı	0	0	0	0
Driver	Driving with 0.08% or more alcohol in blood causing bodily injury	ı	0	1	0	0	0	0
Bicyclist	Not Cited	0	0	0	0	0	0	6
Driver	Driving on the left-hand side of an intermittent barrier dividing opposing traffic	0	0	0	0	0	0	,
Driver	Driving a vehicle in an unsafe condition or not safely loaded	0	0	0	0	0	0	ı
	Total	304	204	95	20	47	3	53

Notes:

^{1.} SWITRS ten-year severe and fatal injury collision data, 2011-2020

^{2.} Parties involved will not sum to total number of collisions

^{3.} This excludes solo crashes. To understand the total number of severe or fatal collisions, sum this column with the number of solo collisions.



CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Purchase Order: PB Loader Corporation for Two Chipper Trucks

RECOMMENDATION

Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) Contract No. 080521-PBL bid procedures and authorizing the City Manager to execute a purchase order for two chipper trucks with PB Loader Corporation in an amount not to exceed \$400,000.

FISCAL IMPACTS OF RECOMMENDATION

The purchase of two (2) chipper trucks will not exceed \$400,000 and includes DMV fees, CA tire fees, delivery to City of Berkeley, shipping and sales tax. It is anticipated that the final price will be \$358,929.14 currently quoted, but there may be additional unanticipated price increases. Funding for this purchase is available in the FY 2022 budget in the Equipment Replacement Fund (671-54-626-723-0000-000-473-664120).

CURRENT SITUATION AND ITS EFFECTS

On November 30, 2021, Berkeley City Council approved the purchase of two chipper trucks, Resolution No. 70,132-N.S. for a total not to exceed \$305,900 from PB Loader. PB Loader utilizes the base cab and chassis of the F-650 and builds out the body of the chipper truck. Ford, the vendor that PB Loader was planning on ordering from, stopped taking model year 2022 orders to re-evaluate their pricing and delivery dates, thus putting the Ford F-650 on hold so Public Works was unable to execute the purchase order as originally planned. Ford released their 2023 models in April enabling PB Loaders to be purchased from Ford and allowing the complete build-out of the chipper trucks. However, there are now substantial increases on all of the required components to complete the vehicle resulting in the overall price increase.

This purchase will replace two (2) F-650 Class 8 chipper trucks, equipment numbers 3274 and 3275. The chipper trucks were originally purchased in 2001 with an anticipated useful life of 15 years. This new purchase eliminates the need for ongoing costly maintenance due to the age and condition of the trucks. The Parks, Recreation & Waterfront Department requires new vehicles to perform tree maintenance in parks, along public right of ways, city property, and in response to emergencies. These vehicles use a commercial grade woodchipper unit that recovers processed debris.

Approval of this item will further the Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, facilities.

BACKGROUND

The Department of Public Works purchases vehicles and equipment for the City's departments throughout the year. These purchases are paid through the Equipment Replacement Fund by departments that contribute annually to this fund so that vehicles can be replaced at the end of their useful life. If the purchase request exceeds \$25,000, the Department of Finance, General Services Division solicits or "piggybacks" off competitively bid contracts to ensure the City receives the best pricing.

The City of Berkeley has been a no-cost member and participant of Sourcewell¹ (formerly National Joint Powers Alliance), a municipal contracting agency operating under the legislative authority of Minnesota Statute 123A.21. The original statute was revised in 1995 to allow government clients to better meet their specific needs through participation in a service cooperative, rather than paying higher costs associated with individual procurement. Sourcewell allows participating municipal agencies to leverage the benefits of cooperative purchasing and reduces procurement costs. Sourcewell services all educational, government, and non-profit agencies nationwide, and offer cooperative contracted products, equipment, and service opportunities to government entities throughout the U.S.

All Sourcewell contracts have been competitively solicited nationwide. On April 6, 2017, Sourcewell released Request for Proposal No. 052417 for Roadway Maintenance Equipment with related accessories, attachments, materials, and supplies. The solicitation was released for approximately forty-nine days, and we received thirty-three proposals. Upon review, an evaluation committee selected PB Loader Corporation as the best, most responsive proposer to meet the specifications and awarded Contract No. 052417-PBL.

Contract No. 052417-PBL had an expiration date of October 2, 2021. On June 17, 2021, Sourcewell released a new Request for Proposal No. 080521 for Roadway Maintenance Equipment. The solicitation was released for fifty days, and on August 5, 2021, we received thirty proposals. Upon review, the evaluation committee selected PB Loader Corporation as the best response proposer to meet the specifications awarding Contract No. 080521-PBL.

For all contracts, Sourcewell charges an administrative fee based upon the percentage of the sale, and the fee is paid by the Contractor. For this purchase, the fee will be paid by contract holder PB Loader Corporation and will not be passed on to the City of Berkeley.

276

¹ https://www.sourcewell-mn.gov

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Consistent with the City Council's recently accepted 2020 Municipal Fleet Electrification Assessment, Public Works contacted industry representatives from Motive Motors, Lightning eMotors, and Ford regarding the availability of a viable electric version of this equipment. These representatives informed staff that electric vehicle equivalents of these vehicles are not available.

The new chipper trucks will be powered by 100% renewable diesel in place of gasoline, reducing greenhouse gas emissions by as much as 50-80%. Usage of renewable diesel also complies with the City's Fossil Free recommendations. Additionally, this purchase aligns with the 2020 Municipal Fleet Electrification Assessment in recognizing the lack of commercially available and viable electric medium and heavy-duty vehicles.

In 2022, the fleet includes 61 hybrid vehicles. Public Works is on track to complete the conversion of sedans and SUVs to EVs by 2028, two years ahead of the assessment's schedule. In addition, the city fleet has reduced its consumption of traditional gasoline by 37% from a high in 2001.

RATIONALE FOR RECOMMENDATION

Equipment must be replaced on a reasonable schedule to ensure the Parks, Recreation & Waterfront's Forestry Division can efficiently, safely, and effectively carry out its duties.

ALTERNATIVE ACTIONS CONSIDERED

None. Keeping equipment longer than its useful life results in higher maintenance costs, excessive downtimes, and higher greenhouse gas emissions.

CONTACT PERSON

Greg Ellington, Superintendent, Public Works, (510) 981-6469 Joy Brown, Operations Manager, Public Works, (510) 981-6629 Andrew Brozyna, Deputy Director, Public Works, (510) 981-6396

Attachment:

1: Resolution

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

INCREASE PURCHASE ORDER: PB LOADER CORPORATION FOR TWO CHIPPER TRUCKS

WHEREAS, two (2) Chipper Trucks are needed by the Forestry Division to perform tree maintenance services in parks, along public right of ways, ancillary city property, and emergency response; and

WHEREAS, equipment unit numbers 3274 and 3275 being replaced are 20 years old and have reached the end of their useful life; and

WHEREAS, equipment must be replaced on a reasonable schedule and allows equipment operators to efficiently and effectively carry out their work; and

WHEREAS, City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive process; and

WHEREAS, all Sourcewell contacts have been competitively solicited nationwide and Sourcewell Contract No. 080521-PBL satisfies the procurement requirement of the City of Berkeley; and

WHEREAS, funds in the amount of \$400,000 are available in the FY 2022 Equipment Replacement Fund (671-54-626-723-0000-000-473-664120).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley City Manager is authorized to participate in Sourcewell (formerly NJPA) Contract No. 080521-PBL bid procedures and execute a purchase order for two (2) Chipper Trucks with PB Loader Corporation in an amount not to exceed \$400,000.

25



CONSENT CALENDAR
June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Purchase Order: Sonsray Machinery for one CASE Tractor Loader

RECOMMENDATION

Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) Contract No. 03219-CNH bid procedures and authorizing the City Manager to execute a purchase order for one CASE Tractor Loader with Sonsray Machinery in an amount not to exceed \$165,000.

FISCAL IMPACTS OF RECOMMENDATION

It is anticipated that the purchase of one (1) Tractor Loader will not exceed \$136,373 which includes delivery, sales tax, and warranty, however, a contingency has been built into the authorization amount due to unforeseen impacts of material pricing and supply chain constraints. Funding in the amount of \$165,000 is available in the FY2022 Equipment Replacement Fund (budget code 671-54-626-723-0000-000-473-664120).

CURRENT SITUATION AND ITS EFFECTS

This purchase will replace one (1) Tractor Loader, equipment number 3013, of the model year 2005. The equipment has exceeded its useful life of 15 years. The Parks, Recreation, and Waterfront Department (PRW) staff will utilize the new multi-purpose tractor to perform duties such as transporting materials, preparing project sites, light construction, and maintenance related to the City's Marina, parks, and street medians. This purchase supports the City's Strategic Plan Goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Throughout the year, the Department of Public Works purchases equipment for the City's departments. These purchases are paid through the Equipment Replacement Fund. Departments contribute annually to this fund so that equipment can be replaced at the end of its useful life. If the purchase request exceeds \$25,000, the Department of Finance, General Services Division solicits or "piggybacks" off competitively bid contracts to ensure the City receives the best pricing.

The City of Berkeley has been a no-cost member and participant of Sourcewell (formerly National Joint Powers Alliance), a municipal contracting agency operating

Purchase Order: Sonsray Machinery for One Tractor Loader

CONSENT CALENDAR June 28, 2022

under the legislative authority of Minnesota Statute 123A.21. The original statute was revised in 1995 to allow government clients to better meet their specific needs through individual procurement. Sourcewell allows participating municipal agencies to leverage the benefits of cooperative purchasing and reduces procurement costs. Sourcewell services all educational, government, and non-profit agencies nationwide, and offer cooperative contracted products, equipment, and service opportunities to government entities throughout the U.S. All Sourcewell contracts are competitively solicited nationwide.

On January 31, 2019, Sourcewell released Request for Proposal No. 032119 for Heavy Construction Equipment with Related Accessories, Attachments, and Supplies which is valid through March 13, 2023. The solicitation was released for approximately fifty-one days and on March 22, 2019, fifteen proposals were submitted, received, and opened. Upon review, the Proposal Evaluation Committee selected CNH Industrial America LLC as the best, most responsive proposer to meet the specifications and awarded Contract No. 032119-CNH. CNH Industrial is the manufacturer of the CASE Tractor Loader, and Sonsray Machinery, located in San Leandro, is the local authorized dealership.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The CASE Tractor Loader is an off-road asset equipped with the highest-rated compliance engine assembly available. Engine application will include a tier 4 final assembly, which meets the strictest EPA Emissions Requirement for off-highway diesel engines. It will be powered by 100% renewable diesel that meets 2018 EPA and California Air Resources Board (CARB) requirements. The combined applications will reduce greenhouse gas emissions by as much as 50-80% from the existing equipment.

Fleet Maintenance staff conducted research to ascertain whether an electric drivetrain version of this product is available. The research concluded that there are no fully electric drivetrains for this type available at this time. However, the industry is in the process of developing electric compact tractors that may meet the City's needs in the future.

RATIONALE FOR RECOMMENDATION

Equipment replacement must be done timely to ensure the Landscape Division of the Parks, Recreation, and Waterfront Department can efficiently, safely, and effectively carry out the work.

ALTERNATIVE ACTIONS CONSIDERED

None. Keeping equipment longer than its useful life results in higher maintenance costs, excessive downtimes, and higher greenhouse gas emissions.

CONTACT PERSON

Greg Ellington, Equipment Superintendent, Public Works, (510) 981-6469 Joy Brown, Operations Manager, Public Works, (510) 981-6629 Andrew Brozyna, Deputy Director, Public Works (510) 981-6396

Purchase Order: Sonsray Machinery for One Tractor Loader

CONSENT CALENDAR June 28, 2022

Page 3 281

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

PURCHASE ORDER: SONSRAY MACHINERY FOR ONE TRACTOR LOADER

WHEREAS, one (1) Tractor Loader is needed by the Parks, Recreation and Waterfront Department's Landscape Division to perform duties such as transporting materials, preparing project sites, light construction, and maintenance related to the City's Marina, parks, and street medians; and

WHEREAS, equipment unit number 3013, has exceeded its useful life of 15 years; and

WHEREAS, equipment must be replaced on a reasonable schedule to allow equipment operators to efficiently and effectively carry out their work; and

WHEREAS, City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive process; and

WHEREAS, all Sourcewell contracts have been competitively solicited nationwide and Sourcewell Contract No. 032119-CNH satisfies the procurement requirement of the City of Berkeley; and

WHEREAS, funding in the amount of \$165,000 is available in the FY2022 Equipment Replacement Fund (budget code 671-54-626-723-0000-000-473-664120).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to participate in Sourcewell (formerly NJPA Contract No. 032119-CNH) bid procedures and execute a purchase order for one (1) Tractor Loader with Sonsray Machinery in an amount not to exceed \$165,000.



CONSENT CALENDAR
June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Purchase Order Amendment: Diesel Direct West, Inc. for Fuel for City

Vehicles and Equipment

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,900,000 for a total amount not to exceed \$10,744,000, and extending the term through December 31, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Funds to pay for continued fuel purchases in the Equipment Maintenance Fund (Fund 672) and Fire Department (General Fund 011) are subject to Council approval of the FY 2023 Annual Appropriations Ordinance. Individual departments are charged by Equipment Maintenance for actual usage.

Department	Estimated Amount	erma GL Account
Public Works	\$1,670,000	672-54-626-722-0000-000-473-642130-
Fire	\$230,000	011-72-742-835-0000-000-422-642130-

CURRENT SITUATION AND ITS EFFECTS

Fuel is purchased by Public Works Equipment Maintenance Division for use by the City's vehicles and equipment including emergency generators. The previously approved City Council total not-to-exceed amount with Diesel Direct is nearing the end of its authorized funding limit. To continue the uninterrupted delivery of fuel for the City's fleet, staff recommends the approval of the proposed contract amendment, increasing the total by \$1,900,000 for a not-to-exceed amount of \$10,744,000 and extending the term through December 31, 2023, which is the second of the three 2-year extension options previously authorized.

Public Works Equipment Maintenance Division endeavors to procure the most fuelefficient vehicles and equipment that are suitable for the required tasks. For every fleet purchase, staff researches the feasibility and availability of fully electric vehicles and hybrid-electric powertrains to support the City's transition from fossil fuels to renewable energy resources. However, for most heavy and medium duty applications that support Public Works operations and others, staff research finds that there are no viable electric vehicles or equipment for consideration at this time. The current need for conventional and alternative fuel aligns with the 2020 Municipal Fleet Electrification assessment that recognizes the lack of commercially available and viable fully electric medium and heavy-duty vehicles.

This Purchase Order amendment supports the Strategic Plan Priority goal of creating a resilient, safe, connected, and prepared city.

BACKGROUND

In January, 2016, City Council approved, Resolution 67,363-N.S. for a four (4) year contract with three (2) year options to extend, for a total maximum period of ten years, with Golden Gate Petroleum (now Diesel Direct) for fuel for City vehicles and equipment in the amount not to exceed \$7,444,000.

In 2018 Diesel Direct West, Inc. notified the City of Berkley that the company had acquired Golden Gate Petroleum's fuel delivery business and would continue to offer the City the same in terms of pricing, delivery, and schedule.

The City Manager signed an Extension to Term of Contract extending the multi-year purchase order authorization term with Diesel Direct West, Inc. from June 30, 2020 to June 30, 2021 and again extending the term through September 30, 2021.

Most recently, City Council approved Resolution 70-026 N.S. authorizing the City Manager City Manager to execute a purchase order extension with Diesel Direct, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,400,000 for a total amount not to exceed \$8,844,000, and extending the term through June 30, 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City currently uses a combination of renewable diesel, gasoline, and electricity to power its fleet and equipment. The City has used renewable diesel exclusively for diesel vehicles and equipment since 2016. The City is urgently transitioning its light duty fleet to electric but will need to continue to purchase fuel as commercially available and viable fully electric medium and heavy-duty vehicles are not available at this time.

In 2022, the fleet includes 61 Hybrid vehicles. Public Works is on track to complete the conversion of sedans and SUVs to EVs by 2028, two years ahead of the assessment's schedule. In addition, the city fleet has reduced its consumption of traditional gasoline by 37% from a high in 2001.

Additionally, the City is transitioning away from Compressed Natural Gas vehicles to renewable diesel to further reduce the carbon footprint of the City's fleet.

RATIONALE FOR RECOMMENDATION

Purchase Orders Extension: Diesel Direct, Inc. for Fuel City Vehicles and Equipment

CONSENT CALENDAR June 28, 2022

With the existing purchase orders and fuel market volatility, backed up by monitoring Oil Pricing Information Service prices, staff finds extension of the current Purchase Orders to be prudent and cost effective. Fuel, primarily renewable diesel, is required for emergency response vehicles, critical equipment, vehicles, and emergency generators.

ALTERNATIVE ACTIONS CONSIDERED

The City can choose to purchase fuel on the open market without indexed price or cost savings from volume considerations. However, this is not recommended since the City will be unable to realize the cost savings.

CONTACT PERSON

Greg Ellington, Equipment Superintendent, Public Works, (510) 981-6469 Joy Brown, Operations Manager, Public Works, (510) 981-6629 Andrew Brozyna, Deputy Director, Public Works (510) 981-6396

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

PURCHASE ORDERS EXTENSION: DIESEL DIRECT, INC. FOR FUEL FOR CITY VEHICLES AND EQUIPMENT

WHEREAS, fuel is needed for purchase by Public Works Equipment Maintenance for use by City vehicles and equipment including emergency generators, and by the Fire Department for fuel at City fire stations; and

WHEREAS, on January 26, 2016, City Council approved, Resolution 67,363-N.S. for a four (4) year contract with three (2) year options to extend, for a total maximum period of ten years, with Golden Gate Petroleum (now Diesel Direct) for fuel for City vehicles and equipment in the amount not to exceed \$7,444,000; and

WHEREAS, in 2018 Diesel Direct West, Inc. notified the City of Berkley that the company had acquired Golden Gate Petroleum's fuel delivery business and would continue to offer the City the same in terms of pricing, delivery, and schedule; and

WHEREAS, the City Manager signed an Extension to Term of Contract extending the multi-year purchase order authorization term with Diesel Direct West, Inc. from June 30, 2020 to June 30, 2021 and again extending the term through September 30, 2021.

WHEREAS, on September 14, 2021, City Council approved Resolution 70-026 N.S. authorizing the City Manager City Manager to execute a purchase order extension with Diesel Direct, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,400,000 for a total amount not to exceed \$8,844,000, and extending the term through June 30, 2022; and

WHEREAS, funding will be appropriated in the FY 2023 budget in General Fund 011 and Equipment Maintenance Fund 672; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order extension with Diesel Direct, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,900,000 for a total amount not to exceed \$10,744,000, and extending the term December 31, 2023.



27

CONSENT CALENDAR
June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Contract: Sposeto Engineering Inc. for FY 2022 Sidewalk Repair Project

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the FY 2022 Sidewalk Repair Project; accepting the bid of Sposeto Engineering Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$2,512,152.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of \$432,252 is available in the FY 2022 Vehicle Registration Fee Fund 133 (\$82,252) and Measure T1 Fund (\$350,000) budgets and the balance is subject to appropriation in FY 2023 from the Sidewalk Capital Improvement Program Measure BB Local Streets and Roads Fund 134, Private Party Sidewalk Fund 149 and Measure T1 Fund 511 budgets.

Measure T1 Bond (Fund 511)	\$1,749,900.00
Private Party Sidewalks (Fund 149)	\$500,000.00
Measure BB Sales Tax (Fund 134)	
Measure F Alameda County VRF ST and RD (FUND 133)	
Total construction cost	\$2,512,152.00

No other funding is required, and no other projects will be delayed due to this expenditure.

Total construction cost	\$2,512,152.00
10% Contingency	\$228,377.00
Low bid by Contractor	\$2,283,775.00

CURRENT SITUATION AND ITS EFFECTS

The project was released for bids on March 28, 2022, and bids were opened on April 19, 2022 (see Attachment 3, Abstract of Bids). Five bids were received, from a low of

Contract: Sposeto Engineering Inc for FY 2022 Sidewalk Repair Project

\$2,283,775 to a high of \$3,289,520. The engineer's estimate for the project was \$2,250,000.

Sposeto Engineering Inc. of Livermore, California was the lowest responsive and responsible bidder, with a bid of \$2,283,775.00, and their references were found to be satisfactory. This project includes an 10% contingency, which brings the total contract amount up to the requested \$2,512,152.00. Staff recommends a contract for this project be awarded to Sposeto Engineering Inc.

The FY 2022 Sidewalk Repair Project (Specification No. 22-11504-C) is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

In October 2011, the City established a sidewalk repair and replacement program to improve the quality of Berkeley's sidewalks. There are more than 300 total miles of concrete sidewalk within the city limits. The City currently shares sidewalk replacement costs with property owners on a 50-50 basis, irrespective of the cause of the deterioration. Concrete sidewalk replacement, however, may only occur on a "funds-available" basis, which resulted in a ten-year backlog of customers awaiting replacement. In recent years, with the increase in available funding from the Capital Improvement fund and the addition of Measure T1 funding, the projected waiting period for addresses added to the waitlist at present has been reduced from 8 to 10 years to 3 to 5 years. Additionally, the Department of Public Works has reduced the quantity of sidewalks requiring permanent replacement by deploying alternative means of repair such as concrete shaving. While the shaving process has been highly successful and cost effective, uplifts of over 2 inches require removal and replacement, and often shaving does not address the underlying issue for the uplift such as shallow tree roots. Sidewalk removal and replacement remain the most effective solution.

The project will attend to over 550 addresses that were identified as requiring removal and replacement to repair from the current backlog of approximately 1,400 sidewalk locations on the 50-50 program waiting list.

The Living Wage Ordinance does not apply to this project since Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. Sposeto Engineering Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce agreement applies to this project because the estimated value of the project exceeds \$500,000. As a result, the Contractor and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Contract: Sposeto Engineering Inc for FY 2022 Sidewalk Repair Project

The City's sidewalk repair program is a component of the City's climate action plan, as well-maintained sidewalks help to facilitate safe walking, which is a healthy and clean form of transportation.

RATIONALE FOR RECOMMENDATION

This sidewalk repair program is part of the City's ongoing annual program to repair deteriorated sidewalks throughout the City. The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete the project.

ALTERNATIVE ACTIONS CONSIDERED

No alternative action considered for this sidewalk repair project. The City could choose not to proceed with this project. However, the sidewalk conditions would then continue to deteriorate, affecting use by the community and others.

CONTACT PERSON

Joe Enke, Manager of Engineering, Dept. of Public Works, (510) 981-6411 Terrence Salonga, Associate Civil Engineer, Dept. of Public Works, (510) 981-6447

Attachments:

- 1: Resolution
- 2: Location Map for Project
- 3: Abstract of Bids

CONTRACT: SPOSETO ENGINEERING FOR FY 2022 SIDEWALK REPAIR PROJECT

WHEREAS, the FY 2022 Sidewalk Repair Project is part of the City's ongoing Sidewalk Capital Improvement Program to rehabilitate deteriorated sidewalks located throughout the City; and

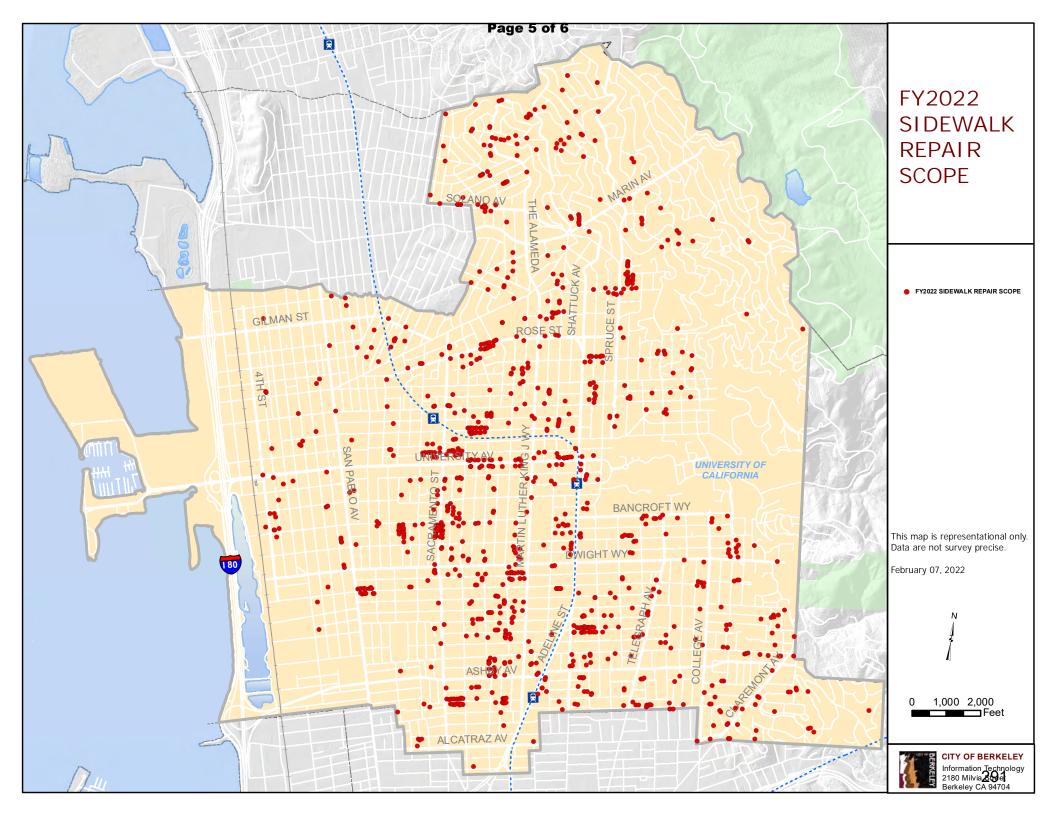
WHEREAS, the City has neither the labor nor the equipment necessary to undertake this FY 2022 Sidewalk Repair Project; and

WHEREAS, an invitation for bids was duly advertised and Sposeto Engineering Inc. was the lowest responsive and responsible bidder; and

WHEREAS, funding in the amount of \$432,252 is available in the FY 2022 Vehicle Registration Fee Fund 133 (\$82,252) and Measure T1 Fund (\$350,000) budgets and the balance is subject to appropriation in FY 2023 from the Sidewalk Capital Improvement Program Measure BB Local Streets and Roads Fund 134, Private Party Sidewalk Fund 149 and Measure T1 Fund 511 budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Specification No. 22-11504-C FY 2022 Sidewalk Repair Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with Sposeto Engineering Inc. for the FY 2022 Sidewalk Repair Project, in an amount not to exceed \$2,512,152.00, which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.





City of Berkeley Abstract of Bid Worksheet

Finance Department General Services Division

FOR: FY 2022 Sidewalk Repair Project

Spec. # 22-11504-C Bid Date: 4/19/2022

required w/ bid_												
Bidders	Base Bid	Alt. #1	Alt. #2	Alt. #3	Bid Bond	Addenda	sc	LW	WF	EBO	os	NF
California Constructors	\$ 2,549,302.50				x	х	х			x	х	
JJR Construction Inc	\$ 3,108,725.50				×		x			x	x	x
ROSAS CONSTRUCTION	\$ 2,671,950.00				х		Х			X	Х	Х
SPOSETO	\$ 2,283,775.00				х		Х			Х	х	X
PATRIOT	\$ 3,289,520.00				X		Х			X	х	х
	Bidders California Constructors JJR Construction Inc ROSAS CONSTRUCTION SPOSETO	Bidders Base Bid California Constructors \$ 2,549,302.50 JJR Construction Inc \$ 3,108,725.50 ROSAS CONSTRUCTION \$ 2,671,950.00 SPOSETO \$ 2,283,775.00	Bidders Base Bid Alt. #1 California Constructors \$ 2,549,302.50 JJR Construction Inc \$ 3,108,725.50 ROSAS CONSTRUCTION \$ 2,671,950.00 SPOSETO \$ 2,283,775.00	Bidders Base Bid Alt. #1 Alt. #2 California Constructors \$ 2,549,302.50 JJR Construction Inc \$ 3,108,725.50 ROSAS CONSTRUCTION \$ 2,671,950.00 SPOSETO \$ 2,283,775.00	Bidders Base Bid Alt. #1 Alt. #2 Alt. #3 California Constructors \$ 2,549,302.50 JJR Construction Inc \$ 3,108,725.50 ROSAS CONSTRUCTION \$ 2,671,950.00 SPOSETO \$ 2,283,775.00	Bidders Base Bid Alt. #1 Alt. #2 Alt. #3 Bid Bond	Bidders Base Bid Alt. #1 Alt. #2 Alt. #3 Bid Bond Bond Bond Bond Bond Bond Bond Bon	Bidders Base Bid Alt. #1 Alt. #2 Alt. #3 Bid Bond Addenda SC	Bidders Base Bid Alt. #1 Alt. #2 Alt. #3 Bid Bond Addenda SC LW	Bidders Base Bid Alt. #1 Alt. #2 Alt. #3 Bid Bond Addenda SC LW WF	Bidders Base Bid Alt. #1 Alt. #2 Alt. #3 Bid Bond SC LW WF EBO	Red Bidders Base Bid Alt. #1 Alt. #2 Alt. #3 Bid Bond Addenda SC LW WF EBO OS

Bid Recorder:	ROOPREET SOORMA	/
Bid Opener:	JOSH ROBEN	
Project Manager:		

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390 E-mail: finance@ci.berkeley.ca.us



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide

After-Hours Answering Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$632,750, and extending the contract term through December 31, 2024.

FISCAL IMPACTS OF RECOMMENDATION

The annual estimated expenditure is \$88,850 across City departments. This amount will be recommended for appropriation and subject to Council approval of the FY 2023 Annual Appropriations Ordinance. Additional funding will be made available and appropriated as needed.

Department / Fund	erma Account Code	Amount
Information Technology	680-35-364-000-0000-000-472-612990-	\$50,000
Parks, Recreation and Waterfront – Park	138-52-541-598-0000-000-461-612990-	\$5,000
Tax		
Public Works - Measure B	130-54-621-654-0000-000-431-612990-	\$1,600
Public Works - Sanitary Sewer	611-54-621-654-0000-000-472-612990-	\$17,000
Public Works – Zero Waste – Clean City	601-54-621-654-0000-000-472-612990-	\$5,000
Public Works – Zero Waste	601-54-627-732-3019-000-472-612990-	\$3,000
Public Works – Clean Stormwater	616-54-621-654-0000-000-472-612990-	\$1,500
Public Works – Equipment Maintenance	672-54-626-722-0000-000-472-612990-	\$750
Public Works – State Transportation Tax	127-54-621-654-0000-000-412-612990-	\$1,500
Public Works – Building Management	636-54-624-692-0000-000-472-612990-	\$1,500
Public Works – Building Maintenance	673-54-624-692-0000-000-472-612990-	\$1,500
Planning – Unified Program (CUPA)	622-53-582-601-0000-000-474-632110-	\$500
	Total Estimated Annual Amount	\$88,850

Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services

CONSENT CALENDAR June 28, 2022

CURRENT SITUATION AND ITS EFFECTS

Direct Line Tele Response (Direct Line) provides after-hours answering services for Department of Public Works; Parks, Recreation and Waterfront; and Department of Planning and Development. It also provides daytime coverage to the Information Technology's 311 Customer Service Division to support staff training and development and allows staff to attend key department meetings.

After normal business hours, on weekends, and on holidays, residents and businesses continue to contact the City to report urgent requests such as sewer problems, flooding, fallen tree limbs, broken traffic signals, hazardous material situations, and other urgent impacts in the public right of way or to City Facilities. Direct Line has trained staff to receive, listen, respond, dispatch and report urgent requests to City crews. In the event of a power outage in Berkeley, they have a backup generator to support their operations. If there is an earthquake or other catastrophic event, they have remote staff in other areas of California, Arizona, and Texas that are able to support our emergency dispatch needs.

The Direct Line contract amendment is a Strategic Plan Priority Project, advancing our goal of creating a resilient, safe, connected, and prepared city.

BACKGROUND

The City issued a Request for Proposals in April 2014 and selected Direct Line Tele Response as the most responsive and qualified vendor. Direct Line Tele Response is a Berkeley-based business and is familiar with the needs of those client departments covered under this contract.

It is not cost effective for the City to provide phone coverage for the urgent calls it receives after normal business hours. The City has been using Berkeley-based Direct Line as an answering service to take calls from the public for decades. When Direct Line Tele Response receives a call, it contacts the on-call assigned City staff to respond to the request for service. Non-emergency calls are recorded, and appropriate departments notified by email the next business day.

On May 20, 2014, the City Council authorized the City Manager to enter into a contract with Direct Line Tele Response to provide these services in an amount not to exceed \$75,000 (FUND\$ Contract No. 9674).

On April 1, 2015 the City Manager authorized an amendment to Contract No.9674 to modify only the contract scope to provide additional services to the 311 Customer Service Center allowing staff to attend required trainings.

On April 25, 2017, the City Council authorized the City Manager to amend contract No. 9674A with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$150,000.

Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services

CONSENT CALENDAR June 28, 2022

On September 25, 2018, the City Council authorized the City Manager to amend contract No. 9786B with Direct Line Tele Response to increase the not to exceed amount to \$282,750 and extend the contract term to December 31, 2020.

On October 27, 2020, the City Council authorized the City Manager to amend contract No. 102354-1 with Direct Line Tele Response to increase the not to exceed amount to \$432,750 and extend the contract term to December 31, 2022

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Having an answering service to handle after hours calls allows City staff to respond quickly to a variety of operational needs such as hazardous materials spills, sewer problems, or other issues that could be harmful to the environment. There are no identifiable climate impacts.

RATIONALE FOR RECOMMENDATION

City staff does not currently have the capacity to provide after hours, weekend, and holiday call answering services. Direct Line Tele Response has extensive experience and has performed well during the contract term. Their services provide the City additional support during wet weather events and emergencies. They continue to upgrade their capacity and are reliable and cost effective.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Joy Brown, Public Works Operations Manager, Public Works, (510) 981-6629 Kathy Cassidy, Manager, Information Technology- 311, (510) 981-2489

Attachment:

1: Resolution

CONTRACT NO. 102354-1 AMENDMENT: DIRECT LINE TELE RESPONSE FOR AFTER-HOURS ANSWERING SERVICES

WHEREAS, Direct Line Tele Response has provided reliable after-hours answering services during the contract term and has been able to support the 311 Customer Service during occasional required trainings and meetings; and

WHEREAS, in 2014 the City requested proposals for Citywide answering services and Direct Line Tele Response was selected as the most qualified firm to provide these services; and

WHEREAS, on May 20, 2014, by Resolution No. 66-586 N.S., the City Council authorized Contract No. 9674 with Direct Line Tele Response for after-hours answering services, in an amount not to exceed \$75,000 for the period of July 1, 2014 through June 30, 2017; and

WHEREAS, on April 25, 2017, by Resolution No.67,912 N.S., the City Council authorized the City Manager to amend contract No. 9674A with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$150,000; and

WHEREAS, on September 25, 2018, by Resolution No. 68,610 the City Council authorized the City Manager to amend contract No. 9674B with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$282,750; and

WHEREAS, on October 27, 2020, the City Council authorized the City Manager to amend contract No. 102354-1 with Direct Line Tele Response to increase the not to exceed amount to \$432,750 and extend the contract term to December 31, 2022; and

WHEREAS, there is an ongoing need for an answering service to answer calls and to dispatch City staff outside routine business hours for Public Works, Parks, Recreation and Waterfront, Department of Planning & Development Toxics Management Division, and for coverage for Information Technology 311 Customer Service Division; and

WHEREAS, City staff does not currently have the capacity to perform the services provided by Direct Line Tele Response; and

WHEREAS, funds have been identified from each of the participating departments and divisions with an estimated annual expenditure of \$88,850 that is provided for in baseline FY 2023 budget and will be appropriated in future budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 102354-1 with Direct Line Tele Response for after-hours answering services, and for periodic daytime coverage for 311 Customer Service, increasing the contract amount by \$200,000 for a total amount not to exceed \$632,750 and extending the term of the contract to December 31, 2024.

Page 2 297



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Contract No. 10458 Amendment: Alta Planning and Design, Inc. for On-

Call Transportation Planning Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 10458 with Alta Planning and Design for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$750,000.

FISCAL IMPACTS OF RECOMMENDATION

As on-call services are determined to be needed for various capital projects, funding will be made availale subject to appropriation in the FY 2023 Transportation Capital Budget. Task orders will be issued only when necessary funds are available and appropriated. Funding sources anticipated to be utilized depending on the project are the State Transportation Grants Fund (Fund 306), Measure BB Local Streets and Roads Fund (Fund 134), and Measure BB Bicycle and Pedestrian Program Fund (Fund 135).

Current contract amount	\$ 600,000
Contract amendment	\$ 150,000
Total revised not-to-exceed amount	\$ 750,000

CURRENT SITUATION AND ITS EFFECTS

This amendment to the Alta Planning and Design (Alta) On-Call Transportation Planning Services contract is necessary for the uninterrupted continuation of ongoing projects and programs. The not to exceed amount of the current On-Call Transportation Planning Services contract with Alta is insufficient to cover the originally-planned work and additional time-critical services necessary for the delivery of transportation planning and design projects. Pending projects include the new Bicycle Plan Update and the design of the grant-funded Parker-Mabel-Bonar bike boulevard. The Bicycle Plan is required to be updated every five years in order to maintain the City's eligibility to compete for grant funding from the State and regional sources.

Contract No. 10458 Amendment: Alta Planning and Design

BACKGROUND

On June 28, 2016, Council authorized the City Manager to execute a contract with Alta for On-Call Transportation Planning Services for an amount not to exceed \$600,000. This culminated in Contract No. 10458, effective July 1, 2016 through June 30, 2021, with an option to extend the expiration date. This option has been exercised, resulting in a contract expiration date of June 30, 2023.

In 2020, Alta provided staff support services on time-sensitive grant-funded projects after an Associate Planner position in Public Works became vacant. In addition, Alta has been utilized to provide consultant support for the following previously unanticipated uses: the development of complex, successful grant applications for submission to the Active Transportation Program in response to calls for projects released by the California Department of Transportation, revisions to the draft 2017 Bicycle Plan in response to Council feedback, and the design of protected bicycle lanes on Adeline Street north of Ashby after this street segment was added into the City's Street Rehabilitation Plan.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no anticipated negative environmental or climate effects of this action. The execution of this contract amendment will help ensure the successful completion of several ongoing projects including the new Bicycle Plan and the design of a bike boulevard project, which facilitate walking and cycling as alternatives to driving. This in turn promotes environmental sustainability and meets the Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

RATIONALE FOR RECOMMENDATION

Alta has the necessary design and project management expertise to continue work on existing projects, and they are also well-equipped to provide additional unexpected time-critical services for transportation planning and design projects.

ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to amend Alta's contract, in which case upcoming transportation projects would be delayed, resulting in the potential loss of grant funding for projects in the planning and design phase.

CONTACT PERSON

Farid Javandel, Deputy Director, Public Works Transportation, (510) 981-7061 Beth Thomas, Principal Planner, Public Works Department, (510) 981-7068

Attachments:

1: Resolution

CONTRACT NO. 10458 AMENDMENT: ALTA PLANNING AND DESIGN FOR ON-CALL TRANSPORTATION PLANNING SERVICES

WHEREAS, Council authorized the City Manager to enter into a contract with Alta Planning and Design for On-Call Transportation Planning Services for an amount not to exceed \$600,000 on June 28, 2016 (Resolution No. 67,586-N.S.), and Contract No. 10458 was subsequently executed, effective July 1, 2016 to June 30, 2021; and

WHEREAS, the City Manager has extended the contract expiration date to June 30, 2023 under administrative authority; and

WHEREAS, Alta Planning and Design has provided previously unanticipated staff support services that reduced their remaining contract capacity for critical transportation planning and design services; and

WHEREAS, Alta Planning and Design has the necessary planning, design, and project management expertise to continue work on existing projects and programs; and

WHEREAS, an amendment to Alta Planning and Design's On-Call Transportation Planning Services contract would allow for the uninterrupted continuation of transportation planning and project design services for time-sensitive projects and programs; and

WHEREAS, funding for this contract amendment is available in the State Transportation Grants Fund (Fund 306), Measure BB Local Streets and Roads Fund (Fund 134), and Measure BB Bicycle and Pedestrian Program Fund (Fund 135). Funding will be subject to appropriation in FY 2023 as projects arise; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 10458 with Alta Planning and Design for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$750,000.



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Contract No. 10516 (ERMA Contract No. 114128-1) Amendment:

Community Design and Architecture for On-Call Transportation Planning

Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 10516 (ERMA Contract No. 114128-1) with Community Design and Architecture for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$650,000.

FISCAL IMPACTS OF RECOMMENDATION

As on-call services are needed for various capital projects, funding will be made available, subject to appropriation in the FY 2023 Transportation Capital Budget. Task orders will be issued only when necessary funds are available and appropriated. Funding sources anticipated to be utilized depending on the project are the State Transportation Grants Fund (Fund 306), Measure BB Local Streets and Roads Fund (Fund 134), and Measure BB Bicycle and Pedestrian Program Fund (Fund 135).

Current contract amount	\$ 500,000
Contract amendment	\$ 150,000
Total revised not-to-exceed amount	\$ 650,000

CURRENT SITUATION AND ITS EFFECTS

This amendment to the Community Design and Architecture (CD&A) On-Call Transportation Planning Services contract is necessary for the uninterrupted continuation of ongoing projects and programs. The not to exceed amount of the current On-Call Transportation Planning Services contract with CD&A is insufficient to cover the originally-planned work and additional time-critical services necessary for delivery of transportation planning and design projects. Pending projects include the grant-funded redesign of bus stops on University Avenue between Sacramento Street and San Pablo Avenue.

BACKGROUND

On June 28, 2016, Council authorized the City Manager to execute a contract with CD&A for On-Call Transportation Planning Services for an amount not to exceed \$500,000.

This culminated in Contract No. 10516, effective July 1, 2016 through June 30, 2021 with an option to extend the expiration date. This option has been exercised, resulting in a contract expiration date of June 30, 2023.

In 2019, CD&A provided previously unanticipated staff augmentation services to complete the deployment of the Bay Wheels bicycle sharing stations after another firm that had provided these services declined to continue to provide them. In addition, CD&A has been utilized to provide consultant support for designing improvements at bus stops, which was not anticipated at the time that their on-call consulting contract was executed. This work has increased because the California Affordable Housing and Sustainable Communities grant program utilized to fund multiple affordable housing projects in Berkeley over the past few years also requires a "Transportation Related Amenities" component. Improvements at bus stops are eligible under this component and help make the overall application more competitive, bringing the City funding both for these transportation amenities and affordable housing. CD&A is well qualified for the design work for these bus stops due to their prior experience working on design guidelines for AC Transit bus stops.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no anticipated negative environmental or climate effects of this action.

RATIONALE FOR RECOMMENDATION

CD&A has necessary design and project management expertise to continue work on existing projects, and they are also well-equipped to provide additional unexpected time-critical services for transportation planning and design projects.

ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to amend CD&A's contract, in which case upcoming transportation projects would be delayed, resulting in the potential loss of grant funding for projects in the planning and design phase.

CONTACT PERSON

Farid Javandel, Deputy Director, Public Works Transportation, (510) 981-7061 Beth Thomas, Principal Planner, Public Works Department, (510) 981-7068

Attachments:

1: Resolution

CONTRACT NO. 10516 (ERMA Contract No. 114128-1) AMENDMENT: COMMUNITY DESIGN AND ARCHITECTURE FOR ON-CALL TRANSPORTATION PLANNING SERVICES

WHEREAS, Council authorized the City Manager to enter into a contract with Community Design and Architecture for On-Call Transportation Planning Services for an amount not to exceed \$500,000 on June 28, 2016 (Resolution No. 67,586-N.S.), and Contract No. 10458 was subsequently executed, effective July 1, 2016 to June 30, 2021; and

WHEREAS, the City Manager has extended the contract expiration date to June 30, 2023 under her administrative authority; and

WHEREAS, Community Design and Architecture has provided previously unanticipated staff augmentation services that reduced their remaining contract capacity for critical transportation planning and design services; and

WHEREAS, Community Design and Architecture has necessary planning, design, and project management expertise to continue work on existing projects and programs; and

WHEREAS, an amendment to Community Design and Architecture's On-Call Transportation Planning Services contract would allow for the uninterrupted continuation of transportation planning and project design services for time-sensitive projects and programs; and

WHEREAS, funding will be made available subject to appropriation in the FY 2023 Transportation Capital Budget as services are needed; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 1 (ERMA Contract No. 114128-1) with Community Design and Architecture for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$650,000.



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Contract No. 117563-1 Amendment: Clean Harbors, Inc. for Hazardous

Waste Management Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract amendment with Clean Harbors, Inc. for hazardous waste management, removal, and disposal services for the City of Berkeley increasing the contract amount by \$200,000 for a new not to exceed amount of \$650,000 and extend the contract term through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is anticipated to be supported by various funding sources. Funds in the amount of \$135,500 will be recommended for appropriation and subject to Council approval of the FY 2023 Annual Appropriations Ordinance. Additional funding will be made available and appropriated as needed for services.

Department / Fund	ERMA Account Code	Amount	
Public Works – Zero Waste	601-54-624-693-0000-000-472-613910-	\$65,000	
Public Works – General Fund	011-54-624-693-0000-000-412-613910-	\$22,000	
Public Works – Building Maint.	673-54-624-693-0000-000-472-613910-	\$9,000	
Public Works – Equip. Maint.	672-54-626-722-0000-000-472-613910-	\$30,000	
Public Works – State Transp. Tax	127-54-622-664-0000-000-431-613910-	\$1,000	
Library – Library Tax	101-54-624-693-0000-000-463-613910-	\$2,000	
Parks, Recreation and Waterfront	608-52-544-592-0000-000-472-613910-	\$6,500	
	Available Budgeted Amount	\$135,500	

CURRENT SITUATION AND ITS EFFECTS

Clean Harbors, Inc. and its subsidiary Safety-Kleen (which focuses on used oil collection and recycling) remove hazardous waste generated or illegally disposed of at the City's Solid Waste Management Center and Transfer Station (Transfer Station), Corporation Yard, and Marina. In addition, Clean Harbors responds to hazardous material emergencies that exceed the Berkeley Fire Department and Hazardous Materials Response Team's capabilities to remove and dispose of such materials located on City property. Services provided under this contract include classification,

Contract No. 117563-1 Amendment: Clean Harbors, Inc. for Hazardous Waste Management Services

packaging, recycling, treatment, and disposal of hazardous and universal waste abandoned in and generated by the City. This contract also provides for emergency response, clean up and disposal services for accidental hazardous substance releases including waterfront responses if necessary. Clean Harbors, Inc. has a proven track record with the City for providing continuously professional and reliable disposal services of hazardous waste responsibly.

For these much needed services to continue, City staff recommends amending the exsiting contract with Clean Harbors, Inc. by increasing the contract amount by \$200,000 for a new not-to-exceed amount of \$650,000 and extending the contract term through June 30, 2024.

The Clean Harbors, Inc. contract amendment supports the Strategic Plan Priority of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The City generates hazardous waste occasionally through its routine business processes including vehicle, street, and building maintenance. Additionally, hazardous waste is occasionally abandoned or spilled onto city streets thus posing a risk to the public. The City must have access to the services of a licensed hazardous waste contractor compliant with all federal, state, and local regulations, who is available to provide services to mitigate these risks, as well as the protection afforded by a full-service hazardous waste firm for the cleanup of potentially large, highly toxic or more complex hazardous waste cleanup efforts.

In July 2017, City Council authorized the City Manager, by Resolution No. 68,089-N.S., to enter into contract with Clean Harbors, Inc. to provide treatment and disposal of hazardous and universal waste services. This contract was amended by Resolution 69,356-N.S., extending services through June 30, 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Clean Harbors, Inc. is required to dispose of hazardous waste following the most stringent environmental and safe practices and regulations. Clean Harbors, Inc. has been a proven partner with the City to dispose of hazardous waste responsibly, thereby minimizing the potential for accidental release of such materials. In addition, they can assist the City in the event of an emergency event including response to incidents in the Marina.

RATIONALE FOR RECOMMENDATION

The City is required to have a permitted transporter and disposal company for hazardous waste. Clean Harbors has consistently provided excellent services for the City.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

Contract No. 117563-1 Amendment: Clean Harbors, Inc. for Hazardous Waste Management Services

CONSENT CALENDAR June 28, 2022

CONTACT PERSON

Joy Brown, Public Works Operations Manager, Public Works, (510) 981-6629

Attachment:

1: Resolution

CONTRACT NO. 117563-1 AMENDMENT: CLEAN HARBORS, INC. FOR HAZARDOUS WASTE MANAGEMENT SERVICES

WHEREAS, on March 17, 2017, the City requested proposals (Spec. No. 17-11112-C) for hazardous waste management and Clean Harbors, Inc. was selected as the most qualified, responsive, and competitive firm to provide these services; and

WHEREAS, on July 11, 2017, by Resolution No. 68,089-N.S. City Council authorized the City Manager to enter into a contract with Clean Harbors, Inc. in an amount not to exceed \$150,000 through June 30, 2020; and

WHEREAS, on April 14, 2020, by Resolution 69,356-N.S. City Council authorized the City Manager to amend the contract with Clean Harbors, Inc. for a new not to exceed amount of \$450,000 and extend the contract through June 30, 2022; and

WHEREAS, the City generates hazardous waste through its routine business processes including vehicle, street, and building maintenance;

WHEREAS, hazardous waste is sometimes abandoned or spilled into the City right of way posing a risk to the public; and

WHEREAS, hazardous waste must be properly managed, recycled and disposed of, and Clean Harbors has an excellent reputation of providing these services; and

WHEREAS, funds have been identified from each participating department and division subject to appropriation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract amendment with Clean Harbors, Inc. including its subsidiary Safety-Kleen for as-needed hazardous waste management, removal, recycling, treatment and disposal services in an amount not to exceed \$650,000 and extend the contract through June 30, 2024.



Office of the City Manager

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Contract No. 108007-1 Amendment: Don's Tire Service, Inc. for Tire

Repair Services for City Fleet Vehicles

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles for an additional \$150,000, for a new total not to exceed \$423,534, and extend the authorized term through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment in the amount of \$150,000 is available in the FY 2022 Equipment Maintenance Fund.

Original contract amount	150,000
Previous Amendment	123,534
This amendment	150,000
New total not-to-exceed amount	\$423,534

CURRENT SITUATION AND ITS EFFECT

The Equipment Maintenance Division needs additional spending authority in contract No. 108007-1 to pay for ongoing tire repair and replacement services for automobile and truck tires. The spending limit authorized by City Council (Resolution No. 69,613 – N.S.) has been reached.

BACKGROUND

On May 14, 2015, Public Works released a Request for Proposals (RFP specification no. 15-10942-C) for tire repair service. Two proposals were received, Equipment Maintenance and General Services staff reviewed the proposals and determined Don's Tire Service, Inc. was the most responsive and responsible proposer that met the specifications.

Don's Tires provides a wide variety of tire services including heavy-duty tire balancing and installations, road tire service, and service of our undercover Police vehicles. In addition, they are able to supply tires in an emergency if the City's other contracted

Contract No. 108007-1 Amendment: Don's Tire Service, Inc. for Tire Repair Services for City of Berkeley Fleet Vehicles

CONSENT CALENDAR June 28, 2022

vendor, Bruce's Tires, is unable to. This redundancy is critical to support emergency vehicles and our Zero Waste Division.

Don's Tire has provided cost-effective and reliable automobile and truck tire repair and replacement services for City of Berkeley fleet vehicles since September 2015.

ENVIRONMENTAL SUSTAINABILITY

Don's Tire Service, Inc. eliminates tire and parts waste by following Environmental Protection Agency guidelines to properly dispose of and recycle used and scrap tires, waste oil, oil filters, and old wheel weights, in keeping with the City of Berkeley's Zero Waste goal.

RATIONALE FOR RECOMMENDATION

Don's Tires has provided quality services under the terms of their agreement and is needed to ensure the City's fleet vehicles are serviced in a timely fashion should the other contracted vendor be unable to provide immediate service. Additionally, they are a Berkeley-based business located in close proximity to the City's heavy-duty maintenance shop at the Transfer Station.

ALTERNATIVE ACTIONS CONSIDERED None.

CONTACT PERSON

Greg Ellington, Equipment Superintendent, Public Works, (510) 981-6469 Joy Brown, Operations Manager, Public Works, (510) 981-6629 Andrew Brozyna, Deputy Director, Public Works (510) 981-6396

Attachment:

1: Resolution

CONTRACT NO. 108007-1 AMENDMENT: DON'S TIRE SERVICES, INC. FOR TIRE REPAIR SERVICES FOR CITY FLEET VEHICLES

WHEREAS, On September 15, 2015, the City Council adopted Resolution No. 67,196-N.S., authorizing repair services for automobile and truck tires for City of Berkeley fleet vehicles, and

WHEREAS, on November 17, 2020, the City Council adopted Resolution No. 69,613-N.S. to extend the contract and increase the spending authority to \$273,534; and

WHEREAS, the authorized spending authority and term of the contract has reached its limit; and

WHEREAS, the specialized services of Don's Tires are needed to support the City's fleet and emergency response, and is a Berkeley based business; and

WHEREAS; Funding for this contract amendment in the amount of \$150,000 is currently available in the FY 2022 Equipment Maintenance Fund 672.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract amendment with Don's Tire Services to increase the contract amount by \$150,000 for a new total not to exceed of \$423,534, and extend the term through June 30, 2024.



To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Contract Amendment: East Bay Municipal Utilities District (EBMUD) for

Sanitary Sewer Charge and Billing Collection

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend the agreement (Contract 9735) with East Bay Municipal Utility District (EBMUD) to administer a Customer Assistance Program (CAP) which is an expanded discount program for qualifying City of Berkeley sanitary sewer customers. Eligible customers under the CAP program will receive a 35% discount on their sewer charges.

FISCAL IMPACTS OF RECOMMENDATION

There is no new cost to the Sanitary Sewer Fund for this program. EBMUD currently administers Sanitary Sewer Billing for the City of Berkeley via residential and commercial customer's water bills and will administer this program discount at no additional charge to the City of Berkeley. As the discount program is being administered to a rate governed by California's Proposition 218, the amount discounted must be made whole by local funds. The annual discount is estimated to be \$55,000 and initial funding in the General Fund was established in the FY 2022 budget to fund this program. This allocation will be requested to be carried forward into the FY 2023 Budget. Ongoing funding for FY 2024 and beyond will be requested for appropriation in future year fiscal budgets.

CURRENT SITUATION AND ITS EFFECTS

EBMUD has a Customer Assistance Program (CAP) with the goal of providing discounts to qualifying low-income residents for municipal water and wastewater treatment services. Since EBMUD already administers billing for the City of Berkeley's Sanitary Sewer Charges, they are offering to apply the CAP discounts to Berkeley sewer customers as well, beginning in FY 2023. Qualification for the CAP follows Housing and Urban Development (HUD) income guidelines for qualifying max gross household income. The CAP limits increase based on the number of persons in a household. A 35 percent discount would be applied to Berkeley's sanitary sewer charges collected on EBMUD's bills for eligible CAP accounts. Customer participation is valid for two years. To continue assistance, applicants must reapply after two years.

The rate of discount can be adjusted, however, staff recommends 35%, which is similar to other agencies participating in the CAP program in the region, and limits the General Fund's obligation to repay the Sanitary Sewer Fund. EBMUD has estimated that over 430 accounts would be eligible to enroll. Currently, the City's Very Low Income (VLI) refund program supports on average 40 customers a year.

BACKGROUND

EBMUD has provided the City with sewer service charge billing and collection services for over 20 years. On August 25, 1981, Council authorized the City Manager to enter into a 10-year agreement with EBMUD to perform sewer service fee billing and collection services (Resolution 50,821-N.S.). On October 28, 1997, Council authorized the City Manager to enter into another 10-year agreement with EBMUD (Resolution # 59,236-N.S.) for sewer charge billing and collection services, and on May 22, 2007 Council authorized the City Manager to extend the agreement by three years (Resolution 63,698-N.S.). The 1997 10-year agreement expanded the services provided by EBMUD to include the billing and collection of sewer service fees from residential customers based upon their water consumption. On April 27, 2010, Council authorized the City Manager to extend the sewer service billing and collection agreement by three years (Resolution 64,850-N.S) and on June 4, 2013, Council entered into a new 10-year agreement with EBMUD for sanitary sewer billing and collection through June 30, 2023 (Resolution 64,184-N.S) Collecting sewer fees via the EBMUD bills result in a steady revenue stream with EBMUD remitting monthly the sewer fees they collect on the City's behalf.

The City currently administers its own Very Low Income (VLI) exemption program for certain customers for various local taxes and fees, including Sewer, Clean Storm, Fire, Library and Parks Landscape. In FY 2022, Berkeley's program includes households with an annual gross income of \$54,800 or less and the annual threshold is dependent on the Housing and Urban Development (HUD) VLI limits for 1-2 persons in a household. The VLI program provides a 100% refund to eligible claims filed within one year of payment of fees. In recent years, the City has averaged 40 approved requests, totaling a citywide annual average refund of \$13,000. Inclusion in EBMUD's CAP program does not preclude Berkeley qualifying customers from applying for the City administered VLI full waiver.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts associated with this agreement. This agreement amendment implements a modification to an existing administrative billing program and has no inherent environmental sustainability or climate impacts.

RATIONALE FOR RECOMMENDATION

If adopted, this amendment will expand the reach of the discount program offered to City of Berkeley sewer customers. EBMUD would administer the CAP program and continue to administer the billing to sewer customers as it has for 40 years, with no additional administrative cost to the City.

Contract Amendment for Sanitary Sewer Charges and Billing Collection with East Bay Municipal Utility District (EBMUD)

CONSENT CALENDAR June 28, 2022

ALTERNATIVE ACTIONS CONSIDERED

The City could not join EBMUD's CAP program and keep its current system of very low-income discount, which is available to a smaller qualifying segment of Berkeley residents. Viable alternatives to using EBMUD as the City's service provider for billing and collecting sewer fees do not exist at this time since an alternate billing and collection solution would have to be established, including adding City staff to administer.

CONTACT PERSON

Sean O'Shea, Administrative and Fiscal Services Manager, Public Works, (510) 981-6306

Attachments:

- 1: Resolution
- 2: Contract Agreement

CONTRACT AMENDMENT #9735: EAST BAY MUNICIPAL UTILITIES DISTRICT (EBMUD) FOR SANITARY SEWER CHARGE AND BILLING COLLECTION

WHEREAS, the East Bay Municipal Utility District (EBMUD) has provided the City with sewer service charges billing and collection for over 40 years; and

WHEREAS, on June 4, 2013, Council passed Resolution 66,184-N.S, which approved a new 10 year agreement with EBMUD to continue to provide sewer charges billing and collection through June 30, 2023; and

WHEREAS, the City of Berkeley (Agency) and East Bay Municipal Utility District (District) entered into that certain Sewer Agency Charge and Billing Collection Agreement dated July 1, 2013 (Contract #9735). Except as otherwise defined, terms in this Amendment shall have the same meanings as in the agreement; and

WHEREAS, the District offers a Customer Assistance Program ("CAP"), pursuant to Public Utilities Code Section 12811.2, which provides temporary financial assistance to eligible customers of the District in the form of temporarily discounted water and wastewater rates; and

WHEREAS, the Customer Assistance Program ("CAP") is effective on July 1, 2022, the Agency will offer its residents, who are eligible for the District's CAP, temporary financial assistance in the form of temporarily discounted rates for sewer service provided by the Agency; and

WHEREAS, both parties wish to amend the term of the Agreement to extend the contract expiration date to June 30, 2023, under administrative authority.;

NOW, THEREFORE, in consideration of the premises set forth above and other good and valuable considerations, the parties hereby agree to amend the Agreement as follows:

- 1. Create a new Section 2.6(f) to the Agreement as follows and re-number subsequent sections accordingly:
 - 2.6 (f) Customer Assistance Program for Agency Customers. The Agency provides a Customer Assistance Program ("the Agency's CAP") for its residents. The Agency's CAP shall be administered by the District in the same manner as the District administers the District's CAP.
 - i. Eligibility for the Agency's CAP. Agency Customers who are eligible to participate in the District's CAP shall be eligible to participate in the Agency's CAP. "CAP Account" shall mean an account of an Agency and

District customer who has established eligibility for both the Agency's and the District's CAP.

- ii. Effective immediately upon the execution of this addendum by both parties, the Agency sewer service charge displayed on the District's water bill for each CAP Account shall be sixty-five percent (65%) of the Agency's sewer service charge for the premises. Under the Agency's CAP, sewer rates for eligible residents shall be temporarily discounted at thirty-five percent (35%).
- 2. Section 2.10 Payments to the Agency of the Agreement shall be amended as follows:

Except as otherwise provided in this Agreement, the District shall remit monthly to the Agency the amount of its sewer service charges collected by the District, including the amount collected by the District for CAP Accounts. The District will also provide to the Agency a monthly summary of the total amount billed, collected, credited, and written off by the District pursuant to this Agreement.

3. Section 2.11 District Right to Terminate Water Service of the Agreement shall be amended as follows:

A. It is understood and agreed that this Agreement shall in no way restrict or limit the District's right to interrupt water service for nonpayment of billed charges or other permissible reasons. The parties expressly agree that the District shall have no liability whatsoever for any reduction in sewer service charge revenue due to an interruption of water service or non-payment by the customer.

- 4. It is understood and agreed that this Amendment is conditioned upon the appropriation of sufficient monies by the City of Berkeley to fund the program. The Agency or District may terminate this Amendment and Agreement for the non-appropriation of sufficient funds by the City of Berkeley.
- 5. As soon as possible after the execution of this Amendment, the District and the City of Berkeley commit to working in good faith to negotiate a ten (10) year extension of the Sewer Agency Charge Billing and Collection Agreement. The renewal of the Agreement shall be conditioned upon the City of Berkeley's implementation of the intended goal of ensuring sufficient funds to provide a thirty-five percent discount on the sewer service charge to residents eligible for CAP. The parties mutually agree that if the parties do not agree to extend the Agreement by June 30, 2023, this Amendment shall terminate effective July 1, 2023. Termination of this Amendment shall relieve the parties of any obligations set forth in this Amendment that must be satisfied after June 30, 2023.
- 6. Except as specifically amended hereby, the Agreement remains in full force and effect in accordance with the terms thereof.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend the agreement with East Bay Municipal Utility District (EBMUD) to administer a Customer Assistance Program (CAP) which is an expanded discount program for qualifying City of Berkeley sanitary sewer customers.

Page 3 320

SEWER AGENCY CHARGE BILLING AND COLLECTION AGREEMENT

THIS AGREEMENT, made and entered into thisth day of,	by
and between the CITY OF BERKELEY, a municipal corporation, herein after called "the	;
Agency", and the EAST BAY MUNICIPAL UTILITY DISTRICT, a public agency orga	nized
and existing under the law of the State of California, hereinafter called "the District", sup	ersedes
any and all other previous Sewer Agency Billing and Collection Agreements between the	;
Agency and the District;	

WITNESSETH:

1. General Provisions

- 1.1. Purpose of Agreement. The City Council of the Agency has adopted its Ordinance No.

 ______ hereinafter referred to as "the Ordinance", establishing sewer service charges for the user of sewer facilities owned and operated by the Agency, and for the purpose of facilitating the billing and collection of such charges. The Agency has requested that the District bill and collect the Agency's charges for such sewer service, and the District is willing to perform such billing and collection subject to the terms and conditions set forth herein.
- 1.2. <u>Term of Agreement</u>. The District will bill and collect the Agency's sewer service charge pursuant to the terms of this Agreement until June 30, 2023 unless otherwise terminated as provided in paragraph 1.5.
- 1.3. Supervision and Control by the District. The District shall have sole and exclusive supervision and control over its operations under this Agreement, including but not limited to the method of preparing the District bills and making the collections thereunder; the selection, design and use of forms and changes thereto; and the selection and use of data processing equipment and office machinery by the District in the performance of this Agreement. The District's decisions with respect to any and all aspects of its billing and collection operations shall be final and conclusive. The Agency agrees that the District may make changes in its billing and collection procedures during the term of this Agreement, and in the equipment required therefor. The Agency further agrees that the payments to be made by the Agency pursuant to the terms of this Agreement may include a proportionate share of the costs of such changes as illustrated by the shared cost billing and collection formula (Exhibit A).
- 1.4. <u>Communications</u>. All requests by the Agency to add, delete, modify or in any way change its sewer service charges or to obtain information concerning individual accounts or groups of accounts or any other data shall be made in writing to the Secretary of the District, or to such other person designated by the District, and signed by the Agency's liaison (see paragraph 3. 2).

1.5. Termination of Agreement. This Agreement may be terminated at any time by either party hereto upon: 1) the District giving the Agency at least twelve (12) months written notice of such termination; or 2) the Agency giving the District at least ninety (90) days written notice of such termination. Termination of this Agreement shall not affect the Agency's liability, as provided herein, to pay the cost of services which have been rendered by the District pursuant to the terms of this Agreement; however, after notice of termination is given by Agency as provided herein, no costs incurred by the District for upgrades or changes in equipment, software, personnel or procedures that occur subsequent to such notification shall be assessed or billed to the Agency.

2. Services and Facilities to be Furnished by the District

2.1. <u>Billing and Collection Services Provided</u>.. The District agrees to furnish the labor, services, materials and equipment required to program its customer billing system (including testing and installation) to provide for billing and collection of the Agency's sewer charge, including: 1) identification of the Agency's sewer service charge on the District water bills; 2) collection of same with said water bills; 3) identification of collections relating to said charge; and 4) remittance to the Agency of the cash collection from the Agency's sewer service charge billing, adjusted for debits and credits allowed by this Agreement.

2.2. <u>Requests for Sewer Service Charge Rate and Structural Changes</u>

- a. Frequency of Requests. The District agrees to implement either one sewer service charge rate change or one sewer service charge structural change per calendar year (see paragraph 2. 2.ci,ii). Although the Agency may request other rate or structural changes, it is wholly within the District's discretion to determine whether to implement the Agency's request unless the rate and/or structural change is mandated by court or legislative action. If any change is requested as a result of court order or other legal mandate, Agency shall identify the mandate and any legally mandated compliance date(s) and provide supporting documentation to the District. Agency requests to implement such mandated rate and/or structural changes shall conform to the requirements set forth in 2. 2.b, including the applicable period specified therein to effect such changes.
- b. Form of Requests. All requests for rate and structural changes shall be submitted on the Sewer Service Charges and Rates Request Form attached hereto as Exhibit B. The Agency shall submit the required information to effect a rate change sixty (60) days prior to the beginning date of the bill period for which the new rate will apply. The sixty day period shall commence upon receipt of a revised Sewer Service Charges and Rates Request Form that is complete, correct and acceptable to the District. The Agency shall submit the required information on the same form to effect a structural change six (6) months prior to implementation of said change. The six month period shall commence upon payment by the Agency of the deposit described below.

- c. <u>Charges to Process Requests</u>. Charges to process any rate or structural change shall be in addition to other charges set forth in this Agreement and shall be based upon the actual costs to process and implement the change.
 - i. Rate Changes. Rate changes are changes only in the rates (dollar value) applied to existing billing structure. (Examples: change metered rate from \$1.00 per ccuft to \$1.50 per ccuft, flat charge from \$10 per billing period to \$15 per billing period, etc.) For requested rate changes, the District will provide to the Agency an estimate of the cost to implement the rate change within thirty (30) days of the Agency's request therefor. The Agency understands and agrees that the actual cost to implement the rate change could exceed the District's estimate and further agrees to pay said actual costs within thirty (30) days of receipt of the District's invoice therefor.
 - ii. Structural Changes. Structural changes are changes in the manner in which the accounts are billed. (Examples: change flat charge to volume charge, add minimum or maximum charge, etc.) For requested structural changes, the Agency agrees to deposit with the District a sum equal to fifty percent (50%) of the District's estimated cost to implement the structural change prior to the District commencing performance of the work related thereto. The Agency understands and agrees that the actual cost to implement the structural change could exceed the District's estimate and further agrees to pay said actual costs, less the Agency's deposit, within thirty (30) days of receipt of the District's invoice therefor. The District agrees to refund any of the Agency's deposit funds that the District determines to be unexpended in the implementation of the structural change.
- 2.3. <u>Delayed Implementation of Requests</u>. Upon written notice to the Agency, the District may delay, for a period not to exceed sixty (60) days, implementation of any requested change in the sewer service charges if the District determines that such delay is necessary to facilitate the District's operations. The District will notify the Agency within 15 days of making a decision if a delay in implementation is required. The notice will include an estimate of the duration of the delay. The Agency understands that revenue anticipated by the Agency as a result of the change in its sewer service charge will not be billed by the District during the period of delay. The Agency expressly agrees that the District shall have no responsibility or liability with respect to such anticipated revenue.
- 2.4. <u>Billing and Collection</u>. For purposes of billing and collection of the Agency's sewer service charge, the District agrees to furnish the labor, services, materials, and equipment required for billing, collection, maintenance of customers' records, and customer contact on new services, account closings, allowance and adjustments. Materials so furnished by the District will include the prepared bills, mailing envelopes, postage, and enclosed return envelopes. Equipment to be furnished and used by the District in billing for its own water and sewage disposal accounts.

- 2.5. <u>Method of Billing and Collection</u>. The system used to bill, record and collect the Agency's sewer service charge will conform to the District's system, policies and procedures for the handling of its own accounts. In particular, and without limiting the generality of the foregoing, the following shall apply to billing and collection of the Agency's sewer service charges:
 - a. The Agency's sewer service charge will be billed on the same bimonthly or monthly basis as the related District accounts.
 - b. Interest and penalties or other delinquent charges, if any, imposed by the Agency in connection with its sewer service charge shall not be billed or collected by the District.
 - c. The District's collection routines, including bill extensions and date of write-offs shall be used in connection with the Agency's sewer service charge. In the event of account write-offs, the District will furnish to the Agency information regarding the amount of revenue written-off, and the accounts will be handled by the District's collection agent. The Agency agrees not to pursue any collection activity on writtenoff accounts.
 - d. The District will make allowances and revenue adjustments in the Agency's sewer service charge in accordance with its practices for the District accounts.
 - e. Partial payments will be allocated between the Agency and the District in proportion to the amount of the charges billed.
 - f. The District will collect Agency revenues only on accounts which the District bills through its regular billing process.
 - g. The District will adjust the cash collection remitted to the Agency to account for such items as returned checks, erroneous applications and accounting adjustments.
- 2.6. Sewer Service Charges to be Billed and Collected. The District agrees to bill and collect only the Agency's sewer service and/or sewage treatment charge for each customer served by the Agency in whose name a monthly or bimonthly charge for water will be made by the District for its own account. Such billed charges will be in the respective amounts specified by the Agency's Sewer Service Charges and Rates Request Form, attached hereto as Exhibit B and incorporated herein by this reference. The District agrees to provide one (1) line on its water bill for such Agency sewer service charges.
 - a. The Agency's sewer service charges may be structured to bill either by metered water use or by flat rate according to Business Classification Code (BCC). In no case shall the District bill tiered Agency sewer service charge rates. In no case shall the District bill individual sewer service charges for specific accounts that would otherwise be billed according to the District's Business Classification Code (BCC) of said accounts.
 - b. The Agency agrees to use the District's standard system of rate codes.

- c. Sewer service charges will be billed for the first day of the applicable billing period and for each day thereafter during the entire billing period.
- d. The District will cease billing sewer service charges for any or all classifications within ninety (90) days of receipt of the Agency's written request to do so.
- e. The parties agree that, in the event that the District does not bill an account that is identified as an account to be billed in the Agency's Request To Bill Sewer Service Charges, or in any change thereto, the District shall have no liability therefor and no obligation to collect said unbilled revenue or to pay any costs that may be incurred by the Agency, or by any other person or entity, to collect said unbilled revenue.
- 2.7. <u>Notification to the Public</u>. The Agency agrees to provide public outreach, in a form and manner jointly determined by the District and the Agency, to affected customers advising them of any change in the Agency's sewer service charge prior to the effective date of said change. In all cases, the Agency shall provide its customers through its public outreach program with an Agency telephone number for customer inquiries regarding said change. It is understood and agreed that the District will not explain or respond to customer inquiries about the Agency's policy in levying sewer service charges, or changes thereto, and will only inform customers that the charges correctly reflect the expressed request of the Agency. Customers shall be directed to the Agency for further clarification of the rationale behind setting said charges.
- 2.8. <u>Identification of Services to be Included for the Agency's Charge</u>. Upon execution of this Agreement the Agency shall submit to the District a detailed map of its service territory. A revised map shall be submitted not later than fifteen (15) days after any subsequent modification of the Agency's territory. Said maps shall clearly show, by individual address, which services are to be included for sewer service charges.
- 2.9. Services Excluded from the Agency's Charge. The Agency shall designate promptly to the District by name and account number such services as are to be excluded from all billing and collection by the District, and those that are to be billed directly by the Agency. Services may be added to, or deleted from, said list of excluded premises by the Agency at any time. Such additions or exclusions shall be for future billings only and shall not be retroactive to prior billed periods.
- 2.10. Payments to the Agency. Except as otherwise provided in this Agreement, the District shall remit monthly to the Agency the amount of its sewer service charges collected by the District. The District will also provide to the Agency a monthly summary of the total amount billed, collected, credited and written-off by the District pursuant to this Agreement.
- 2.11. <u>District Right to Terminate Water Service</u>. It is understood and agreed that this Agreement shall in no way restrict or limit the District right to terminate water service for nonpayment of billed charges or other permissible reason. The parties expressly agree that the District shall have no liability whatsoever for any reduction in sewer service charge revenue due to a termination of water service.

2.12. Yearly Consumption Data. Upon request, the District will provide to the Agency yearly consumption data in the format described in Exhibit C which format may be revised by the District from time to time. The medium for the data shall be electronic file transfer. Charges for said data shall be in addition to other charges set forth in this Agreement and shall be based upon the actual cost to produce the data. The District is not obligated under the terms of this Agreement to provide any other special reports, data, mailing labels or mailing lists. In the event this Agreement is terminated, the District will continue to provide yearly consumption data upon the Agency's request and the Agency will pay the District's cost to produce said data. The District is not obligated to make available to the Agency any other form of data requested for individual customer records or groups of such records except as part of the annual consumption data. The Agency should review the annual consumption data for accuracy and advise the District as soon as practicable of any omissions, errors or discrepancies in the billing of its sewer service charges.

3. Obligations of the Agency

3.1. Payments to be Made by the Agency

a. Billing and Collection Expense. The District will annually calculate the estimated monthly cost to bill and collect the Agency's sewer service charge. The calculation of said estimated cost as shown in Exhibit A, shall be based upon (a) the District's knowledge of the cost to collect on behalf of its own accounts and (b) the amount of revenue collected, number of accounts to be billed, and number of meters read for the Agency compared to the total revenue collected, number of accounts billed, and meters read by the District. Said estimated costs shall be reduced by an allocation of late payment penalty fees billed by the District, based upon the Agency's portion of total revenue billed. During the fiscal year in which the billing and collection of the Agency's sewer service charge is commenced, the Agency shall pay to the District, on a monthly basis, said estimated cost plus the amortized payment amount towards the Agency's prorated share of the fixed asset or Customer Information System (CIS) replacement as shown in Exhibit A. At the close of the initial fiscal year, and at the close of each subsequent fiscal year, the District will calculate the actual costs incurred to bill and collect the Agency's sewer service charge. If the District's actual costs are greater than the estimated costs paid by the Agency, the Agency shall pay the difference to the District within thirty (30) days of the District's invoice therefor. If the District's actual costs are less than the estimated costs paid by the Agency, the District will apply a credit to the Agency's account. The actual cost calculation by the District at the close of each fiscal year shall be the estimated monthly charge which shall be paid by the Agency during the next fiscal year. The District will provide to the Agency an annual reconciliation of billing and collection actual costs to estimated costs for the preceding year and provide projected estimated costs for the following year. Calculation by the District of its actual costs to bill and collect the Agency's sewer service charge shall be conducted according to standard accounting practices on a shared cost basis. The District agrees that the charge to the Agency shall not exceed the reasonable costs of providing the services rendered hereunder. Subject to the limitations expressed herein, the parties agree that the District's determination of its actual costs shall be final.

- b. Manner of Payment. The Agency and the District agree that the District shall debit sewer service charges collected by the District, which have not yet been remitted to the Agency pursuant to paragraph 2.10 herein for aforesaid charges for billing and collection costs, and other charges set forth in this Agreement. Any unpaid and overdue sum owing to the District by the Agency shall be paid by the Agency to the District within thirty (30) days following billing by the District. Checks should be made payable to East Bay Municipal Utility District, P.O. Box 24055, Oakland, CA 94623.
- 3.2. <u>Liaison by the Agency with District</u>. The Agency shall designate a representative for liaison with the District to cooperate in the handling of disputed accounts and other matters arising under the administration of this Agreement. The District will make available to the Agency upon request District records pertinent to the billing and collection of the Agency's sewer service charges.
- 3.3. Confidentiality of Records. The Agency acknowledges that District records pertaining to individual customers may be protected by a constitutional right of privacy or may contain proprietary information. The Agency agrees to limit access to data furnished to the Agency pursuant to this Agreement and not to make such data available for public inspection unless required by law to make disclosure. The Agency shall inform the District prior to making such disclosure. Subject to these limitations, the District agrees to furnish customer account data to the Agency solely for the intended purpose of this Agreement. The Agency agrees that the only use it shall make of such data shall be for development and substantiation of sewer service charges.
- 3.4. Liability of the Agency. The Agency agrees to indemnify, defend and hold harmless the District, its board, officers, employees and agents from and against any and all loss, liability, expense, claims, costs, suits, damages, including attorney's fees or demands of whatever character, direct or consequential, arising from the billing or collection of the Agency's sewer service charge or from the furnishing of customer account data to the Agency, except to the extent attorney's fees or demands of whatever character, direct or consequential, arising from the billing or collection of the Agency's sewer service charge or from the furnishing of customer account data to the Agency, except to the extent caused by the sole negligence or willful misconduct of the District, its officers, agents and employees. The Agency agrees that the District may itself defend, at its own election, any such actions brought against the District arising out of the billing or collection of such sewer service charge, and the Agency agrees to indemnify the District against any judgments or damages for which the District may be found to be liable in such action or actions and to reimburse the District for any costs incurred, including attorney's fees, arising from the defense of such actions. In the event action is brought against the Agency, or it is joined therein, the Agency shall provide its own defense at the sole cost and expense of the Agency.
- 3.5. <u>Waiver</u>. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement.

Page 14 of 20

- 3.6. Severability. Should any part of this Agreement be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the parties.
- 3.7. <u>Amendments</u>. This Agreement is not subject to modification or amendment, except by a writing executed by both the Agency and the District, which writing shall expressly state that it is intended by the parties to amend the terms and conditions of this Agreement.
- 3.8. Whole Agreement. This Agreement has 8 pages excluding any exhibits described herein. This Agreement constitutes the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

IN WITNESS WHEREOF, Agency, by and through its officers, duly authorized by Resolution No._____ and the District, by and through its General Manager or designee, duly authorized to act, have executed this Agreement in triplicate on the day and year first written above.

~~~~

| CITY OF BERKELEY:    | EAST BAY MUNICIPAL UTILITY DISTRICT: |  |  |
|----------------------|--------------------------------------|--|--|
| Approved as to Form: | Approved as to Form:                 |  |  |
| (Counsel's Initials) | (Counsel's Initials)                 |  |  |
|                      |                                      |  |  |
| Signature            | Signature                            |  |  |
|                      |                                      |  |  |
| Name                 | Name                                 |  |  |
|                      |                                      |  |  |
| Title                | Title                                |  |  |
| Date                 | Date                                 |  |  |
|                      |                                      |  |  |
| SEAL:                | SEAL:                                |  |  |

#### **EXHIBIT A**

# **Agency Shared-Cost Calculations for Billing and Collection of Sewer Service Charges**

The following outline is a numerical and narrative description of the shared-cost calculations for Billing and Collection of sewer service charges for any agency. It is for illustrative purposes only and does not represent any particular agency charges. The schedule summarizing the share of Billing and Collection expenses for the "Agency" follows the narrative. The Billing and Collection expenses come from Collection, Customer Service and Meter Reading Activities, and they are allocated based on each agency's share of revenues collected, share of bills issued, and share of meters read by the District.

| CALCULATION                                                                                                                                                        | DEFINITION                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Share of Fixed Asset Replacement                                                                                                                                   |                                                                                                                                                                                                                                                                                                             |
| Customer Information System (CIS) Replacement<br>Cost per District account of \$39.24                                                                              | The CIS Replacement Cost per District account represents the portion of District's full cost to implement the Collections, Customer Services, and Meter Reading functions in the new CIS installed in September 2011 divided by 404,348 total District                                                      |
| multiplied by                                                                                                                                                      | accounts converted into the new system.                                                                                                                                                                                                                                                                     |
| Agency's participatory share of account services, of 33.33 percent if 1 of 3 types on each account, or 50.00 percent if 1 of 2 types on each account multiplied by | An account may receive District Water, District Wastewater, and Agency services. The resulting Cost per Agency account is \$13.08 if the Agency service is 1 of 3 types, or \$19.62 if 1 of 2 types of services per account.                                                                                |
| Total Number of Agency accounts in new CIS to equal Agency's share of District's CIS Replacement Cost.                                                             | Total Number of Agency accounts within District's service area that are set-up for Agency sewer service.                                                                                                                                                                                                    |
| Share of Collections                                                                                                                                               |                                                                                                                                                                                                                                                                                                             |
| Annual Agency Revenue collected for "Agency" of \$600,000 is                                                                                                       | Annual Agency Revenue collected is the yearly amount of sewage revenue invoiced on each bill relating to the agency.                                                                                                                                                                                        |
| divided by the                                                                                                                                                     |                                                                                                                                                                                                                                                                                                             |
| Annual District Revenue collected of\$200,000,000 to equal .003.                                                                                                   | Annual District Revenue collected is the yearly amount of District water and District sewage treatment and agency revenue invoiced on each District water                                                                                                                                                   |
| This factor is multiplied by                                                                                                                                       | bill.                                                                                                                                                                                                                                                                                                       |
| Annual District Collection expenses of\$3,000,000 to equal "Agency's" share of Collection expenses totaling \$9,000.                                               | Annual District Collection expenses are defined as Salaries and Employee Benefits, Services and Supplies, and Fixed Assets directly charged to Collections during the Year. In addition to the direct charges, an overhead amount is charged based on Total Collection Salary and Employee Benefit dollars. |

| CALCULATION                                                                                                                                                                        | DEFINITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Share of Customer Services</b>                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Sixty percent of Annual District Customer Service expenses of\$5,000,000, or \$3,000,000, is                                                                                       | Annual District Customer Service expenses are defined as Salaries and Employee Benefits, Services and Supplies, and Fixed Assets directly charged to Business Office Administration, Repair Business Office Bldgs., and Equipment, Grounds keeping Customer Records and Billings, Customer Information Systems, and Administrative and General during the Year. In addition to the direct charges, an overhead amount is charged based on Total Customer Services Salary and Employee Benefit dollars. At the present time, forty percent of the total Customer Services expenses relate only to Water System business and are not shared by agencies, and sixty percent relates to total combined District water, District sewage treatment, and agency business. |
| Annual number of District bills rendered to customers of 2,200,000 to equal the Cost per Bill of \$1.3636.                                                                         | Annual number of District bills used o collect revenues for the District.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| The Cost per Bill is multiplied by  "Agency's" participatory share of billing entities, 1 of 3 on each bill, or 33.33 percent. The Cost per Bill for the agency charge is \$.4545. | The portion of each bill relating to the Agency refers to the number of entities who share the benefit of billing. District Water, District Wastewater, and Agency are the three current entities who may share billing and collection. However, all three may not be present on all bills. Agencies that share the benefit of billing with only District Water have a participatory share of billing of 1 of 2 entities or 50 percent.                                                                                                                                                                                                                                                                                                                            |
| This amount is multiplied by  the Annual number of "Agency" bills issued by the District of 30,000 to equal "Agency's" share of Customer Service expenses of \$13,635.             | The Annual number of Agency bills issued by the District may include charges for District Water, District Wastewater, and Agency. One, two or three entities may be listed on each bill depending on the location of the service.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| CALCULATION                                                                                                                                                                                                                                                                                                                                                                                | DEFINITION                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Share of Meter Reading                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Total annual District Meter Reading expenses are defined as Salaries and Annual District Meter Reading expenses Employee Benefits, Services and of \$2,000,000 is Supplies, and Fixed Assets (minor) directly charged to - Read Meters during the Year. In addition to the direct charges, an overhead amount is charged based on Total Meter Reading Salary and Employee Benefit dollars. | Total annual District Meter Reading expenses are defined as Salaries and Employee Benefits, Services and Supplies, and Fixed Assets directly charged to Read Meters during the Year. In addition to the direct charges, an overhead amount is charged based on Total Meter Reading Salary and Employee Benefit dollars.                                                                                                        |
| divided by the                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Annual number of District bills rendered to customers of 2,200,000 to equal the Cost per Bill of \$.9091.                                                                                                                                                                                                                                                                                  | Annual number of District bills used to collect revenues for the District.                                                                                                                                                                                                                                                                                                                                                     |
| The Cost per Bill is multiplied by                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| "Agency's" participatory share of each billing, entities 1 of 3 on each bill, or 33.33 percent. The Cost per Bill for the agency charge is \$.303. This amount is multiplied by                                                                                                                                                                                                            | The portion of each bill relating to the Agency refers to the number of entities who use meter reading data in the calculation of charges that appear on each bill. District Water, District Wastewater, and Agency may all base charges on flow data derived from meter readings. Agencies that share the benefit of billing with only District Water have a participatory share of billing of 1 of 2 entities or 50 percent. |
| the annual number of "Agency" bills requiring flow data from meter readings of 3,000 to equal "Agency's" share of Meter Reading Costs of \$909.                                                                                                                                                                                                                                            | The Annual number of Agency bills issued requiring flow data from meter readings issued by the District.                                                                                                                                                                                                                                                                                                                       |

The Agency's share of the fixed asset or CIS replacement can be amortized over a specific period based on the total amount: 1) \$50,000 or below can be paid without interest in 12 monthly installments beginning January 1, 2014; 2) greater than \$50,000 to \$200,000 with 2.5 percent interest in 48 monthly installments beginning January 1, 2014; or 3) over \$200,000 will be paid with 2.5 percent interest in 114 monthly installments beginning January 1, 2014 and as described in paragraph 3.1.a.

In summary, by adding together the share of Collection expense of \$9,000, the share of Customer Service expense of \$13,635 and the share of Meter Reading expense of \$909, the actual annual Billing and Collection share for "Agency" will be \$23,544. This figure represents the "Agency's" shared cost of the District's billing and collection operation. Actual cost varies by the nature of events during a year, and it may not necessarily reflect the above algorithm. This figure is paid in addition to the total amortized monthly payments towards the Agency's share of the fixed asset or CIS replacement described in paragraph 3.1.a.

#### **EXHIBIT B**

# SEWER SERVICE CHARGES AND RATES REQUEST FORM

Updated 12/31/12

AGENCY NAME: DATE SENT: EFFECTIVE DATE: DATE RECEIVED BY EBMUD:

# SERVICE CHARGES (amount by rate code, applicable by BCC code)

| RATE CODE                           | MONTHLY  | BI-MONTHLY<br>(monthly x2) | DAILY<br>(monthly/30) |
|-------------------------------------|----------|----------------------------|-----------------------|
| 0- Not Billed                       | \$nnn.nn | \$nnn.nn                   | \$nnn.nn              |
| 1 - Single Family Residence         |          |                            |                       |
| (1 dwelling, 1 meter)               | n.nnnn   | n.nnnn                     | n.nnnn                |
| 2 - Duplex (2 dwellings, 1 meter)   | n.nnnn   | n.nnnn                     | n.nnnn                |
| 3 - Triplex (3 dwellings, 1 meter)  | n.nnnn   | n.nnnn                     | n.nnnn                |
| 4 – Fourplex (4 dwellings, 1 meter) | n.nnnn   | n.nnnn                     | n.nnnn                |
| 5 - Metered Rates (per ccuft.)      | n.nnnn   | n.nnnn                     | n.nnnn                |
|                                     |          |                            |                       |

- 7 Not connected to side sewer, not billed (fire services, etc )
- 9 Billed by agency directly

# MINIMUMS (applicable by BCC Code)

| MONTHLY  | BI-MONTHLY (monthly x 2) | DAILY (monthly/30) |
|----------|--------------------------|--------------------|
| \$n.nnnn | \$n.nnnn                 | \$n.nnnn           |

# Page 19 of 20

# BCC CODE TABLE

| BCC CODE       | DESCRIPTION                           | SERVICE<br>CHARGE?<br>Y/N | MINIMUM<br>CHARGE?<br>Y/N | METERED<br>RATE<br>PER CCUFT |
|----------------|---------------------------------------|---------------------------|---------------------------|------------------------------|
| 0100           | Agriculture                           |                           |                           | \$nnn.nn                     |
| 0700           | Veterinarian Services                 |                           |                           | \$nnn.nn                     |
| 2010           | Meat Products                         |                           |                           | \$nnn.nn                     |
| 2011           | Slaughterhouses                       |                           |                           | \$nnn.nn                     |
| 2020           | Dairy Product Processing              |                           |                           | \$nnn.nn                     |
| 2030           | Fruit and Vegetable Processing        |                           |                           | \$nnn.nn                     |
| 2040           | Grain Mills                           |                           |                           | \$nnn.nn                     |
| 2050           | Bakeries (including pastries)         |                           |                           | \$nnn.nn                     |
| 2060           | Sugar Processing                      |                           |                           | \$nnn.nn                     |
| 2077           | Rendering Tallow                      |                           |                           | \$nnn.nn                     |
| 2080           | Beverage Manufacturing and Bottling   |                           |                           | \$nnn.nn                     |
| 2090           | Specialty Foods Manufacturing         |                           |                           | \$nnn.nn                     |
| 2600           | Pulp and Paper Products               |                           |                           | \$nnn.nn                     |
| 2810           | Inorganic Chemicals Manufacturing     |                           |                           | \$nnn.nn                     |
| 2820           | Synthetic Material Manufacturing      |                           |                           | \$nnn.nn                     |
| 2830           | Drug Manufacturing                    |                           |                           | \$nnn.nn                     |
| 2840           | Cleaning and Sanitation Products      |                           |                           | \$nnn.nn                     |
| 2850           | Paint Manufacturing                   |                           |                           | \$nnn.nn                     |
| 2893           | Ink and Pigment Manufacturing         |                           |                           | \$nnn.nn                     |
| 3110           | Leather Tanning and Finishing         |                           |                           | \$nnn.nn                     |
| 3200           | Earthenware Manufacturing             |                           |                           | \$nnn.nn                     |
| 3300           | Primary Metals Manufacturing          |                           |                           | \$nnn.nn                     |
| 3400           | Metal Products Fabricating            |                           |                           | \$nnn.nn                     |
| 3410           | Drum and Barrel Manufacturing         |                           |                           | \$nnn.nn                     |
| 3470           | Metal Coating                         |                           |                           | \$nnn.nn                     |
| 4500           | Air Transportation                    |                           |                           | \$nnn.nn                     |
| 5812           | Food Service Establishments           |                           |                           | \$nnn.nn                     |
| 6513           | Apartment Buildings (5 or more units) |                           |                           | \$nnn.nn                     |
| 7000           | Hotels, Motels with Food Service      |                           |                           | \$nnn.nn                     |
| 7210           | Commercial Laundries                  |                           |                           | \$nnn.nn                     |
| 7215           | Coin-Operated Laundromats             |                           |                           | \$nnn.nn                     |
| 7218           | Industrial Laundries                  |                           |                           | \$nnn.nn                     |
| 7300           | Laboratories                          |                           |                           | \$nnn.nn                     |
| 7542           | Automobile Washing and Polishing      |                           |                           | \$nnn.nn                     |
| 8060           | Hospitals                             |                           |                           | \$nnn.nn                     |
| All Other BCCs | Schools                               |                           |                           | \$nnn.nn                     |

# **EXHIBIT C**

# SEWER SERVICE/SEWAGE TREATMENT CONSUMPTION DATA FILE FORMAT Updated 12/30/12

| Field Name                  | Format  | Length |                            |
|-----------------------------|---------|--------|----------------------------|
| EBMUD Account No.           | Alpha   | 11     |                            |
|                             |         |        |                            |
| Customer Name               | Alpha   | 26     |                            |
| Service Address             | Alpha   | 40     |                            |
| BCC Code                    | Alpha   | 4      |                            |
| Meter Size                  | Alpha   | 2      |                            |
| Billing Frequency           | Alpha   | 1      | M – monthly, B – bimonthly |
| January Consumption         | Numeric | 8      | Ccuft, unpacked            |
| February Consumption        | Numeric | 8      | Ccuft, unpacked            |
| March Consumption           | Numeric | 8      | Ccuft, unpacked            |
| April Consumption           | Numeric | 8      | Ccuft, unpacked            |
| May Consumption             | Numeric | 8      | Ccuft, unpacked            |
| June Consumption            | Numeric | 8      | Ccuft, unpacked            |
| July Consumption            | Numeric | 8      | Ccuft, unpacked            |
| August Consumption          | Numeric | 8      | Ccuft, unpacked            |
| September Consumption       | Numeric | 8      | Ccuft, unpacked            |
| October Consumption         | Numeric | 8      | Ccuft, unpacked            |
| November Consumption        | Numeric | 8      | Ccuft, unpacked            |
| December Consumption        | Numeric | 8      | Ccuft, unpacked            |
| Agency Rate Code            | Numeric | 2      |                            |
| Total Annual Agency Charges | Numeric | 10     |                            |



CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Jose Luis Bedolla, Chairperson, Disaster and Fire Safety Commission

Subject: Recommendation to Use Measure FF Funds as Intended by Voters for

Firefighting, Emergency Medical Response, 9-1-1 Communications

Services, Hazard Mitigation, and Wildfire Prevention and Preparedness; to

Not Reduce General Fund Allocations Towards Fire Services; and to

Support Effective Commission Oversight

# RECOMMENDATION

The Disaster and Fire Safety Commission (DFSC) supports revenue generated by the voter-approved *Fire, Emergency Services and Wildfire Prevention Tax* (Measure FF) going towards services described in the Fire Department's 5-year implementation plan, including:

- Wildfire Prevention and Response
- Training and Development
- EMS Operations
- Dispatch

The Commission has reviewed and provided input on expenditure plans described by the Fire Department and is engaged in the process of providing input and oversight prior to the budget being finalized. As these projects advance and line-item budgets continue to be developed in more detail, the Commission expects to follow up with more specific recommendations on funding allocations.

In order to provide effective oversight of Measure FF spending as resolved by City Council, the Commission needs to have the tools and information necessary to do so. This includes:

 Thorough and detailed information about spending plans, including detailed line items and staffing numbers, before budgets are finalized and locked in place (as of December 2021, the commission has not been provided a measure FF budget).

CONSENT CALENDAR June 28, 2022

2. An accounting system that will clearly designate spending from the fund, including job codes that are specific to Measure FF, so that the Commission can easily determine staff time spent on Measure FF-funded activities.

Additionally, in allocating funds towards these critical safety improvements, it is imperative that the City ensures that Measure FF funds are used to supplement, rather than replace, general funding of Berkeley Fire Department costs.

When the City's current fiscal emergency ends, the General Funds allocation to the Fire Department must be increased back to pre-COVID levels, rather than relying on Measure FF funds to fill the gap permanently. <u>Post-crisis, the City must not decrease General Fund spending on Fire Department services while covering the difference using Measure FF funds.</u>

Lastly, several areas of proposed Measure FF expenditures relate closely to the City's Re-Imagining Public Safety effort, including 911 dispatch and related emergency services and the Safe Passages initiative. Council should ensure that all of these related efforts are coordinated to ensure that our public safety dollars are being spent as efficiently and effectively as possible to facilitate maximum progress on all of the City's goals. To this end, the Commission recommends that the DFSC have the opportunity to provide input into the Re-Imagining Public Safety project where it relates to Measure FF-funded programs.

As the body that is charged with oversight of Measure FF spending, the DFSC will continue to work collaboratively with City staff to review and provide input on Measure FF spending plans, to monitor both budget planning and actual spending, and to object to any allocation or spending we believe is improper.

#### FISCAL IMPACTS OF RECOMMENDATION

Following this recommendation will allow Measure FF funds to be fully used to accomplish the safety goals described in the voter guide, while having no impact on General Funds.

If the City had an expectation that a temporary fiscal-emergency reduction in General Fund allocation to the Fire Department could be made permanent once Measure FF funding is available, then the fiscal impact of this recommendation is to eliminate that expectation.

By honoring the voters' intent that this special funding be fully used towards the services described in the 2020 Voter Guide, following this recommendation can maintain or increase the public trust in future similar tax measures, ultimately leading to more voter support for future tax measures.

# CURRENT SITUATION AND ITS EFFECTS

CONSENT CALENDAR June 28, 2022

Measure FF is expected to generate approximately \$8.5 Million in yearly revenue. The City is currently in the process of planning how to spend this money.

The DFSC has reviewed and provided input into the Fire Department's 5-year Measure FF expenditures plan, and the Commission believes that the Fire Department's planned Measure FF spending is broadly consistent with the intentions of Berkeley's voters. The Commission looks forward to continued engagement with staff on funding plans.

If funds are allocated and spent according to the ballot measure, it will accomplish improvements in several DFSC priorities, including but not limited to the following:

- More inspectors to provide increased inspections in the Fire Zones, reducing fire fuel such as dry, overgrown brush and dead timber. This will reduce fire ignitions, slow the spread of any fires that do ignite, and help keep pathways clear for emergency access and egress.
- <u>Increased vegetation management</u> activities, including funding an innovative program for youth jobs that is also a recruitment tool so that more of Berkeley's firefighters can be recruited from among Berkeley's youth.
- <u>Installation and management of a citywide outdoor warning system</u> that will
  provide reliable, universal emergency warnings and will reach all members of the
  community without relying on inconsistent and inequitable alerting systems.
- <u>Improved public education</u> related to wildfire evacuations, including evacuation drills that provide an opportunity for both community members and staff to practice and improve the evacuation process.
- Improved evacuation routes, with dedicated staff time to manage the Safe
  Passages program, to evaluate and document the problem of emergency access
  and egress in the City's Fire Zones and lead an interdepartmental program in
  addressing this problem through parking restrictions, increased enforcement,
  signage, and public education.
- Better planning and decision-making, with staff who can give focused attention to analysis, planning, policy, and protocols; can give the necessary time to researching options to make informed and data-driven decisions; and can interface more effectively with the public – including the Disaster and Fire Safety Commission - in both communications and collaborative planning.

Additional items not listed above include improvements to the 9-1-1 dispatch system, training facility improvements, and funding of new ambulances and technicians. The Fire Department's current five-year funding plan as described to the Disaster and Fire Safety Commission shows the following estimated allocations in each area:

CONSENT CALENDAR June 28, 2022

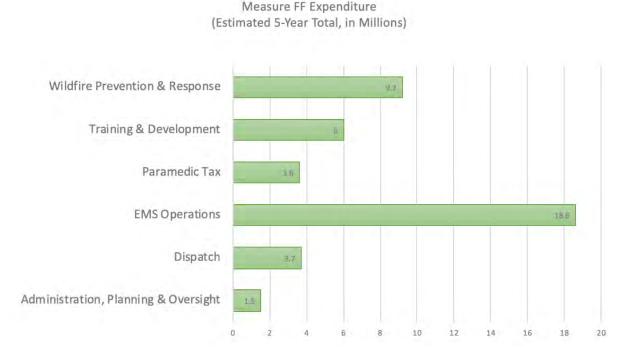


Chart: Measure FF Expenditure, Estimated 5-Year Totals Based on Berkeley Fire Department Presentation to DFSC 1/27/2021

#### **BACKGROUND**

On <u>September 25, 2019</u> and <u>October 23, 2019</u>, The DFSC discussed a possible special assessment for wildfire prevention. Discussions focused on determining what the 1990s-era special assessment in the Berkeley Hills had been, what it had funded, and what funding would be needed today for improved vegetation management inspections in the City's Fire Zones. The topic was also on the DFSC agenda on <u>February 26, 2020</u>, but was tabled.

On <u>June 16, 2020</u>, City Council adopted an ordinance declaring a Fiscal Emergency due to the significant loss of revenue attributable to the COVID-19 pandemic.

On <u>July 6, 2020</u> The DFSC discussed the Measure FF ballot measure at a Special Session and members of the Commission provided input to Fire Department staff.

On <u>July 14, 2020</u> City Council adopted an Omnibus Package including several items in the Re-Imagining Public Safety effort that may overlap with the scope of Measure FF budget items and programs. The Measure FF ballot measure language was drafted prior to this package's adoption.

CONSENT CALENDAR June 28, 2022

On <u>September 22, 2020</u> Berkeley City Council passed a resolution Designating the DFSC as the Citizens' Oversight Committee for Expenditure of the Proceeds of the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF)

In the 9/22/20 resolution, Council stated: "Citizen input and oversight are crucial for transparency and accountability" and "For this purpose, in addition to its other powers, the Commission may: 1) request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as feasible; 2) make recommendations to the City Manager and the City Council as to the rate at which the tax should be set and how any tax proceeds should be spent; and 3) obtain a report on actual expenditures."

On November 3, 2020, Berkeley voters approved Measure FF, by a vote of 74.2% "Yes" vs. 25.8% "No."

The measure authorized a special parcel tax of \$0.1047 per square foot of improvements (i.e., buildings or structures erected or affixed to the land) for each parcel of real property in the City of Berkeley. This tax is estimated to generate \$8.5 million per year.

An impartial analysis by the City Attorney at that time read in part:

"The tax is estimated to generate \$8.5 million annually. The proceeds shall be placed in a special fund to be used only for the following:

- Local firefighter and emergency medical response including hiring and training personnel and upgrading safety equipment and facilities.
- Upgrading and modernizing the 9-1-1 dispatch system to implement and maintain a system to provide emergency medical dispatching.
- Wildfire prevention and preparedness activities including, but not limited to, vegetation management, hazard mitigation, public education, evacuation planning, and an emergency alert system.

On <u>January 27, 2021</u> The DFSC received a presentation, "Department Redesign – Measure FF Implementation Plan," from Fire Department staff on a five-year plan for Measure FF expenditures. Individual members of the Commission provided follow up questions and input to Fire Department staff in the weeks following.

#### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

There is no direct environmental impact of this recommendation.

#### RATIONALE FOR RECOMMENDATION

The DFSC is enthusiastic about the potential for Measure FF funding to accomplish important and urgent improvements to public safety, as intended by voters. The funding

CONSENT CALENDAR June 28, 2022

can pay for numerous actions that have been recommended and supported by the DFSC over the years.

However, if the City's General Funding to the Fire Department is reduced in the coming years, this may have the effect of draining away funding and dedicated staff time from these important safety improvements.

Measure GG was a similar but smaller tax, approved by Berkeley voters in 2008. On August 1, 2018, the DFSC sent a memo to City Council objecting to the City using Measure GG funds to replace, rather than augment, general funding of Berkeley Fire Department overtime costs. See Attachment 1. It is because of this issue with Measure GG expenditures that the DFSC now makes this recommendation to avoid the same problem with Measure FF.

Additionally, effective Commission input and oversight throughout the budget planning process are necessary to ensure that Measure FF funds are put towards safety improvements as intended by voters. The Commission values the opportunity to provide input into budget decisions prior to the budget being finalized each year, as is required by Council's 9/22/20 resolution.

Because a large portion of the Fire Department's planned Measure FF expenditures are for staff time to advance crucial safety efforts, the Commission is also seeking the ability to track what staff time and activities are being charged to Measure FF.

Lastly, the City's Re-Imagining Public Safety effort is closely tied to several projects within the scope of Measure FF spending; it is important that the City coordinate the planning for these related activities, as well as other related activities in various City various departments. The omnibus package adopted by City Council includes the following items that should be coordinated with Measure FF budget items and programs as indicated:

- Analyzing and developing a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit. The Specialized Care Unit may relate to new basic ambulance services being proposed within Measure FF expenditures.
- Creating plans and protocols for calls for service to be routed and assigned to alternative preferred responding entities and consider placing dispatch in the Fire Department or elsewhere outside the Police Department. The proposed Measure FF expenditure plan includes improvements to the Fire Department's 9-1-1 dispatch system and dispatch training facility improvements.
- Pursuing the creation of a Berkeley Department of Transportation ("BerkDoT") to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs and infrastructure, and identify and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations. The proposed Measure FF expenditure plan may not

CONSENT CALENDAR June 28, 2022

include budget for increased parking enforcement needed to realize the City's goals for emergency evacuation under the Safe Passages program. The City should consider whether BerkDoT should address this need.

The Commission would like to have the opportunity to give input to Re-Imagining Public Safety plans where they relate to Measure FF-funded programs; we expect that a member of the DFSC will participate and follow the progress of the Re-Imagining Public Safety effort and the Commission will develop future recommendations on this topic.

# ALTERNATIVE ACTIONS CONSIDERED None.

# CITY MANAGER

The City Manager and the Fire Department Administration will continue to work with the DFSC and share information on services described in the Fire Department's 5-year implementation plan.

The Fire Department will continue to provide quarterly/biennial reports on Measure FF as outlined by Adopted Council Resolution No. 69,575–N.S..

"BE IT FURTHER RESOLVED, in addition to its other powers, the Disaster and Fire Safety Commission may: 1) request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as feasible; 2) make recommendations to the City Manager and the City Council on the expenditure of tax proceeds to enhance public safety consistent the approved purposes in Measure FF, BMC Section 7.83.010.D; and 3) obtain a report on actual expenditures. The City Manager shall cooperate with the Disaster and Fire Safety Commission in providing the information it requests."

We note that the accounting system in place has limitations with regards to reporting, though each Measure FF programs are fully accountable and represented in the reporting system.

As the process for the City's Re-Imagining Public Safety effort continues to be developed, it is the intent of the City Manager and Fire Department Administration to ensure that all of these related efforts are coordinated to facilitate maximum progress on all of the City's goals.

The City Manager and Fire Department Administration agrees with the Disaster and Fire Safety Commission report to the level that is possible and in accordance to the Adopted Council Resolution No. 69,575–N.S.:

"BE IT FURTHER RESOLVED, in addition to its other powers, the Disaster and Fire Safety Commission may: 1) request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as

CONSENT CALENDAR June 28, 2022

feasible; 2) make recommendations to the City Manager and the City Council on the expenditure of tax proceeds to enhance public safety consistent with the approved purposes in Measure FF, BMC Section 7.83.010.D; and 3) obtain a report on actual expenditures. The City Manager shall cooperate with the Disaster and Fire Safety Commission in providing the information it requests."

The Fire Department will continue to share direction, development, and information on the various programs funded through Measure FF. All Measure FF programs and expenditures will be tracked through the current City of Berkeley's Financial Management System called ERMA.

# **CONTACT PERSON**

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-5508

#### Attachments:

- 1: Disaster and Fire Safety Commission Recommendation, 8/1/2018: Objection to Use of Measure GG Funds to Replace, Rather Than Augment, General Funding of Berkeley Fire Department
- 2: Full text of Fire, Emergency Services and Wildfire Prevention Tax (Measure FF)



Disaster and Fire Safety Commission

Date: August 1, 2018

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Paul Degenkolb, Chairperson, Disaster and Fire Safety Commission

Subject: Objection to Use of Measure GG Funds to Replace, Rather Than Augment,

General Funding of Berkeley Fire Department

The Disaster and Fire Safety Commission objects to the City using Measure GG funds to replace, rather than augment, general funding of Berkeley Fire Department overtime costs.

At the 8/1 regular meeting of the Disaster and Fire Safety Commission, the commission approved a motion to submit this memo, Objection to the Use of Measure GG Funds to Replace, Rather Than Augment, General Funding of Berkeley Fire Department: Couzin Second: Stein Vote: 7 Ayes: Grimes, Flasher, Degenkolb, Couzin, Bailey, Stein; 1 No: Legg; 1 Absent: Golomb; 0 Abstain.

Measure GG authorizes a special tax for the purpose of funding fire protection and emergency response and preparedness. Each year, Berkeley taxpayers pay roughly \$5 million into this tax.

In the years since Measure GG was passed, the City has chosen to decrease General Fund spending on Fire Department overtime, and to cover the difference using Measure GG funds. As a result, some Measure GG funds are replacing General Fund spending on fire and emergency purposes, rather than augmenting it.

The Commission estimates that, in effect, this practice siphons \$500,000 to \$1 million per year in Measure GG funds away from fire protection and emergency preparedness uses, with a corresponding increase in General Fund monies available for other uses.

A legal review by City Attorney Farimah Brown dated 4/6/2018 found that Measure GG gives the City broad discretion, and that is it not illegal for the City to reduce General Funds that go toward fire protection and emergency preparedness purposes while making up for the lost funds with Measure GG funding.

Nevertheless, the Commission believes this practice is a disingenuous use of the special tax dollars authorized by Measure GG and does not follow the spirit of the law that was approved by Berkeley voters.

As the body that is charged with oversight of Measure GG spending, the Commission will continue to monitor this spending and object to allocation we believe is improper. We anticipate that improved accounting software will allow the Commission to revisit this question with a more rigorous audit in the next 1-2 years.

The following charts show the decrease in General Funding for Fire Department overtime since the enaction of Measure GG:

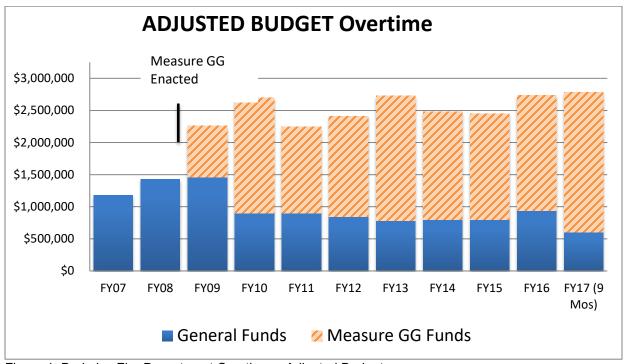


Figure 1: Berkeley Fire Department Overtime – Adjusted Budget Data from City of Berkeley's FUND\$ system

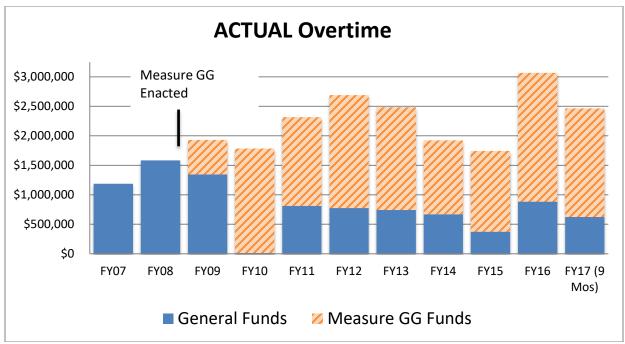


Figure 2: Berkeley Fire Department Overtime – Actual Overtime Data from City of Berkeley's FUND\$ system

The following figure shows an illustration of how the current funding allocation has the same effect as moving Measure GG funding away from its designated Fire Department use and into the General Fund:

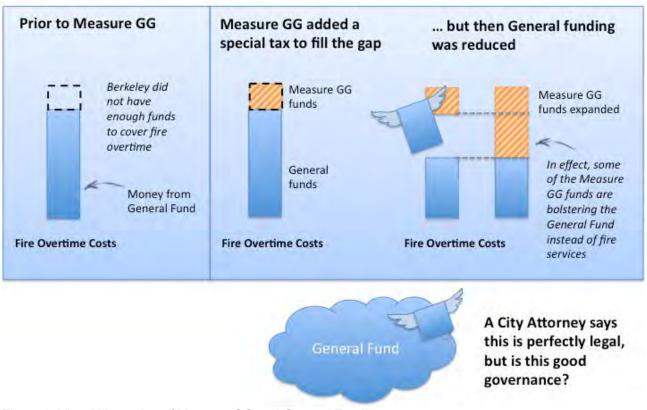


Figure 3: Visual Illustration of Measure GG and General Funding

Shall an ordinance enacting a tax at a rate of \$0.1047 per square foot of improvements, which is estimated to generate \$8.5 million annually for firefighting, emergency medical response, 9-1-1 communications services, hazard mitigation, and wildfire prevention and preparedness, until repealed by the voters, be adopted?

# ORDINANCE NO. #,###-N.S.

# IMPOSING A SPECIAL TAX AT A RATE OF \$0.1047 PER SQUARE FOOT OF IMPROVEMENTS TO PAY FOR FIREFIGHTING, EMERGENCY MEDICAL RESPONSE, 9-1-1 COMMUNICATIONS SERVICES, HAZARD MITIGATION, AND WILDFIRE PREVENTION AND PREPAREDNESS

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

Section 1. Findings and declarations.

The People of the City of Berkeley find and declare as follows:

- A. On June 16, 2020, the City Council adopted an ordinance declaring a Fiscal Emergency due to the significant loss of revenue attributable to the COVID-19 pandemic and does not have adequate resources to maintain existing staffing levels, fill vacant positions, adequately train firefighters and paramedics, maintain and replace equipment and facilities, prepare and plan for wildfires, and upgrade and modernize its 9-1-1 dispatch system.
- B. Over the years, the Fire Department has experienced a significant increase in calls-for-service, rising from approximately 6,300 in 1995 to approximately 16,000 in 2017 without adequate increases in staffing levels. Over the years, this has resulted in increasing response times.
- C. An increasing number of calls in the Fire Department are dedicated to addressing the needs of vulnerable populations including individuals experiencing homelessness and mental health crises and the Fire Department does not have resources dedicated to addressing these vital community needs.
- D. The City's 9-1-1 dispatch center does not have the resources to ensure adequate staffing levels, upgrade its systems, and modernize to include emergency medical dispatching to ensure that the appropriate emergency response services are deployed to 9-1-1 calls-for-service.
- E. The City is vulnerable to wildfires that could impact significant portions of the City and without a consistent source of funding, the City does not have the resources to address wildfire prevention activities such as vegetation management, hazard mitigation, evacuation planning, public education, and an emergency alert system.
- <u>Section 2</u>. <u>Code Amendment</u>. A new Chapter 7.83 is hereby added to the Berkeley Municipal Code to read as follows:

# Chapter 7.83

# Fire, Emergency Medical Response, 9-1-1 Communications Services, Hazard Mitigation, and Wildfire Prevention and Preparedness Tax

# 7.83.010 Special Tax.

A. A special tax for the purpose of funding firefighter and emergency medical response including, but not limited to, training, hiring, maintaining and upgrading facilities and equipment, upgrades to the 9-1-1 communication system, and wildfire prevention and preparedness activities is hereby authorized to be imposed on all improvements in the City of Berkeley as more fully set forth in this Chapter.

- B. The City Council may impose the tax authorized by this Chapter at the rate and subject to the inflation adjustments, set forth in Section 7.83.020.
- C. This special tax is imposed under Article XIIIA, Section 4, of the California Constitution and the City's constitutional authority as a charter city under Article XI, Section 5 of the California Constitution.
- D. The proceeds of the tax imposed by this Chapter shall be placed in a special fund to be used only for the purpose of enhancing public safety by funding the following:
  - 1. Local firefighter and emergency medical response including hiring and training personnel and upgrading safety equipment and facilities.
  - 2. Upgrading and modernizing the 9-1-1 dispatch system to implement and maintain a system to provide emergency medical dispatching.
  - 3. Wildfire prevention and preparedness activities including, but not limited to, vegetation management, hazard mitigation, public education, evacuation planning, and an emergency alert system.

# 7.83.020 Tax Authorized – Tax rate – Adjustments for Inflation

A. The City Council is hereby authorized to impose a special tax of \$0.1047 per square foot of improvements in the City of Berkeley.

B. Annually in May, the City Council may increase the previous year's tax by up to the greater of the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor statistics. If either index referred to above is discontinued, the City shall use any successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

#### 7.83.030 Definitions.

For purposes of this chapter, the following terms shall be defined as set forth below:

- A. "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."
- B. "Improvements" shall mean all buildings or structures erected or affixed to the land.
- C. "Square footage" shall mean the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding paragraph 3 below, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:
  - 1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
  - 2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools, and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.
  - 3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display storage, service, or production areas.
- D. "Structure" shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- E. "Parcel" shall mean a unit of real estate in one ownership as shown on the most current official assessment roll of the Alameda County Assessor.

# **7.83.040 Exemptions.**

- A. The tax imposed by this Chapter shall not apply to parcels and improvements exempt from taxation by the City pursuant to the laws or constitutions of the United States and the State of California.
- B. The tax imposed by this Chapter shall not apply to any property owned by any person whose total personal income, from all sources, for the previous calendar year, does not exceed that level which shall constitute "very low-income," as may be established by resolution of the City Council. Any taxpayer claiming the exemption under this section shall be required to demonstrate their entitlement thereto annually

by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee, and shall provide and/or be accompanied by such information as the City Manager shall require, including but not limited to, federal income tax returns and W-2 forms.

C. Any person or entity claiming an exemption from the tax imposed by this Chapter shall file a verified statement of exemption on a form prescribed by the City Manager prior to June 30th of the first fiscal year for which the exemption is sought

# 7.83.050 Duties and Authority of the City Manager.

It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter and to keep an accurate record thereof. The City Manager is charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments.

# 7.83.060 Collection with Property Tax – Penalties and Interest.

The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Alameda on behalf of the City of Berkeley. The special tax imposed by this Chapter, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and shall constitute a personal obligation of the owners of the parcel on the date the tax is due.

# 7.83.070 Collection.

The amount of any tax, penalty, or interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. The City shall be entitled to reasonable attorneys' fees and its costs of suit in any such action.

#### 7.83.080 Refunds.

Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in Chapter 7.20 of the Berkeley Municipal Code or any such successor chapter.

#### 7.83.090 Savings clause – Severability.

The provisions of this chapter shall not apply to any person, association, corporation, entity, or property as to whom or which it is beyond the power of the City of Berkeley to impose the tax herein provided. If any sentence, clause, section, or part of this chapter, or any tax against any individual or any of the several groups specified herein

is found to be unconstitutional, illegal, or invalid, such sentence, clause, section or part shall be severable and such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section, or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the City Council and the People of the City of Berkeley that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

# 7.83.100 Violation - Penalty.

Any person who fails to perform any duty or obligation imposed by this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code. The penalties provided in this section are in addition to the several remedies provided in this chapter.

<u>Section 3.</u> <u>Increase appropriations limit.</u> Pursuant to California Constitution Article XIIIB, the appropriation limit for the City of Berkeley is hereby increased by the aggregate sum authorized to be levied by this special tax for each of the four fiscal years from 2021 through 2024.

<u>Section 4.</u> <u>Effective date.</u> The tax imposed by this Chapter shall be operative on January 1, 2021.

<u>Section 5.</u> <u>Amendment, repeal, and reenactment.</u> The City Council may repeal this ordinance, or amend it in any manner that does not result in an increase in the tax imposed herein, or add or modify exemptions, without further voter approval. If the City Council repeals this ordinance, it may subsequently reenact it without voter approval, as long as the reenacted ordinance does not result in an increase in the tax imposed herein.

<u>Section 6.</u> <u>California Environmental Quality Act Requirements.</u> This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065 and CEQA Guidelines sections 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section 21080, subdivision (b)(8), and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services.

<u>Section 7.</u> <u>Special Tax; Two Thirds Vote Requirement.</u> This Ordinance imposes a special tax for restricted general revenue purposes and shall be effective only if approved by two-thirds of the voters voting thereon.

#### ORDINANCE NO. #,###-N.S.

# IMPOSING A SPECIAL TAX AT A RATE OF \$0.1047 PER SQUARE FOOT OF IMPROVEMENTS TO PAY FOR FIREFIGHTING, EMERGENCY MEDICAL RESPONSE, 9-1-1 COMMUNICATIONS SERVICES, HAZARD MITIGATION, AND WILDFIRE PREVENTION AND PREPAREDNESS

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

Section 1. Findings and declarations.

The People of the City of Berkeley find and declare as follows:

- A. On June 16, 2020, the City Council adopted an ordinance declaring a Fiscal Emergency due to the significant loss of revenue attributable to the COVID-19 pandemic and does not have adequate resources to maintain existing staffing levels, fill vacant positions, adequately train firefighters and paramedics, maintain and replace equipment and facilities, prepare and plan for wildfires, and upgrade and modernize its 9-1-1 dispatch system.
- B. Over the years, the Fire Department has experienced a significant increase in calls-for-service, rising from approximately 6,300 in 1995 to approximately 16,000 in 2017 without adequate increases in staffing levels. Over the years, this has resulted in increasing response times.
- C. An increasing number of calls in the Fire Department are dedicated to addressing the needs of vulnerable populations including individuals experiencing homelessness and mental health crises and the Fire Department does not have resources dedicated to addressing these vital community needs.
- D. The City's 9-1-1 dispatch center does not have the resources to ensure adequate staffing levels, upgrade its systems, and modernize to include emergency medical dispatching to ensure that the appropriate emergency response services are deployed to 9-1-1 calls-for-service.
- E. The City is vulnerable to wildfires that could impact significant portions of the City and without a consistent source of funding, the City does not have the resources to address wildfire prevention activities such as vegetation management, hazard mitigation, evacuation planning, public education, and an emergency alert system.
- <u>Section 2</u>. <u>Code Amendment</u>. A new Chapter 7.83 is hereby added to the Berkeley Municipal Code to read as follows:

# Chapter 7.83

# Fire, Emergency Medical Response, 9-1-1 Communications Services, Hazard Mitigation, and Wildfire Prevention and Preparedness Tax

# 7.83.010 Special Tax.

A. A special tax for the purpose of funding firefighter and emergency medical response including, but not limited to, training, hiring, maintaining and upgrading facilities and equipment, upgrades to the 9-1-1 communication system, hazard mitigation, and wildfire prevention and preparedness activities is hereby authorized to be imposed on all improvements in the City of Berkeley as more fully set forth in this Chapter.

- B. The City Council may impose the tax authorized by this Chapter at the rate and subject to the inflation adjustments, set forth in Section 7.83.020.
- C. This special tax is imposed under Article XIIIA, Section 4, of the California Constitution and the City's constitutional authority as a charter city under Article XI, Section 5 of the California Constitution.
- D. The proceeds of the tax imposed by this Chapter shall be placed in a special fund to be used only for the purpose of enhancing public safety by funding the following:
  - 1. Local firefighter and emergency medical response including hiring and training personnel and upgrading safety equipment and facilities.
  - 2. Upgrading and modernizing the 9-1-1 dispatch system to implement and maintain a system to provide emergency medical dispatching.
  - 3. Wildfire prevention and preparedness activities including, but not limited to, vegetation management, hazard mitigation, public education, evacuation planning, and an emergency alert system.

# 7.83.020 Tax Authorized – Tax rate – Adjustments for Inflation

A. The City Council is hereby authorized to impose a special tax of \$0.1047 per square foot of improvements in the City of Berkeley.

B. Annually in May, the City Council may increase the previous year's tax by up to the greater of the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor statistics. If either index referred to above is discontinued, the City shall use any successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

#### 7.83.030 Definitions.

For purposes of this chapter, the following terms shall be defined as set forth below:

- A. "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."
- B. "Improvements" shall mean all buildings or structures erected or affixed to the land.
- C. "Square footage" shall mean the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding paragraph 3 below, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:
  - 1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
  - 2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools, and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.
  - 3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display storage, service, or production areas.
- D. "Structure" shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- E. "Parcel" shall mean a unit of real estate in one ownership as shown on the most current official assessment roll of the Alameda County Assessor.

# **7.83.040 Exemptions.**

- A. The tax imposed by this Chapter shall not apply to parcels and improvements exempt from taxation by the City pursuant to the laws or constitutions of the United States and the State of California.
- B. The tax imposed by this Chapter shall not apply to any property owned by any person whose total personal income, from all sources, for the previous calendar year, does not exceed that level which shall constitute "very low-income," as may be established by resolution of the City Council. Any taxpayer claiming the exemption under this section shall be required to demonstrate their entitlement thereto annually

by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee, and shall provide and/or be accompanied by such information as the City Manager shall require, including but not limited to, federal income tax returns and W-2 forms.

C. Any person or entity claiming an exemption from the tax imposed by this Chapter shall file a verified statement of exemption on a form prescribed by the City Manager prior to June 30th of the first fiscal year for which the exemption is sought

# 7.83.050 Duties and Authority of the City Manager.

It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter and to keep an accurate record thereof. The City Manager is charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments.

# 7.83.060 Collection with Property Tax – Penalties and Interest.

The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Alameda on behalf of the City of Berkeley. The special tax imposed by this Chapter, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and shall constitute a personal obligation of the owners of the parcel on the date the tax is due.

# 7.83.070 Collection.

The amount of any tax, penalty, or interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. The City shall be entitled to reasonable attorneys' fees and its costs of suit in any such action.

#### 7.83.080 Refunds.

Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in Chapter 7.20 of the Berkeley Municipal Code or any such successor chapter.

#### 7.83.090 Savings clause – Severability.

The provisions of this chapter shall not apply to any person, association, corporation, entity, or property as to whom or which it is beyond the power of the City of Berkeley to impose the tax herein provided. If any sentence, clause, section, or part of this chapter, or any tax against any individual or any of the several groups specified herein

is found to be unconstitutional, illegal, or invalid, such sentence, clause, section or part shall be severable and such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section, or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the City Council and the People of the City of Berkeley that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

# 7.83.100 Violation - Penalty.

Any person who fails to perform any duty or obligation imposed by this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code. The penalties provided in this section are in addition to the several remedies provided in this chapter.

<u>Section 3.</u> <u>Increase appropriations limit.</u> Pursuant to California Constitution Article XIIIB, the appropriation limit for the City of Berkeley is hereby increased by the aggregate sum authorized to be levied by this special tax for each of the four fiscal years from 2021 through 2024.

<u>Section 4.</u> <u>Effective date.</u> The tax imposed by this Chapter shall be operative on January 1, 2021.

<u>Section 5.</u> <u>Amendment, repeal, and reenactment.</u> The City Council may repeal this ordinance, or amend it in any manner that does not result in an increase in the tax imposed herein, or add or modify exemptions, without further voter approval. If the City Council repeals this ordinance, it may subsequently reenact it without voter approval, as long as the reenacted ordinance does not result in an increase in the tax imposed herein.

Section 6. California Environmental Quality Act Requirements. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065 and CEQA Guidelines sections 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section 21080, subdivision (b)(8), and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services.

<u>Section 7.</u> <u>Special Tax; Two Thirds Vote Requirement.</u> This Ordinance imposes a special tax for restricted general revenue purposes and shall be effective only if approved by two-thirds of the voters voting thereon.



CONSENT CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Mental Health Commission

Submitted by: Dr. Margaret Fine, Mental Health Commission Chair

Subject: Appointment of Mary-Lee Smith and Glenn Turner to Mental Health

Commission for the City of Berkeley

# RECOMMENDATION

Adopt a Resolution appointing: Mary-Lee Smith as a representative of the Special Public Interest Category (consumer), to complete her first 3- year term beginning June 29, 2022 and ending June 28, 2025; and Glenn Turner as a representative of the Special Public Interest Category (family member), to complete her first 3-year term beginning June 29, 2022 and ending June 28, 2025.

# FISCAL IMPACTS OF RECOMMENDATION

None.

#### **CURRENT SITUATION AND ITS EFFECTS**

The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently seven vacancies on the Commission. The Mental Health Commission is actively seeking candidates with the ability to fulfill the state law duties for Commissioners, including reviewing and evaluating the community's needs, services, facilities and special problems. Approval of the recommended action will fill two vacancies and allow the Commission to move one step closer to having a full and diverse complement of commissioners.

### **BACKGROUND**

California State law requires that appointments to the Mental Health Commission meet specific categories, who may serve up to nine years consecutively. The general public interest category may include anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty percent or nine of the commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

The Mental Health Commission nominated Mary-Lee Smith as a special public interest consumer applicant for appointment to the Mental Health Commission for the City of Berkeley for a three-year term. Mary-Lee Smith has been a resident of Berkeley since 2001. She is a full-time mom, organizer, activist for racial justice, and has previously worked an attorney for Disability Rights Advocates. She began as a staff attorney, then progressed to managing attorney, and finally became Director of Litigation over more than 10 years. She is interested in community response to mental health issues based on her lived and advocacy experience.

Mary-Lee Smith is involved with Showing Up for Racial Justice (SURJ) Bay Area. She volunteers for Community Ready Corps Allies and Accomplices as well as the Anti-Police Terror Project that operates the M.H. FIRST community first response programs located in Oakland and Sacramento. Three important mental health issues to her are the lack of a non-police response, people with mental health who are unhoused, and the criminalization of these individuals with mental illness.

Glenn Turner has been a life-long resident of Berkeley since 1977. The Mental Health Commissioners nominated Glenn Turner for appointment to the Commission as a special interest family member for a three-year term. Her daughter, Hazel, struggled with schizoaffective disorder and substance use. In 2019, her daughter tragically died at age 49 from untreated heart disease resulting from refusal of medical care. Glenn also works with FASMI (Families Advocating for the Seriously Mentally III) at the county and state levels.

She is currently retired after serving the spiritual needs of Black, Brown, new age, and Queer people at her Berkeley retail business for more than 30 years. She brings legal, financial, operational, and other important skills to the Mental Health Commission. She is also a member of Berkeley Copwatch, Care Not Cops, Creative Action Theater, and has done planning and logistics for the Climate Emergency Task Force.

Glenn supports an alternative non-police response team like the SCU, additional crisis centers for people with SMI and SUD, additional psychiatric hospital beds and subacute facility beds for follow-up care, and a continuum of ongoing care for people.

The Mental Health Commission passed the following motions at the April 28, 2022 meeting:

M/S/C (Fine, Jones) Make a motion to nominate Mary-Lee Smith for the Mental Health Commission and send the nomination to the Berkeley City Council for approval as a Mental Health Commissioner. Ayes: Escarcega, Fine, Jones, Opton, Prichett; Noes: None; Abstentions: None; Absent: Taplin.

M/S/C (Fine, Prichett) Make a motion to nominate Glenn Turner for appointment to the Mental Health Commission and send the nomination to the Berkeley City Council for appointment. Ayes: Fine, Jones, Opton, Prichett; Noes: None; Abstentions: Escarcega; Absent: Taplin.

# **ENVIRONMENTAL SUSTAINABILITY**

There are no identifiable environmental effects or opportunities associated with the subject of this report.

# RATIONALE FOR RECOMMENDATION

Approval of the recommended action will allow the Mental Health Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

# ALTERNATIVE ACTIONS CONSIDERED

None.

# **CITY MANAGER**

The City Manager takes no position

#### **CONTACT PERSON**

Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

#### Attachments:

1: Resolution

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

# APPOINTMENT OF MARY-LEE SMITH AND GLENN TURNER TO THE MENTAL HEALTH COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee*), six special public interest appointments, and four general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of diverse appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Ms. Mary-Lee Smith has an investment in the mental health community and has personal lived experience,

WHEREAS, Ms. Glenn Turner has volunteered within the community and is a family member of a person with lived experience,

WHEREAS, the Mental Health Commission at its April 28, 2022 meeting recommended appointments of Mary-Lee Smith and Glenn Turner.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints Mary-Lee Smith as a representative of the Special Public Interest consumer category, to complete her first term ending June 28, 2025; and Glenn Turner as a representative of the Special Public Interest family category, to complete her first term ending June 28, 2025.



CONSENT CALENDAR June 28, 2022

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín (Author), Councilmember Susan Wengraf (Co-

Sponsor), Councilmember Sophie Hahn (Co-Sponsor)

Subject: Suspension of Sister City Relations with Dmitrov, Russia and Ulan-Ude, Russia

#### RECOMMENDATION

Adopt a Resolution to suspend Sister City relations with the cities of Dmitrov, Russia and Ulan-Ude until Russian hostilities against Ukraine come to an end.

#### **BACKGROUND**

The City of Berkeley currently has 17 Sister City relationships, including two in Russia. Dmitrov, located just north of Moscow, was established in 1991, and Ulan-Ude, located in Siberia near Lake Baikal, was established in 1992. Despite an initial warm response to the establishment of these Sister Cities, there has been no known formal communication between Berkeley and Dmitrov and Ulan-Ude since the early 1990s.

On February 24, 2022, Russian President Vladimir Putin initiated a full-scale invasion of Ukraine, sparking international outrage. At least 15 million civilians, out of a population of around 40 million, have been displaced so far. Entire cities have been flattened from indiscriminate bombing. The United Nations has verified at least 4,183 civilian deaths as of June 3, but concedes that the actual number is significantly higher. According to Ukraine's top prosecutor, 15,000 war crimes have allegedly been committed with 200-300 war crimes being reported daily. The International Criminal Court is currently investigating such allegations, and war crime trials are already taking place within Ukraine by their national government. As of early June, 2022, Russia is estimated to occupy about 20% of Ukrainian territory, mostly in the southeastern Black Sea area and the eastern Donbas region, which has been in a state of war with Russian-backed separatists since 2014. Also in 2014, Russia forcefully annexed the southern region of Crimea from Ukraine.

On June 4, 2022, Ukrainian President Volodymyr Zelensky spoke at the 90<sup>th</sup> annual US Conference of Mayors meeting, calling upon US cities to sever ties with Russian sister cities. As of April 21, an estimated 10% of US-Russian sister city relations have been suspended or ended.

Since the War in Ukraine started, Berkeley has taken multiple actions to support the people of Ukraine and oppose Russia's aggression. Just two days before the invasion

Suspension of Dmitrov and Ulan-Ude Sister Cities

CONSENT CALENDAR June 28, 2022

began, the Council passed an urgency item in support of Ukraine and its territorial integrity. The Ukrainian flag was authorized to fly at the Civic Center flagpole during the first month of the war, with two rallies taking place that brought together the local Ukrainian diaspora. On June 14, the Council adopted a Resolution urging an immediate ceasefire in the War in Ukraine and to convene peaceful negotiations to bring an end to hostilities.

#### **FINANCIAL IMPLICATIONS**

None

#### **ENVIRONMENTAL SUSTAINABILITY**

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

Page 2

#### **CONTACT PERSON**

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

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

#### SUSPENSION OF SISTER CITY STATUS WITH DMITROV AND ULAN-UDE

WHEREAS, the City of Berkeley currently has 17 Sister Cities, which are designed to promote human rights, culture, and education through peaceful exchanges; and

WHEREAS, the City of Berkeley has two Sister Cities that are located in Russia – Dmitrov which was established through Resolution No. 55,889-N.S. on May 21, 1991, and Ulan-Ude which was established through Resolution No. 56,236-N.S on January 7, 1992; and

WHEREAS, on February 24, 2022, Russia initiated a full-scale invasion of Ukraine, which to date has displaced over 15 million people, killed thousands of civilians, and allegedly has resulted in thousands of war crimes which are currently being investigated; and

WHEREAS, the City of Berkeley has taken multiple steps since February to support Ukraine and oppose Russian aggression, including an urgency resolution that supports the country's territorial integrity, rallies and Ukrainian flag raisings, and calls for an immediate ceasefire; and

WHEREAS, on June 3, Ukrainian President President Volodymyr Zelensky spoke at the 90<sup>th</sup> annual US Conference of Mayors meeting, calling upon US cities to sever ties with Russian sister cities; and

WHEREAS, having active Sister Cities with cities in countries whose governments have committed unprovoked acts of war and are allegedly committing active acts of war crimes is antithetical to Berkeley values.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby suspends its Sister City status with the cities of Dmitrov, Russia, and Ulan-Ude, Russia until Russian hostilities against Ukraine come to an end.

BE IT FURTHER RESOLVED that this action is not to be considered a referendum against the citizens of Dmitrov and Ulan-Ude, but serves as a statement of opposition to the Russian government's invasion of Ukraine.



CONSENT CALENDAR
June 28, 2022

To: Honorable Mayor and Members of the City Council

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

Councilmember Hahn (Co-Sponsor),

Subject: Support for AB 2156 – Firearms: manufacturers

#### RECOMMENDATION

Send a letter to Assemblymember Buffy Wicks and the state legislature in support of Assembly Bill 2156, which would prohibit the manufacture of unlicensed firearms and precursor parts, commonly known as "ghost guns."

#### FINANCIAL IMPLICATIONS

None.

#### **BACKGROUND**

Under existing law, federally licensed firearms manufacturers are prohibited from manufacturing or selling firearms in California without a state license if they manufacture more than 50 firearms in a calendar year. Assembly Bill 2156 would lower the state's manufacturing threshold for requiring state licensure from 50 firearms per year to 4.

On October 12, 2021, the Berkeley City Council unanimously passed Ordinance 7789-N.S., adding Chapter 13.73 to the Berkeley Municipal Code to prohibit the sale, distribution and possession of nonserialized firearms and precursor parts ("ghost guns"). This law went into full effect on May 28, 2022, after a six-month grace period to enable sufficient notification of the policy change.

Ghost guns are an increasingly dangerous threat to public safety. According to the Berkeley Police Department's 2021 Year-End Crime and Collision Data Report, 33 of the firearms that BPD seized in 2021 were ghost guns, compared to 6 in 2020 and 8 in 2019.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS None.

#### **CONTACT PERSON**

Councilmember Taplin Council District 2 510-981-7120

The Honorable Buffy Wicks State Capitol Sacramento, CA 95814

CC:

Senator Nancy Skinner
Assembly Speaker Anthony Rendon

RE: Support: AB-2156: Firearms: manufacturers

Dear Assemblymember Wicks:

The City Council of the City of Berkeley is proud to write in support of your bill, AB-2156, which would lower the annual manufacturing threshold requiring state licensure for firearms manufacturers from 50 to 4. As gun violence and homicides have tragically increased across the country, increasing state oversight over gun manufacturers is an imperative for safeguarding public safety in California.

According to the Berkeley Police Department's 2021 Year-End Crime and Collision Data Report, our police officers recovered a total of 118 firearms in 2021, a 39% increase from the previous year. 33 of those firearms were unserialized "ghost guns," often manufactured from precursor parts that can be easily purchased without any of the responsible licensure that law-abiding gun owners observe. Tragically, gun violence has also increased in Berkeley over the past two years, with shootings already robbing two Berkeleyans of their lives this year.

On October 12, 2021, the Berkeley City Council unanimously passed Ordinance 7789-N.S., adding Chapter 13.73 to the Berkeley Municipal Code to prohibit the sale, distribution and possession of ghost guns. This law went into full effect on May 28, 2022, after a six-month grace period to enable sufficient notification of the policy change. The City of Berkeley has gone to great lengths to use all available powers under its jurisdiction to reduce the proliferation of firearms in our community. The state legislature of California must use its greater powers to enable even greater harm reduction. We are confident that your bill would provide stronger safeguards against the distribution of illegal firearms across California, and we welcome this much-needed change.

Thank you for your time and attention to this urgent matter.

Sincerely,

The Berkeley City Council 2180 Milvia St Berkeley, CA 94709



CONSENT CALENDAR
June 28, 2022

To: Honorable Mayor and Members of the City Council

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

Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Subject: Support for AB-256 (Racial Justice Act for All)

#### RECOMMENDATION

Send a letter to Assemblymember Ash Kalra (D-San Jose) and the state legislature in support of Assembly Bill 256, the Racial Justice Act for All, which would apply Kalra's previous bill, AB 2542 (2020) retroactively to enable appeals of past convictions and sentences made with racial bias.

#### FINANCIAL IMPLICATIONS

None.

#### **BACKGROUND**

In 2020, Governor Newsom signed Assembly Bill 2542 (Kalra, 2020) which allowed for people with convictions and sentences based on racial biases to challenge their case. However, the bill only applied to judgments made after January 1, 2021.

Assembly Bill 256 would apply the law retroactively to enable appeals for cases prior to that date. In 2021, the bill was held in the Senate Appropriations Committee and became a two-year bill.

The bill is sponsored by the American Civil Liberties Union (ACLU), American Friends Service Committee, California Coalition for Women Prisoners, Californians United for a Responsible Budget, Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), Initiate Justice, Ella Baker Center for Human Rights, the League of Women Voters of California, NextGen, and Silicon Valley De-Bug.

AB-2542 (2020) was introduced to address judicial precedent which greatly inhibited defendants' ability to appeal against racial discrimination in criminal cases. In 1987, the US Supreme Court ruled in *McCleskey v. Kemp* that statistical evidence of racial bias was insufficient to show a constitutional violation—in this case, a death penalty sentence for a Black defendant—requiring instead that a defendant show "exceptionally clear proof" of discrimination under the facts of his or her own case. This set up a virtually impossible evidentiary standard which is higher than the "disparate impact"

AB-2156

CONSENT CALENDAR June 28, 2022

standard applicable in fair housing and employment laws. After his retirement, Justice Lewis Powell expressed regret for his vote for the majority in *McCleskey*.<sup>1</sup>

Nevertheless, the majority opinion in *McClesky* held that state legislatures could address racial bias in state law. Prior to the passage of AB-2542, convictions and sentences were routinely upheld in California in the face of blatant racial bias, ranging from unrepresentative jury trials, racist statements by judges and prosecutors, or statistical evidence of systematic bias in sentencing.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS None.

**CONTACT PERSON** 

Councilmember Taplin Council District 2

cil District 2 510-981-7120

<sup>&</sup>lt;sup>1</sup> Liptak, A. (2008). New Look at Death Sentences and Race. *New York Times*. Retrieved from <a href="https://www.nytimes.com/2008/04/29/us/29bar.html">https://www.nytimes.com/2008/04/29/us/29bar.html</a>

The Honorable Ash Kalra State Capitol Sacramento, CA 95814

CC:

Assemblymember Buffy Wicks Senator Nancy Skinner Assembly Speaker Anthony Rendon

RE: Support: AB-256 (Racial Justice for All Act)

Dear Assemblymember Kalra:

The City Council of the City of Berkeley is proud to support of your bill, AB-256, which would enable appeals of convictions and sentences made with racial bias prior to January 1, 2021.

As you know, former US Supreme Court Justice Lewis Powell expressed regret after his retirement for his vote for the majority in *McCleskey v. Kemp* (1987). The *McCleskey* ruling placed an impossible evidentiary standard for defendants to appeal convictions or sentences with clear racial bias by requiring "exceptionally clear proof" of discrimination in their specific case. Other civil rights laws enable the evidentiary standard of "disparate impact" for finding racial bias, since racial biases are often unconsciously applied as a result of deeper systemic inequalities. Californians should be able to appeal their convictions and sentences without having to prove, somehow, that their case was decided with a specific bias in one instance rather than the result of systemic biases.

Your previous bill, AB-2543, was a step in the right direction. We urge the state legislature to pass AB-256 so that this important reform can be applied retroactively.

Thank you for your courageous leadership on restorative justice.

Sincerely,

The Berkeley City Council 2180 Milvia St Berkeley, CA 94709



CONSENT CALENDAR
June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Parking Minima for Mixed-Use Projects and Manufacturing Districts

#### RECOMMENDATION

Refer to the City Manager and Planning Commission to develop amendments to Berkeley Municipal Code Chapter 23 Section 322 and return an Ordinance to Council with such amendments to include the following:

- In BMC 23.322.030(B)(1), Table 23.322-2:
  - o remove "(residential use only)" from Mixed-Use Residential category;
  - reduce "Live/Work" off-street parking requirements to, at most, 1 space per unit;
  - reduce "Manufacturing" off-street parking requirements to, at most, 1 space per 1,500 gross square feet;
  - o reduce off-street parking requirements for "All non-residential uses except uses listed below" to, at most, 1 space per 1,000 square feet.
- In BMC 23.322.020(C)(2)(i): reduce district minimum parking requirements to 1 space per 1,000 square feet at most in Manufacturing Districts.

# FINANCIAL IMPLICATIONS Staff time.

#### **CURRENT SITUATION AND ITS EFFECTS**

Reducing minimum parking requirements is a Strategic Plan Priority Project, advancing our goals to create affordable housing and housing support service for our most vulnerable community members, and to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

On March 19, 2021, a parking reform ordinance (Ordinance 7,751-N.S.) became effective after being adopted by the City Council, eliminating minimum residential parking requirements across all zoning districts (except in the ES-R district, and except in the Hillside Overlay district on roads less than 26 feet in width) and requiring Transportation Demand Management (TDM) measures for projects with ten or more

Parking Minima CONSENT CALENDAR

units. However, this policy change only applied to residential uses, and to the residential portions of mixed-use projects.

Several mixed-use projects have been permitted in Berkeley with off-street parking spaces required for non-residential uses that could have otherwise provided more housing near transit. For example, 1717 University Ave. (Use Permit #2016-0101) has 28 dwelling units (including 4 Below Market-Rate) and 14 parking spaces. Four of those spaces on the ground floor could have been additional housing units.

#### **BACKGROUND**

Minimum parking requirements have been shown to increase the cost of housing by discouraging the construction of smaller, lower-cost units that can be offered at lower prices<sup>1</sup> and reducing the overall supply of housing.<sup>2</sup> Cities that have removed minimum parking requirements for non-residential uses have also seen improved outcomes. In Arkansas, the City of Fayetteville removed commercial parking requirements entirely in 2015, and as a result, saw many long-term vacant commercial buildings revived with new businesses<sup>3</sup> and rising wages.<sup>4</sup> In New York, the City of Buffalo removed parking minimums citywide in 2017. Following this change, researchers found that "47% of major developments included fewer parking spaces than previously permissible, suggesting earlier minimum parking requirements may have been excessive." In particular, mixed-use projects provided 53% fewer parking spaces.<sup>5</sup>

While originally adopted in 1993 as Resolution No. 57,301-N.S., the West Berkeley Plan anticipated increased parking demand resulting from development in West Berkeley, including in Manufacturing Zones. These were addressed in Section 4 of the Environmental Impact Report for Transportation impacts, including a Transportation Demand Management (TDM) program, increased transit service, and employer-provided shuttle service.<sup>6</sup> However, the EIR's measure of transportation impact was "Level of Service," a now-outdated metric for automobile convenience that has been replaced by Vehicle Miles Traveled (VMT) or the aggregate demand for automobile travel, pursuant to Senate Bill 743 (2013).<sup>7</sup>

Page 2 372

<sup>&</sup>lt;sup>1</sup> Lehe, L. (2018). Minimum parking requirements and housing affordability. *Journal of Transport and Land Use*, *11*(1), 1309-1321.

<sup>&</sup>lt;sup>2</sup> Gabbe, C. J., Pierce, G., & Clowers, G. (2020). Parking policy: The effects of residential minimum parking requirements in Seattle. *Land Use Policy*, *91*, 104053.

<sup>&</sup>lt;sup>3</sup> Gould, C. (2022). No Minimum Parking Requirements? No Problem For Fayetteville, Arkansas. *Sightline Institute*. Retrieved from <a href="https://www.sightline.org/2022/02/22/no-minimum-parking-requirements-no-problem-for-fayetteville-arkansas/">https://www.sightline.org/2022/02/22/no-minimum-parking-requirements-no-problem-for-fayetteville-arkansas/</a>

<sup>&</sup>lt;sup>4</sup> Jebaraj, M., & Sorto, D. (2021). Northwest Arkansas State of the Region Report 2021. State of the Northwest Arkansas Region Report. Retrieved from https://scholarworks.uark.edu/nwaregion/12

<sup>&</sup>lt;sup>5</sup> Hess, D. B., & Rehler, J. (2021). Minus Minimums: Development Response to the Removal of Minimum Parking Requirements in Buffalo (NY). *Journal of the American Planning Association*, *87*(3), 396-408.

<sup>&</sup>lt;sup>6</sup> https://berkeleyca.gov/sites/default/files/2022-

<sup>03/12</sup>\_14\_1993%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2057301%3B%20West %20Berkeley%20Area%20Plan%3B.pdf

<sup>&</sup>lt;sup>7</sup> https://mtc.ca.gov/planning/transportation/driving-congestion-environment/sb-743-los-vmt-transition

Parking Minima CONSENT CALENDAR

#### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

Data from Seattle<sup>8</sup> and Buffalo<sup>9</sup> suggests that developers provide more parking than needed when required to do so, but will otherwise provide a lower, though often non-zero amount of parking spaces. Minimum parking requirements thus effectively subsidize automobile travel at the expense of other land uses by reserving more land for automobile storage. Research has found that a greater supply of free or underpriced parking increases Vehicle Miles Traveled (VMT) per capita and increases emissions from the transportation sector by reducing parking availability and increasing time spent searching for parking.<sup>10</sup> Transportation comprised 59% of the City of Berkeley's greenhouse gas emissions in 2018.

However, because of Berkeley's lower average per capita emissions relative to the region and the state at large, Wheeler et al (2018) concluded that cities like Berkeley have the most potential to reduce carbon emissions through local policy by enabling more urban infill housing. Even in wealthier neighborhoods with higher than average carbon footprints per capita, the authors observed that cities in the urban core still "have lower than average carbon footprints for their income level," and thus: "Low carbon footprint cities that make housing available at all income levels help share the burden of meeting housing demand, while lessening the impact on the climate across the population." 11

**CONTACT PERSON** 

Councilmember Taplin Council District 2 510-981-7120

Page 3 373

<sup>&</sup>lt;sup>8</sup> See footnote 2.

<sup>&</sup>lt;sup>9</sup> See footnote 5.

<sup>&</sup>lt;sup>10</sup> Shoup, D. C. (2006). Cruising for parking. *Transport policy*, *13*(6), 479-486.

<sup>&</sup>lt;sup>11</sup> Wheeler, S. M., Jones, C. M., & Kammen, D. M. (2018). Carbon footprint planning: quantifying local and state mitigation opportunities for 700 California cities. *Urban Planning, 3*(2), 35-51.



CONSENT CALENDAR
June 28, 2022

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

From: Councilmember Sophie Hahn (Author), Councilmember Susan Wengraf

(Co-Sponsor)

**Subject:** Holding Social Media Companies Accountable for Impacts on Children:

Supporting AB 2408 and AB 2273 (Wicks/Cunningham)

#### RECOMMENDATION

Send a letter in support of AB 2408 "Child users: addiction" and AB 2273 "The California Age-Appropriate Design Code Act" (Wicks/Cunningham) to forward to appropriate colleagues, expressing the City of Berkeley's support for these bills, which would allow parents to sue social media platforms if their children become addicted and require tech firms to create child-safe producing by creating age-appropriate design code for websites and apps likely to be accessed by children.

### FISCAL IMPACTS OF RECOMMENDATION

N/A

#### **CURRENT SITUATION AND ITS EFFECTS**

If passed, AB 2408 and AB 2273 (Wicks/Cunningham) would create new rules for tech firms designing products used by children to ensure greater data protections and safety protocols, such as having the strictest privacy settings enabled by default, to ensure apps minimize dangers to children and risk of harm or addiction. These bills also create a private right of action to allow parents to sue social media companies if their children become addicted and experience harm as a result.

#### BACKGROUND

Efforts to create child safe spaces on the internet have largely failed at the federal level. As home to all of the major social media and technology companies, California has a special responsibility to lead on protecting our children from harm caused by social media.

Last fall, a study leaked by a former employee of Facebook, which owns Instagram, documented a significant percentage of teen social media users experience negative

psycological impacts: 17% of girls said using social media makes eating disorders worse, and 13.5% of girls said it makes suicidal thoughts worse.<sup>1</sup>

Academic research continues to identify the impacts of social media usage on young people. A four year study of Montreal teens published in the Canadian Journal of Psychiatry in 2019 found that social media was "very robustly" related to increases in depressive symptoms.<sup>2</sup>

According to National Public Radio, "Researchers found similar patterns in teens after watching television, but the difference, they explained, is that in TV, viewers often see idealized versions of life that are different from their own. But with platforms like Instagram, they are consuming idealized versions of their peers and that can trigger a comparison loop that can blur the lines of reality for adolescents whose brains are still developing."

In May, both bills passed the Assembly with bi-partisan support and they are now being considered in the State Senate. The Legislative Findings for both of these bills more fully outline the many known, measurable harms the bills seek to address, copies of which are attached hereto.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

N/A

#### **RATIONALE FOR RECOMMENDATION**

Protecting the mental health and wellbeing of students and children is a top priority for the City of Berkeley.

#### ALTERNATIVE ACTIONS CONSIDERED

N/A

#### **CONTACT PERSON**

Councilmember Sophie Hahn, (510) 981-7150

#### Attachments:

- 1: Letter of Support
- 2: Bill Text AB 2408 (Wicks/Cunningham):

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill id=202120220AB2408

3: Bill Text AB 2273 (Wicks/Cunningham):

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\_id=202120220AB2273The

<sup>&</sup>lt;sup>1</sup> https://www.sfchronicle.com/politics/article/California-could-be-first-state-to-hold-social-17215641.php

<sup>&</sup>lt;sup>2</sup> https://journals.sagepub.com/doi/full/10.1177/0706743719885486

<sup>&</sup>lt;sup>3</sup> https://www.npr.org/2021/10/05/1043194385/whistleblowers-testimony-facebook-instagram

Honorable Buffy Wicks and Honorable Jordan Cunningham Members of the Assembly Capitol Office 1021 O Street Sacramento, CA 95814

Re: AB 2408 and AB 2273 – SUPPORT

The City of Berkeley strongly supports the passage of AB 2408 and AB 2273, which would enact crucially needed protections for our children as they use social media.

Academic studies document the negative impacts of social media on young people, including increased depression. The need for increased mental health services is evident in our community, in particular for young adults. In the wake of more than two difficult years sheltering in place to manage the COVID pandemic, students at Berkeley High School are lobbying the City Council for additional funds for mental health services. Recent tragedies have included the suicide of a High School Student, a shooting between High School students, and the arrest of a student who is alleged to have recruited friends and amassed weapons to perpetrate a mass shooting.

Big tech companies must be held accountable for the negative impacts of their products on youth; we cannot allow them to profit from creating and exacerbating mental health challenges. Berkeley strongly supports these measures to protect the mental health and well being of all children and teens.

The Berkeley City Council

Cc: Senator Nancy Skinner

#### CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

#### ASSEMBLY BILL

NO. 2408

Introduced by Assembly Members Cunningham and Wicks

February 17, 2022

An act to add Section 1714.48 to the Civil Code, relating to social media platforms.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2408, as amended, Cunningham. Child users: addiction.

Existing law, the California Consumer Privacy Act of 2018, prohibits a business from selling the personal information of a consumer if the business has actual knowledge that the consumer is less than 16 years of age, unless the consumer, in the case of a consumer at least 13 years of age and less than 16 years of age, or the consumer's parent or guardian, in the case of a consumer who is less than 13 years of age, has affirmatively authorized the sale of the consumer's personal information.

This bill, the Social Media Platform Duty to Children Act, would impose on an operator of a social media platform a duty not to addict, as defined, child users and would, among other things, prohibit a social media platform from addicting a child user by any either of certain means, including the use or sale of a child user's personal data. The act would authorize a person authorized to assert the legal rights of a child user who suffers injury as a result of a violation of the act to bring an action against a violator to recover or obtain certain relief, including a civil penalty of up to \$25,000 per violation per calendar year. violation.

## **DIGEST KEY**

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

# BILL TEXT THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** This act shall be known as the Social Media Platform Duty to Children Act.

**SEC. 2.** The Legislature finds and declares all of the following:

- (a) California should take reasonable, proportional, and effective steps to ensure that its children are not harmed by addictions of any kind.
- (b) A broad diversity of psychologists and psychiatrists in the field of addiction, as well as scientists, doctors, and other researchers, acknowledge the existence of social media addiction.
- (1) Research using the Bergen Social Media Addiction Scale, a widely used measure of social media platform addiction, has found that social media platform addiction has a prevalence across the general population of about 5 percent.
- (2) In people who become addicted, the brain's reward system is more active when using social media than it is in the brains of people who are not addicted. The result, according to health experts and researchers, is compulsive and excessive social media use.
- (c) There is growing evidence that social media platform addiction is a particular problem, particularly among adolescent children.
- (1) The largest social media platform company in the world's own secret internal research validates both the existence of social media addiction in children and that social media addiction hurts children. As an example, in September 2021, The Wall Street Journal published a series of articles referred to as "The Facebook Files." Those articles, citing a trove of internal documents obtained from Frances Haugen, a whistleblower, demonstrated the extent to which Facebook knew that its platforms cause significant harm to users, especially children.

- (2) More specifically, as revealed by Haugen's sworn testimony before Congress and the accompanying secret research she revealed to The Wall Street Journal, "Facebook has studied a pattern that they call problematic use, what we might more commonly call addiction. It has a very high bar for what it believes [problematic use] is. It [means] you self-identify that you don't have control over your usage and that it is materially harming your health, your schoolwork or your physical health." ... "Facebook's internal research is aware that there are a variety of problems facing children on Instagram, they know that severe harm is happening to children."
- (3) During whistleblower Haugen's sworn testimony to Congress, she revealed that, when it comes to meeting the platform's addiction-like definition of "problematic use": "Five to six percent of 14 year olds have the self-awareness to admit both those questions" that qualify a child as having problematic use.
- (4) Five to six percent of Instagram's child users is millions of children, certainly many thousands of which reside in California.
- (d) Social media platform addiction is more acute in girls than boys.
- (1) Girls experience a higher prevalence of social media addiction than boys.
- (2) Girls who admit to excessive social media platform use are two to three times more likely to report being depressed than girls who use social media platforms lightly.
- (3) A March 2020 presentation posted by Facebook researchers to Facebook's internal message board reported that "66% of teen girls on IG experience negative social comparison (compared to 40% of teen boys)" and that "[a]spects of Instagram exacerbate each other to create a perfect storm."
- (e) The business models of some social media platform companies financially motivate them to deploy design features that increase the likelihood of addiction among all users, including children.
- (1) Instead of charging to sign up, social media platforms earn "substantially all" of their revenue through advertising.
- (2) The more time users engage with the platform, the more ads users see, and the more valuable the advertising becomes.
- (3) In this regard, addicted consumers are particularly profitable because their consumption behavior goes beyond normal engagement levels.
- (4) User engagement does not distinguish between engagement that increases because it is enjoyable and enhances health and well-being and engagement that

increases because of addiction. In fact, many users spend even more time on social media when engaging with content that makes them subjectively unhappy or objectively unhealthier.

- (5) For these profit-driven reasons, social media platform companies intentionally invent, design, and deploy features that are intended to make it hard for users to stop using the platform, including deploying techniques used in gambling and techniques that mask or avoid cues that might prompt a user to stop using.
- (f) Companies that market high-volume addictive products, including tobacco, have a special incentive to addict young, potentially <u>life-long</u>, consumers.
- (g) Adolescent children are at far greater risk than adults to becoming addicted to social media platforms.
- (1) Adolescent children exhibit higher levels of stress and an increased proclivity toward taking risks.
- (2) During adolescence, children's reward systems develop much faster, while their self-control systems, which are not fully developed until 21 years of age, lag behind. For this reason, rates of behavioral addictions are elevated in adolescence as compared to adulthood.
- (3) Social media platform companies can use the data they collect on children to determine which children are most likely to be vulnerable to a given ad, thereby exacerbating the risks of addiction.
- (4) As compared to adults, children are more susceptible to the pressures and influence of advertisements, less likely to recognize paid-for content, and less likely to understand how data is used for these purposes.
- (h) Because their brains are still developing, children are at far greater risk of being harmed by social media platform addiction than adults. Addiction adversely influences the development of judgment, attention, and memory in the brain.
- (1) Higher daily rates of checking social media platforms have been linked to a reduction in the volume of brain tissue that controls memory, emotions, speech, decisionmaking, and self-control.
- (2) For this reason, reduction in this kind of brain tissue is in turn correlated with higher impulsivity, something with which children and adolescents are already susceptible by dint of their youth.
- (3) Several studies have found links between spending time on social media platforms and rates of suicide and depression among teens.

- (4) Numerous studies show that reducing social media platform use results in mental health benefits.
- (5) Social media platform addiction can create a vicious cycle for shy and lonely youth. Discomfort with real-life interactions leads to internet interactions, isolation from real-world interaction causes loneliness, loneliness combined with social phobia motivate additional engagement online.
- (i) When social media platform companies create, design, implement, or maintain features for users, including child users, on their social media platforms that the company knows or should know are addictive to children, they should be held liable for the harms that result.
- (j) Other addictions, including gambling addictions, have had a demonstrable negative effect on state economies.
- (k) California has a compelling interest in protecting the mental health of its children from social media platform addiction for, at a minimum, all of the following reasons:
- (1) To prevent needless suffering to California children and their families.
- (2) To ensure the capacity of all its children to fulfill their potential and to reach normal goals for social and educational achievement to the benefit of all Californians.
- (3) To prevent the costs of treating mental health harms to children from being incurred by and shifted to California families, businesses, insurers, schools, and mental health professionals.

#### **SEC. 3.** Section 1714.48 is added to the Civil Code, to read:

#### **1714.48.** (a) For purposes of this section:

- (1) "Addict" means to knowingly or negligently cause or contribute to addiction through any act or omission or any combination of acts or omissions.
- (2) "Addiction" means use of one or more social media platforms that does both of the following:
- (A) Indicates preoccupation or obsession with, or withdrawal or difficulty to cease or reduce use of, a social media platform despite the user's desire to cease or reduce that use.
- (B) Causes or contributes to physical, mental, emotional, developmental, or material harms to the user.

- (3) "Child user" means a person who uses a social media platform and is not older younger than 17 18 years of age.
- (4) "Personal data" means information that identifies a natural person or is linked or linkable to an identifiable natural person.
- (5) (A) "Social media platform" means an internet service that meets both of the following criteria:
- (i) (I) The internet service is a means by which content is generated by a user of the service, or uploaded to or shared on the service by a user of the service, that may be encountered by another user, or other users, of the service.
- (II) For purposes of this subparagraph:
- (ia) "Content" means anything communicated by means of an internet service, whether publicly or privately, including written material or messages, oral communications, photographs, videos, or visual images.
- (ib) "Content that may be encountered by another user, or other users, of a service" includes content that is capable of being shared with a user by operation of a functionality of the service that allows the sharing of content.
- (ic) "Encounter" means to read, view, hear, or otherwise experience content.
- (ii) The internet service is controlled by a business entity that generated at least one hundred million dollars (\$100,000,000) in gross revenue during the preceding calendar year.
- (B) "Social media platform" does not include any of the following:
- (i) An email service, if emails are the only user-generated content enabled by the service.
- (ii) An SMS and MMS service, if SMS or MMS messages are the only user-generated content enabled by the service.
- (iii) A service offering only one-to-one live aural communications.
- (iv) An internal business service that is an internal resource or tool for a business or nonprofit organization in which the services is not available to children in the general public.
- (v) A service, including a comment section on a digital news internet website or a consumer review of a product and service on an online commerce internet website, with functionalities that allow users to communicate only in any of the following ways:

- (I) Posting comments or reviews relating to content produced and published by the provider of the service or by a person acting on behalf of the provider of the service.
- (II) Sharing comments or reviews described in subclause (I) on a different internet service.
- (III) Expressing a view on comments or reviews described in subclause (I), or on content mentioned in subparagraph (A), by means of any of the following:
- (ia) Applying a "like" or "dislike" button or other button of that nature.
- (ib) Applying an emoji or symbol of any kind.
- (ic) Engaging in yes or no voting.
- (id) Rating or scoring the content, or the comments or reviews, in any way.
- (vi) An internet-based subscription streaming service offered to consumers for the exclusive purpose of transmitting licensed media, including audio or video files, in a continuous flow from the internet-based service to the end user.
- (vii) A service that operates for the sole purpose of cloud storage or shared document or file collaboration.
- (viii) A service that operates for the sole purpose of providing general or tailored internet search services.
- (b) An-In accordance with Section 1714, an operator of a social media platform has a duty not to addict child users.—A An operator of a social media—platform's duty not to addict child users includes a duty not to addict child users by any platform shall be found to have violated their duty if the social media platform is found to have addicted a child user by either of the following means:
- (1) The use or sale of a child user's personal data.
- (2) The child user's engagement in the platform's products or services, including through the use of notifications soliciting child users to access those products or services, or permissions or advertising related to those products or services.

  (3)
- (2) The development, design, implementation, or maintenance of a design, feature, or affordance.
- (c) (1) A person authorized to assert the legal rights of a child user who suffers injury as a result of a violation of this section may bring an action against a violator to recover or obtain any of the following relief:

- (A) (i) Actual damages.
- (ii) In a class action, the amount of damages awarded pursuant to this subparagraph shall not be less than one thousand dollars (\$1,000) per member of the class.
- (B) A civil penalty of up to twenty-five thousand dollars (\$25,000) per-violation per calendar year. violation.
- (C) Injunctive relief.
- (D) Punitive damages.
- (E) An award of litigation costs and no more than twice the amount of reasonable attorney's fees to a prevailing plaintiff.
- (F) Any other relief that the court deems proper.
- (2) In an action pursuant to this subdivision in which the plaintiff has shown, by a preponderance of the evidence, that the defendant addicted a child in violation of subdivision (b), the defendant shall have the burden of proving, by a preponderance of the evidence, that the extent of the injury or injuries alleged in the action were not, in whole or in part, caused or exacerbated by the defendant's violation.

  (3)
- (2) (A) A knowing or willful violation of this section shall subject the violator to an additional civil penalty not to exceed two hundred fifty thousand dollars (\$250,000) per violation per calendar year. violation.
- (B) A civil penalty pursuant to this paragraph shall not be treated as an offset against an award of damages caused by the same knowing or willful violation in an action pursuant to this subdivision.

#### (4)

- (3) (A) A social media platform that, before January 1, 2023, developed, designed, implemented, or maintained features that were known, or should have been known, by the platform to be addictive to child users shall be liable for all damages to child users that are, in whole or in part, caused by the platform's features, including, but not limited to, suicide, mental illness, eating disorders, emotional distress, and costs for medical care, including care provided by licensed mental health professionals.
- (B) A social media platform shall not be held liable for a violation under this paragraph if, by April 1, 2023, the platform ceases development, design, implementation, or maintenance of features that were known, or should have been known, by the platform to be addictive to child users.

- (d) An operator of a social media platform shall not be subject to a civil penalty pursuant to subdivision (c)—if, before engaging in a practice that led to that violation, if the operator did both of the following:
- (1) Instituted and maintained a program of at least quarterly audits of its practices, designs, features, and affordances to detect practices or features that have the potential to cause or contribute to the addiction of child users.
- (2) Corrected, within 30 days of the completion of an audit described in paragraph (1), any practice, design, feature, or affordance discovered by the audit to present more than a de minimis risk of violating this section.
- (e) The provisions of this section are cumulative to any other duties or obligations imposed under other law.
- (f) This section shall not be construed to impose liability for a social media platform for content that is generated by a user of the service, or uploaded to or shared on the service by a user of the service, that may be encountered by another user, or other users, of the service.
- (g) This section shall not be construed to negate or limit a cause of action that may have existed against an operator of a social media platform under the law as it existed before the effective date of this section.
- (h) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
- (i) A waiver of this section is unenforceable as void against public policy.

#### CALIFORNIA LEGISLATURE — 2021-2022 REGULAR SESSION

#### ASSEMBLY BILL

NO. 2273

Introduced by Assembly Members Wicks and Cunningham Wicks, Cunningham, and Petrie-Norris

(Coauthors: Senators Allen and Newman)

February 16, 2022

An act to add Title 1.81.46 (commencing with Section 1798.99.28) to Part 4 of Division 3 of the Civil Code, relating to consumer privacy.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2273, as amended, Wicks. The California Age-Appropriate Design Code Act.

(1) Existing law, the California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, establishes the California Privacy Protection Agency. Existing law vests the agency with full administrative power, authority, and jurisdiction to implement and enforce the California Consumer Privacy Act of 2018, and requires the agency to be governed by a board. Existing law requires businesses to protect consumer privacy and information, make certain disclosures to consumers regarding a consumer's rights under the act in a specified manner, and disclose to consumers that a consumer has the right to request specific pieces of information, including the categories of information those businesses have collected about that consumer.

Existing law, the Parent's Accountability and Child Protection Act, requires a person or business that conducts business in California and that seeks to sell specified products or services to take reasonable steps to ensure that the purchaser is of legal age at the time of purchase or delivery, including verifying the age of the purchaser. Existing law prohibits a person or business that is required to comply with these

provisions from retaining, using, or disclosing any information it receives in an effort to verify age from a purchaser or recipient for any *other* purpose, except as specified, and subjects a business or person that violates these provisions to a civil penalty.

#### Commencing

This bill would enact the California Age-Appropriate Design Code Act, which, commencing July 1, 2024, this bill would require a business that creates goods, services, or product features provides an online service, product, or feature likely to be accessed by children a child to comply with specified standards, including considering the best interests of children likely to access that good, service, or product feature when designing, developing, and providing that good, service, or product feature, requirements, including configuring all default privacy settings offered by the online service, product, or feature to the settings that offer a high level of privacy protection offered by the business, and providing privacy information, terms of service, policies, and community standards concisely, prominently, and using clear language suited to the age of children likely to access that good, service, or product that online service, product, or feature. The bill would prohibit a business that provides a good, service, or product an online service, product, or feature likely to be accessed by children a child from taking proscribed action, such as collecting or using data it collects on consumers who are children, including using the personal information of a child for any reason other than the reason or reasons for which the personal information was collected.

This bill would require the agency California Privacy Protection Agency to establish and convene the California Children's Data Protection Taskforce to evaluate best practices for the implementation of these provisions, and to provide support to businesses, as specified. The bill would require the agency's board to appoint the members of the taskforce by April 1, 2023, and would require those members to have certain expertise, including in the areas of privacy and children's rights. The bill would require the taskforce to make prescribed recommendations on best practices, including identifying goods, services, and product online services, products, or features likely to be accessed by children. By April 1, 2024, the bill would require the agency, in consultation with the taskforce, to adopt regulations and publish guidelines, regulations, as necessary.

# This bill would state the intent of the Legislature to subsequently create legislation to enforce this title.

(2) The California Privacy Rights Act of 2020 authorizes the Legislature to amend the act to further the purposes and intent of the act by a majority vote of both houses of the Legislature, as specified.

This bill would declare that its provisions further the purposes and intent of the California Privacy Rights Act of 2020.

## **DIGEST KEY**

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

# BILL TEXT THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** (a) The Legislature hereby finds and declares all of the following:

- (1) The United Nations Convention on the Rights of the Child recognizes that children need special safeguards and care in all aspects of their lives.
- (2) As children spend more of their time interacting with the <u>digital</u> online world, the impact of the design of <u>digital</u> online products and services on children's well-being has become a focus of significant concern.
- (3) There is bipartisan agreement at the international level, in both the United States and in the State of California, that more needs to be done to create a safer online space for children to learn, explore, and play.
- (4) Lawmakers around the globe have taken steps to enhance privacy protections for children on the understanding that, in relation to data protection, greater privacy necessarily means greater security and well-being.
- (5) Children should be afforded protections not only by <u>digital</u> online products and services specifically directed at them, but by all <u>digital</u> online products and services they are likely to access.
- (6) In 2019, 81 percent of voters said they wanted to prohibit companies from collecting personal information about children without parental consent, and a 2018 poll of Californian parents and teens found that only 36 percent of teenagers and 32 percent of parents say that social networking internet websites do a good job explaining what they do with users' data.
- (7) While it is clear that the same data protection regime may not be appropriate for children of all ages, children of all ages should nonetheless be afforded privacy and protection, and digital online products and services should adopt data protection

regimes appropriate for children of the ages likely to access those products and services.

- (8) Products and services that are likely to be accessed by children should offer high strong privacy protections by design and by default, including by disabling features that profile children using their previous behavior, browsing history, or assumptions of their similarity to other children, to offer detrimental material.
- (9) Ensuring robust privacy protections for children by design is consistent with the intent of the Legislature in passing the California Consumer Privacy Act of 2018, and with the intent of the people of the State of California in passing the California Privacy Rights Act of 2020, which finds and declares that children are particularly vulnerable from a negotiating perspective with respect to their privacy rights.
- (b) Therefore, it is the intent of the Legislature to promote privacy protections for children pursuant to the California Age-Appropriate Design Code Act.

SEC. 2.Title 1.81.46 (commencing with Section 1798.99.30) is added to Part 4 of Division 3 of the Civil Code, immediately following Title 1.81.45, to read:

**SEC. 2.** Title 1.81.46 (commencing with Section 1798.99.28) is added to Part 4 of Division 3 of the Civil Code, to read:

#### TITLE 1.81.46. The California Age-Appropriate Design Code Act

**1798.99.28.** This chapter shall be known, and may be cited, as the California Age-Appropriate Design Code Act.

**1798.99.29.** The Legislature declares that children should be afforded protections not only by online products and services specifically directed at them, but by all online products and services they are likely to access and makes the following findings:

- (a) Companies that develop and provide online services, products, or features that children are likely to access should consider the best interests of children when designing, developing, and providing that service, product, or feature.
- (b) If a conflict arises between commercial interests and the best interests of children, companies should prioritizes the privacy, safety, and well-being of children over commercial interests.

**1798.99.30.** For purposes of this title, the definitions in Section 1798.140 shall apply unless otherwise specified in this title.

(b) For the purposes of this title, the following terms apply:

<del>(a)</del>

(1) "Agency" means the California Privacy Protection Agency, as established by the California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election.

<del>(b)</del>

(2) "Board" means the agency's board, as established in Section 1798.199.10.

<del>(c)</del>

- (3) "Child" or "children," unless otherwise specified, mean a consumer or consumers who is under 18 years of age.
- (d) "Dark pattern" has the same meaning as defined in subdivision (I) of Section 1798.140.

<del>(e)</del>

- (4) "Data Protection Impact Assessment" means a systematic survey to assess and mitigate risks to children who are *reasonably* likely to access the good, service, or product, or feature at issue that arises from the provision of that good, service, or product service, product, or feature in accordance with specifications promulgated by the California Children's Data Protection Taskforce established pursuant to Section 1798.99.32.
- (5) "Default" means a preselected option adopted by the business for the online service, product, or feature.

<del>(f)</del>

- (6) "Likely to be accessed by a child" means it is reasonable to expect, based on-the known audience, the nature of the content, the associated marketing, or the online context, or academic or internal research, that the good, service, or product feature is more likely than not to service, product, or feature would be accessed by children.
- (g) "Personal information" has the same meaning as defined in subdivision (v) of Section 1798.140.
- (h) "Sensitive personal information" has the same meaning as defined in subdivision (ae) of Section 1798.140.

<del>(i)</del>

- (7) "Taskforce" means the California Children's Data Protection Taskforce as established by Section 1798.99.32.
- **1798.99.31.** (a) A business that provides a good, service, or product an online service, product, or feature likely to be accessed by a child shall comply with all of the following:
- (1) Consider the best interests of children likely to access that good, service, or product feature when designing, developing, and providing that good, service, or

product feature, and, when in conflict with commercial interests, design, develop, and provide that good, service, or product feature in the manner that prioritizes the privacy, safety, and well-being of children.

<del>(2)</del>

(1) Undertake a Data Protection Impact Assessment for any good, service, or product online service, product, or feature likely to be accessed by a child and maintain documentation of this assessment as long as the good, service, or product online service, product, or feature is likely to be accessed by a child. A report of the assessment must be provided to the agency within 12 months of the implementation of this act and reviewed every 24 months or before any new features are offered to the public.

<del>(3)</del>

- (2) Establish the age of consumers with a *reasonable* level of certainty appropriate to the risks that arise from the data management practices of the business, or apply the privacy and data protections afforded to children to all consumers.
- (4) Maintain the highest level of privacy possible for children by default, including, but not limited to, disabling profiling, unless the business can demonstrate a compelling reason that a different default setting is in the best interests of children likely to access that good, service, or product feature.
- (3) Configure all default privacy settings offered by the online service, product, or feature to the settings that offer a high level of privacy protection offered by the business.

(5)

(4) Provide any privacy information, terms of service, policies, and community standards concisely, prominently, and using clear language suited to the age of children likely to access that good, service, or product online service, product, or feature.

<del>(6)</del>

(5) If the good, service, or product online service, product, or feature allows the child's parent, guardian, or any other consumer to monitor the child's online activity or track their location, provide an obvious signal to the child when they are being monitored or tracked.

#### (7)Universally uphold

(6) Enforce published terms, policies, and community standards established by the business, including, but not limited to, privacy policies and those concerning children.

<del>(8)</del>

- (7) Provide prominent, accessible, and responsive tools to help-children children, or where applicable their parent or guardian, exercise their privacy rights and report concerns.
- (b) A business that provides a good, service, or product an online service, product, or feature likely to be accessed by a child shall not take any of the following actions:
- (1) Use the personal information of any child in a way that is demonstrably harmful the business knows or has reason to know the online service, product, or feature more likely than not causes or contributes to a more than de minimis risk of harm to the physical health, mental health, or well-being of a child.
- (2) Profile a child by default.

#### (2)Collect and

(3) Collect, sell, share, or retain any personal information that is not necessary to provide a good, service, or product a service, product, or feature with which a child is actively and knowingly engaged.

#### (3)

(4) If a business does not have actual knowledge of the age of a consumer, it shall neither collect nor not collect, share, sell, or retain any personal information that is not necessary to provide a good, service, or product service, product, or feature with which a consumer is actively and knowingly engaged.

#### (4)

(5) Use the personal information of a child for any reason other than the reason or reasons for which that personal information was collected. If the business does not have actual knowledge of the age of the consumer, the business shall not use any personal information for any reason other than the reason or reasons for which that personal information was collected.

#### (5)

- (6) Notwithstanding Section 1798.120, disclose share or sell the personal information of any child unless the business can demonstrate a compelling reason that disclosure of that personal information is in the best interests of the child. the sharing or selling of that personal information is necessary to provide the online service, product, or feature as permitted by paragraphs (1) to (4), inclusive, of subdivision (a) of Section 1798.145.
- (6)Collect any precise geolocation information by default, unless the business can demonstrate a compelling reason that doing so would be in the best interests of the child.

(7) Collect, sell, or share any precise geolocation information of children by default unless the collection of that precise geolocation information is necessary to provide the service, product, or feature requested and then only for the limited time that the collection of precise geolocation information is necessary to provide the service, product, or feature.

#### (7)Collect

- (8) Collect, sell, or share any precise geolocation information without providing an obvious sign to the consumer child for the duration of that collection that precise geolocation information is being collected.
- (8)Collect any sensitive personal information by default, unless the business can demonstrate a compelling reason that the collection of sensitive personal information by default is in the best interests of a child.
- (9) Use dark patterns or other techniques to lead or encourage consumers to provide personal information beyond what is *reasonably expected for the service the child is accessing and* necessary to provide that-good, service, or product feature, service or product to forego privacy protections, or to otherwise take any action that-is demonstrably harmful to the consumer's the business knows or has reason to know the online service or product more likely than not causes or contributes to a more than de minimis risk of harm to the child's physical health, mental health, or well-being.
- (10) Use any personal information collected or processed to establish age or age range for any other purpose, or retain that personal information longer than necessary to establish age. Age assurance shall be proportionate to the risks and data practice of a service, product, or feature.
- (c) This section shall become operative on July 1, 2024.
- **1798.99.32.** (a) The agency shall establish and convene a taskforce, the California Children's Data Protection Taskforce, to evaluate best practices for the implementation of this title, and to provide support to businesses, with an emphasis on small and medium businesses, to comply with this title.
- (b) By April 1, 2023, the board shall appoint members of the taskforce. Taskforce members shall consist of Californians with expertise in the areas of privacy, physical health, mental health, and well-being, technology, and children's rights.
- (c) The taskforce shall make recommendations on best practices regarding, but not limited to, all of the following:
- (1) Identifying goods, services, and product online services, products, or features likely to be accessed by children.

- (2) Evaluating and prioritizing the best interests of children with respect to their privacy, health, and well-being, and issuing guidance to businesses on how—to incorporate those interests into those interests may be furthered by the design, development, and implementation of a good, service, or product an online service, product, or feature.
- (3) Determining the level of certainty with which it is necessary to establish the age of a consumer appropriate to the risks that arise from the data management practices of a business.
- (4)Determining whether a reason is sufficiently compelling to warrant practices that are not consistent with the default setting, data collection, and data disclosure practices prescribed by this title.
- (3) Ensuring that age verification methods used by businesses that provide online services, products, or features likely to be accessed by children are proportionate to the risks that arise from the data management practices of the business, privacy protective, and minimally invasive.

(5)

- (4) Assessing and mitigating risks to children that arise from the use of a good, service, or product an online service, product, or feature, including specific-items for the systematic survey necessary issues businesses must address to perform a Data Protection Impact Assessment.
- (6)
- (5) Publishing privacy information, policies, and standards in concise, clear language suited for the age of children likely to access that good, service, or product feature. service or product.
- (d) By April 1, 2024, the agency, in consultation with the taskforce, shall adopt regulations and publish guidelines, regulations, as necessary, to effectuate the purposes of this title in a manner consistent, and to the extent possible, with international frameworks for the protection of the privacy and well-being of children. title.

1798.99.33.It is the intent of the Legislature to create subsequent legislation to enforce this title.

**SEC. 3.** The Legislature finds and declares that this act furthers the purposes and intent of the California Privacy Rights Act of 2020.



PUBLIC HEARING June 28. 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Approval and Levy of 2018 Clean Stormwater Fee in FY 2023

## RECOMMENDATION

Office of the City Manager

Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2023.

#### FISCAL IMPACTS OF RECOMMENDATION

The Resolution would approve and order the levy of the 2018 Clean Stormwater Fee in Fiscal Year (FY) 2023. The fees are to be filed with the Alameda County Auditor and included in the County's assessment roll. After collection by the County the total amount of the assessment minus a collection fee is paid to the City of Berkeley. The revenue is posted in the Clean Storm Water Fund (Fund 616). Approximately \$2.88 million are expected to be collected from the 2018 Clean Stormwater Fee in FY 2023. A summary of forecasted FY 2023 revenue and expenditures for Fund 616 is shown in the table below.

Table 1 - FY 2022 Fund 616 Forecast

| Estimated Beginning Balance (Fund 616) | \$ | 8,765,037   |
|----------------------------------------|----|-------------|
| Clean Stormwater Program Expenditures  |    | 5,915,494   |
| Revenue                                | ·  |             |
| Clean Stormwater Fee (1991)            | \$ | 1,918,360   |
| 2018 Clean Stormwater Fee              | \$ | 2,874,328   |
| Total Revenue                          | \$ | 4,792,687   |
| Deficit/Surplus                        | \$ | (1,122,807) |
| Estimated End Balance (Fund 616)       | \$ | 7,642,230   |

#### **CURRENT SITUATION AND ITS EFFECTS**

The 2018 Clean Stormwater Fee ("2018 Fee") is subject to an annual adjustment tied to the Consumer Price Index - U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"). Per the voter approved measure, any increase in the CPI in excess of 3% shall be cumulatively reserved as "Unused CPI" and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. To

date there is a current "Unused CPI" balance of 0.0%. For the period beginning in December 2020 and ending in December 2021, the CPI increased by 4.24%; therefore the annual adjustment for FY 2023 will be limited to the prescribed maximum of 3.00% and the excess CPI increase of 1.24% will be reserved as "Unused CPI" balance to be used in future years.

As approved by voters, the annual adjustment may be calculated by taking the sum of the 1991 Clean Stormwater Fee ("1991 Fee") and the 2018 Clean Stormwater Fee, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for the inclusion of a 1991 Fee adjustment as part of the annual 2018 Fee increase. The cumulative adjustment of the 1991 Fee and the 2018 Fee, result in 2018 Fee increases of approximately 4.9%.

The table below details prior year and proposed FY 2023 rates for the property-related fee.

Table 2 - 2018 Clean Stormwater Fee Rate Summary

| Rate Category                                     | FY 2022 Proposed |             | posed    |              |         |
|---------------------------------------------------|------------------|-------------|----------|--------------|---------|
|                                                   | F                | ee          | FY 20    | )23 Fee      | Unit    |
| Single-Family Residential                         |                  |             |          |              |         |
| Small                                             | \$               | 40.06       | \$       | 42.01        | parcel  |
| Medium                                            | \$               | 50.08       | \$       | 52.51        | parcel  |
| Large                                             | \$               | 60.56       | \$       | 63.51        | parcel  |
| Condominium                                       | \$               | 40.06       | \$       | 42.01        | parcel  |
| Single-Family Residential parcels with multiple s | ingle-f          | amily resid | lences p | ay 22% highe | er rate |
| Non-Single-Family Residential**                   |                  |             |          |              |         |
| Multi-Family Residential                          | \$               | 873.48      | \$       | 916.01       | acre    |
| Comm / Industrial / Parking                       | \$               | 975.06      | \$ 1     | 1,022.53     | acre    |
| Office                                            | \$               | 914.12      | \$       | 958.62       | acre    |
| Institutional / Church                            | \$               | 832.86      | \$       | 873.41       | acre    |
| School / Hospital                                 | \$               | 761.76      | \$       | 798.85       | acre    |
| Recreational                                      | \$               | 589.10      | \$       | 617.78       | acre    |
| Park                                              |                  |             | \$       | 53.26        | acre    |
| Vacant (developed)                                | \$               | 50.78       | \$       | 53.25        | acre    |
| Open Space / Agricultural                         |                  |             | exe      | mpt          |         |

<sup>\*</sup> Single-Family Residential category also includes duplex, triplex and four-plex units.

Detailed calculations of the annual adjustment and the corresponding rate increases are included in the 2018 Clean Stormwater Fee - Fiscal Year 2023 Adjustment Report (Attachment 2). Adoption of the Resolution would approve and order the levy of the 2018 Fee in FY 2023 at the rates described in this report. Following adoption, the fees will be filed with the Alameda County Auditor and included on the County's assessment roll for collection. Revenue from the Fee will provide needed funding for the Stormwater Program which includes flood management, compliance with clean water requirements, operations and maintenance, and major capital improvements, all of which advance the strategic goals of: 1.) Providing state-of-the-art, well-maintained infrastructure, amenities, and facilities; and 2.) Being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

<sup>\*\*</sup> Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion thereof

#### BACKGROUND

In 1991, the City was required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board to improve the water quality of urban runoff and discharge storm water runoff to the City's waterways. The permit requires that the City implement a stormwater control program and best management practices.

To meet the NDPES permit requirements, the City implemented a Clean Storm Water Fee in 1991 for all residences and businesses in the City. The City has been collecting approximately \$2 million annually for this fee and rates had not increased since the fee was established in 1991. Initially, collected revenues were sufficient to fund ongoing maintenance, operations, and capital improvements. However, beginning in Fiscal Year 2014, the program began operating at a deficit. In 2018, in an effort to increase revenues for the program, the City introduced the 2018 Clean Stormwater Initiative to establish a new property-related fee to be assessed separately and in addition to the existing 1991 Fee. Following a Proposition 218 process the initiative was approved by voters and the City Council adopted Resolution No. 68,483-N.S., ordering the levy. The assessment has been levied for the 2019 through 2022 fiscal years.

Provisions of the California Health and Safety Code Section 5473.1 require that a public hearing be held each year that the fees are to be collected on the property tax roll and that a notice be published in a local newspaper. A public notice has been published designating June 28, 2022 as the date for the public hearing.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The 2018 Clean Stormwater Fee provides a secure funding source for environmental protection related to the impacts of stormwater on creeks and the San Francisco Bay. The fee maintains operations and maintenance activities and reduces environmental impacts of flooding, sink holes, trash, and debris.

#### RATIONALE FOR RECOMMENDATION

The additional funding will allow the City to fund the operating deficit, continue maintenance service levels, meet clean water regulatory requirements, and develop a long-term financial plan for capital projects, to continue improving water quality and minimizing the impacts of flooding in local areas.

#### **CONTACT PERSON**

Farid Javandel, Deputy Director, Department of Public Works, (5100 981-7061 Joe Enke, Manager of Engineering, Department of Public Works, (510) 981-6411 Ricardo Salcedo, Associate Civil Engineer, Department of Public Works, (510) 981-6407

#### Attachments:

- 1: Resolution Ordering the Levy of 2018 Clean Stormwater Fee in Fiscal Year 2023
- 2: 2018 Clean Stormwater Fee Fiscal Year 2023 Adjustment Report
- 3. Public Hearing Notice

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

# APPROVING THE LEVY AND COLLECTION OF THE CITY OF BERKELEY 2018 CLEAN STORMWATER FEE IN FISCAL YEAR 2023

WHEREAS, on February 13, 2018, the Council adopted Resolutions No. 68,334-N.S. and No. 68,335-N.S., to initiate the property related fee process and establish the balloting procedures for the 2018 Clean Stormwater Initiative consistent with California Constitution Article XIII D; and

WHEREAS, on April 3, 2018, the Council conducted a public hearing at which a majority protest was not achieved, and subsequently adopted Resolution No. 68,831-N.S. directing the mailing of fee ballots to all property owners of properties within the City subject to the fee; and

WHEREAS, on May 29, 2018, following tabulation of fee ballots and confirming voter approval of the 2018 Clean Stormwater Initiative, Council adopted Resolution No. 68,483-N.S. accepting the ballot tabulation and ordering the levy of the 2018 Clean Stormwater Fee; and

WHEREAS, pursuant to the authority granted by voters, the 2018 Clean Stormwater Fee is subject to an annual increase based on the San Francisco - U Consumer Price Index (CPI), not to exceed 3% per year; and any increase in excess of 3% shall be cumulatively reserved as "Unused CPI" and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. The maximum annual CPI adjustment for each property shall be calculated based upon the sum of the 1991 Clean Stormwater Fee and the 2018 Clean Stormwater Fee, and multiplying the sum by the CPI or 3% whichever is lower; and

WHEREAS, for the annual period ending in December 2021 the CPI increased by 4.24%, therefore the proposed annual adjustment can be applied at the maximum of 3.00%; and

WHEREAS, the proposed fee rate for FY 2023 of FIFTY-TWO DOLLARS AND FIFTY-ONE CENTS (\$52.51) per single-family equivalent unit is in accordance with a City staff authored report dated May 2022 and titled "2018 Clean Stormwater Fee – Fiscal Year 2023 Fee Adjustment Report" ("Report"); and

WHEREAS, the rate increases and the methodology used in the calculation of the rates are described in the Report and are in accordance with the voter approved measure; and.

WHEREAS, provisions of California Health and Safety Code Section 5473.1, require a public hearing to be held each year that the fees are to be collected on the property tax roll and a notice to be published in a local newspaper; and

#### Page 6 of 18

WHEREAS, the notice was published designating June 28, 2022 as the date for public hearing;

WHEREAS, a public hearing was held on June 28, 2022 at regular council meeting.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley authorizes the levy and collection of fees for FY 2023 at the rates specified in the Report.

BE IT FURTHER RESOLVED that shortly after the adoption of this Resolution, but in no event later than August 10th following such adoption, the City Clerk shall file a certified copy of this Resolution and a fee levy roll with the Auditor of Alameda County ("County Auditor"). Upon such filing, the County Auditor shall enter on the County's assessment roll opposite each lot or parcel of land the amount of fee thereupon as shown in the levy roll.

## CITY OF BERKELEY

# **2018 CLEAN STORMWATER FEE**

Fiscal Year 2023 Fee Adjustment Report

May 2022

Prepared by

JOSEPH ENKE, PE CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION

# **TABLE OF CONTENTS**

| INTRODUCTION                                          | 1 |
|-------------------------------------------------------|---|
| OVERVIEW                                              | 1 |
| CITY'S FACILITIES                                     | 2 |
| STORM DRAINAGE FUNDING                                | 2 |
| FINANCIAL NEEDS SUMMARY                               | 3 |
| 2018 CLEAN STORMWATER FEE RATE STRUCTURE ANALYSIS     | 4 |
| SINGLE-FAMILY RESIDENTIAL PARCELS                     | 4 |
| NON-SINGLE-FAMILY RESIDENTIAL PARCELS                 | 5 |
| EFFECTS OF LOW IMPACT DEVELOPMENT                     | 7 |
| STORM DRAINAGE FEE CALCULATION                        | 7 |
|                                                       |   |
| LIST OF TABLES                                        |   |
| Table 1- FY 2023 Fund Forecast                        | 3 |
| Table 2- Summary of Single-Family Residential Parcels | 5 |
| Table 3 – Summary of Non-SFR Parcels                  |   |
| Table 4 - Storm Drainage Fee Schedule                 | 8 |

#### INTRODUCTION

#### **OVERVIEW**

In 1991, the City of Berkeley was required to obtain a national Pollutant Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board to improve the water quality of urban runoff and discharge storm water runoff to the City's waterways. The permit requires that the City of Berkeley implement a stormwater control program and best management practices. The City adopted the Clean Stormwater Fee in 1991 to comply with clean water regulations and provide a secure funding source for stormwater operations, maintenance, and capital improvements. The program includes flood management, compliance with clean water requirements, operations and maintenance, and major capital improvements. Stormwater fees are paid by property owners and the fees have not been increased since the program's inception in 1991. The program has been running a deficit since 2014 attributable to basic operations, maintenance, and compliance with clean water regulations. The Stormwater program also faces a backlog in capital improvements, with more than \$208 million in project costs identified in the 2011 Watershed Management Plan¹.

In order to increase revenues for the Stormwater program, the City adopted Resolutions No. 68,334-N.S. and Resolution No. 68,335-N.S., to initiate the property related fee process and establish balloting procedures for the 2018 Clean Stormwater Initiative consistent with California Constitution Article XIII D. A public hearing was conducted on April 3, 2018 at which a majority protest was not achieved, subsequently Resolution No. 68,381-N.S. was adopted ordering the mailing of fee ballots to all property owners of properties within the City subject to the fee. Following the tabulation of votes, and confirming approval of the measure, Council adopted Resolution No. 68,483-N.S., accepting the ballot tabulations and ordering the levy of the City of Berkeley's 2018 Clean Stormwater Fee.

As approved by voters, the 2018 Clean Stormwater Fee is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. Per the voter approved measure any increase in the CPI in excess of 3% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. The maximum authorized rate is equal to the maximum rate in the first fiscal year the Fee was approved adjusted annually by the lower of either 3% or the increase in the CPI plus any Unused CPI as described above. In order for the City's dedicated storm drainage revenue sources to satisfy costs requirement into the future, the annual

<sup>&</sup>lt;sup>1</sup> Watershed Management Plan: <a href="https://www.cityofberkeley.info/Public\_Works/Sewers\_-">https://www.cityofberkeley.info/Public\_Works/Sewers\_-</a>
Storm/Watershed Management Plan.aspx

adjustment for property may be calculated based upon the sum of the storm drainage fee and the existing Clean Storm Water Fee.

This abbreviated fee adjustment report, has been prepared by City staff to document the annual adjustment of the 2018 Clean Stormwater Fee for Fiscal Year 2023. The report also includes an abbreviated description of the storm drainage system, the program's funding sources, and a five-year fund forecast.

#### CITY'S FACILITIES

The City operates and maintains a storm drainage system, as it is empowered to do so per Government Code Sections §38900 and §38901. It is comprised of an integrated system of storm drain pipes, culverts and ditches. Local creeks are not considered part of the City's storm drain system, although they receive most of the urban runoff and are impacted by how the City's storm drainage system functions.

The Berkeley area began experiencing residential development over one hundred years ago. As the community grew, the storm drainage system was developed along with the neighborhoods and commercial areas while still maintaining many native creek segments. Although the City is highly urbanized, there are a large number of open creek segments that cross streets, private properties and roadways through numerous culvert sections.

In the early 1990s, in response to the federal Clean Water Act amendment of 1987, municipalities were, for the first time, required to obtain an NPDES² permit from the California Regional Water Quality Control Board to address urban storm drainage runoff pollution. Under this permit, the City works to reduce stormwater pollution, protect and enhance its watersheds, preserve beneficial uses of local waterways, and implement State and federal water quality regulations within the limits of its jurisdiction. Over the years, the range of actions taken by the City has greatly increased in response to evolving regulatory requirements and community needs.

#### STORM DRAINAGE FUNDING

In response to the NPDES permit requirements, the City implemented a Clean Storm Water Fee in 1991 for all residences and businesses in the City. The City collects approximately \$2 million annually from this fee which has not been increased since its 1991 inception. Initially revenues were sufficient to fund ongoing maintenance, operations and capital improvement projects. However, beginning in Fiscal Year 2014,

<sup>&</sup>lt;sup>2</sup> NPDES stands for the National Pollutant Discharge Elimination System as specified in the Federal Clean Water Act. The City is one of the co-permittees named on the Alameda County NPDES permit issued by the Regional Water Board. The most recent MRP was issued in November 2015, however, these permits typically are renewed every five years, with each new iteration containing additional requirements.

the program began operating at a deficit. In response to this deficit, the City implemented the 2018 Clean Stormwater Fee.

## FINANCIAL NEEDS SUMMARY

A Clean Stormwater Fund forecast for FY 2023 is provided below as Table 1.

Table 1- FY 2023 Fund Forecast

| Beginning Available Fund Balance<br>Clean Stormwater Fund (616) | \$<br>8,765,037   |
|-----------------------------------------------------------------|-------------------|
| Costs                                                           |                   |
| Personnel Costs                                                 | \$<br>1,602,199   |
| Non-Personnel Costs                                             |                   |
| Capital Improvement Program                                     | \$<br>2,525,000   |
| Non-Personnel                                                   | \$<br>1,788,295   |
| Subtotal Non-Personnel Costs                                    | \$<br>4,313,295   |
| Total Costs                                                     | \$<br>5,915,494   |
| Revenue                                                         |                   |
| Clean Stormwater Fee (1991)                                     | \$<br>1,918,360   |
| 2018 Clean Stormwater Fee                                       | \$<br>2,874,328   |
| Total Revenue                                                   | \$<br>4,792,688   |
| Annual Surplus/Shortfall                                        | \$<br>(1,122,806) |
| Estimated End Balance<br>Clean Stormwater Fund (616)            | \$<br>7,642,231   |

#### 2018 CLEAN STORMWATER FEE RATE STRUCTURE ANALYSIS

All properties which generate storm and urban runoff which flow into the City's MS4 are served by the system. The amount of use attributed to each parcel is proportional to the amount of storm and urban runoff flow contributed by the parcel, which is proportional to the amount of impervious surface area (e.g. building roofs, pavement, etc.) on a parcel.

In this Report, the median single-family residential parcel is used as the basic unit of measure, called the single-family equivalent, or "SFE." Accordingly, since the primary quantifiable attribute for this fee structure is impervious surface area, the amount of impervious surface area on the median SFR parcel serves as the basic unit of impervious area.

The basic unit of impervious area can be expressed by the following formula:

Median SFR Parcel Area

x Average SFR Impervious Percentage

= SFE Impervious Area

The median SFR parcel is 0.11 acres (4,792 square feet). Careful analysis revealed that the average percentage of impervious area ("%IA") of the medium class of SFR parcels is 44.82%. Therefore, the amount of impervious area for the SFE is 2,148 square feet. This becomes the basis for calculating the SFEs for all other types of land uses. In order to accomplish this, a representative sample of each land use category was studied through aerial photographs to measure the actual impervious area, which was, in turn, used to calculate the %IA for each land use category.

#### SINGLE-FAMILY RESIDENTIAL PARCELS

Berkeley has a wide range of sizes of SFR parcels, which have varying levels of %IA. Generally, smaller parcels tend to have a higher proportion of impervious area than larger parcels, which tend to have a lower percentage of impervious area. (This can be best visualized by the fact that larger residential properties tend to have a larger proportion of pervious landscaping, and therefore less impervious area.) Therefore, the range of SFRs were broken into three size categories as shown in Table 4 below. Since the size of a parcel is considered in finite groups, the resultant SFEs were calculated on a per-parcel basis for each size category using the formula above.

It should be noted that the SFR category also includes multiplex parcels of two, three or four units, since their lot development characteristics do not vary significantly from the SFR parcels of similar size. In all, this includes the approximately 3,400 multiplex parcels in the City. Any residential structure with five or more units is categorized as multi-family residential ("MFR"), which is calculated separately. For parcels with multiple SFRs, analysis showed that those parcels contained 22% more impervious area than single-home SFRs within the same size category. Therefore, multiple-SFR parcels are computed separately.

## **Special Notes On Condominiums**

Condominium units are particularly difficult to categorize as they are often on very small individual parcels, yet share larger common areas that are made up of landscaped (pervious) areas; parking lots and shared roofs (impervious); and other recreational uses (either pervious or impervious). The data for these variables are not readily available, so it is assumed that overall their characteristics were most similar to the small lot make up. Overall, condominium units are smaller than the average SFR, and may include two or more stories of residences in some cases. When combined with the various common areas (which were exempted from the SFE process), the overall effect would be less runoff impact than the median size SFR. Thus, the Small SFR rate was used.

| Table 2- Summary of Single-Family Residential Parcels |
|-------------------------------------------------------|
|                                                       |

|             | Parcel<br>Size    |                  |                  | SFE pe         | er Parcel         |
|-------------|-------------------|------------------|------------------|----------------|-------------------|
| Lot<br>Type | Range<br>(sf)     | Total<br>Parcels | % Imperv<br>Area | Single<br>Home | Multiple<br>Homes |
| Small       | Under<br>3,200    | 2,394            | 65.73%           | 0.80           | 0.98              |
| Medium      | 3,200 to<br>7,200 | 16,378           | 44.82%           | 1.00           | 1.22              |
| Large       | 7,200<br>and over | 2,689            | 29.81%           | 1.21           | 1.48              |
| Condos      | n/a               | 2,472            | n/a              | 0.80           | n/a               |
|             | TOTAL             | 23,933           | •                |                |                   |

#### NON-SINGLE-FAMILY RESIDENTIAL PARCELS

Unlike the SFR parcels, the non-SFR parcels can vary widely in size as well as characteristics. For this reason, the parcels have been grouped into land use categories according their %IA characteristics (as shown in Appendix B) so that SFE per acre can be computed for each category using the following formula:

$$\frac{(43,560 \text{ sf/acre}) \text{ x \%IA}}{2,148 \text{ sf/SFE}} = \text{SFE per Acre}$$

Where 2,148 square feet is the amount of the impermeable area in one SFE.

Table 3 below shows a summary of the non-single-family parcel SFEs for each non-SFR land use category.

Table 3 – Summary of Non-SFR Parcels

| Land Use Category                | Total<br>Parcels | %<br>Imperv<br>Area | SFE per<br>Acre |
|----------------------------------|------------------|---------------------|-----------------|
| Multi-Family (Apartments)        | 1,460            | 86%                 | 17.44           |
| Commercial / Retail / Industrial | 1,636            | 96%                 | 19.47           |
| Office                           | 246              | 90%                 | 18.25           |
| Institutional / Church           | 287              | 82%                 | 16.63           |
| School / Hospital                | 27               | 75%                 | 15.21           |
| Recreational                     | 28               | 58%                 | 11.76           |
| Vacant (developed)               | 596              | 5%                  | 1.01            |
| Open Space / Agricultural        | 93               | Exe                 | empt            |
|                                  | 4,373            |                     |                 |

Each individual parcel's SFE is then calculated by multiplying the parcel size (in acres<sup>3</sup>) times the SFE per acre for that land use category, as shown in the following formula:

#### **Developed Vacant Parcels**

Developed vacant parcels are distinguished from undeveloped vacant land by one of several characteristics. Typically, a developed vacant parcel has been graded to be ready for building construction (possibly as part of the original subdivision or adjacent street grading). In some cases, the parcel was previously improved, but the improvement has been removed. Although developed vacant parcels may have significant vegetative cover, the underlying soil conditions resulting from grading work can usually cause some rainfall to run off into the storm drainage system. The %IA for developed vacant parcels is conservatively assumed to be 5%. Vacant parcels that have significant impervious paving remaining from prior improvements may be classified as Commercial or some other classification best representing the %IA of the parcel.

<sup>&</sup>lt;sup>3</sup> Parcel size for non-single-family residential parcels is calculated to the tenth of an acre or portion thereof.

#### **Open Space and Agricultural Parcels are Exempt**

The City's MS4 was developed in response to land development over the past several decades. Tracts of land that have not yet been developed, or have been used primarily for agricultural purposes, have not created an impact on the drainage system beyond the natural condition, and are therefore considered to receive no service from the MS4. In practical terms, these parcels generate no additional storm runoff beyond the natural condition. For these reasons, open space and agricultural parcels are exempt from the storm drainage fee.

Berkeley is a City with some open space land, which can be situated on portions of developed parcels. For parcels that have a significant portion that is considered open space (or agricultural), those portions have been taken into consideration in the calculations of the %IA and SFEs. For SFR parcels, these open space lands have been included in the sampled lots size when calculating the average %IA, which produced a lower %IA for the large parcel category, and, thus, a lower SFE and Fee to accommodate the open space areas. For non- SFR parcels the fees are calculated on individual acreage. However, the open space portion has been deducted from the acreage prior to all analyses including %IA as well as SFE and fee calculation.

#### EFFECTS OF LOW IMPACT DEVELOPMENT

The current NPDES Permit requires certain properties to construct storm drainage treatment and attenuation facilities, also known as low impact development ("LID"). These facilities often are designed to capture a portion of the storm flows, retain them, and enable them to infiltrate into the ground. While this is intended to help filter pollutants from the water, it also can reduce the parcel's storm drainage runoff quantity to some extent. However, LID is designed to capture, retain and treat frequent, but low intensity storms. Conversely, the MS4 is designed around the infrequent, high intensity storms, those storms which will typically overflow most LID facilities. For this reason, no discount in the storm drainage fees is made available for parcels with LID facilities.

#### STORM DRAINAGE FEE CALCULATION

The primary metric in this analysis is the SFE as illustrated above. To arrive at the fee amount for the various land use categories, the total SFEs must be divided into the total revenue requirement to arrive at the rate per SFE. That calculation is represented by the following formula:

$$\frac{Total \, Assessments \, to \, be \, Collected}{Total \, SFEs} = \, SFE \, Rate$$

The total assessment to be collected in FY 2023, includes an allowable adjustment. As described in the Overview section of this report, the fee is subject to an annual adjustment calculated by taking the sum of the 1991 Clean Stormwater Fee and the 2018 Clean Stormwater Fee and multiplying the sum by the allowable CPI increase not to exceed 3%. For the period beginning in December 2020 and ending in December 2021, the CPI increased by 4.24%. As discussed in the Overview section

of this report, "Unused CPI" balance from previous years can be used to increase the annual adjustment in years with CPI increases less than 3%. The annual adjustment for FY 2023 is limited to the prescribed maximum of 3% and the excess CPI increase of 1.24% will be reserved as "Unused CPI" balance to be used in future years.

The SFE calculation can be rewritten as follows:

$$\frac{2018\,Fee\,in\,FY\,22 + (2018\,Fee\,in\,FY\,22 + 1991\,Fee) \times \%\,Increase}{Total\,SFEs}$$

= SFE Rate in FY 23

Or, using numbers from the analysis, the SFE Rate is:

$$\frac{\$2,734,735 + (\$2,734,735 + \$1,918,360) \times 0.03}{54,735.625 \, SFEs} = \$52.51 \, per \, SFE$$

This SFE rate amount is then multiplied by the SFE per parcel or SFE per acre for the various land use categories to arrive at the Storm Drainage Fee Rate Schedule shown in Table 4 below.

**Table 4 - Storm Drainage Fee Schedule** 

| Rate Category                                                                                                                                                                                  | SFE Rate        | Pro | posed Fee | Unit   |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----|-----------|--------|--|
| Single-Family Residential                                                                                                                                                                      |                 |     |           |        |  |
| Small                                                                                                                                                                                          | 0.79992         | \$  | 42.01     | parcel |  |
| Medium                                                                                                                                                                                         | 1.00000         | \$  | 52.51     | parcel |  |
| Large                                                                                                                                                                                          | 1.20933         | \$  | 63.51     | parcel |  |
| Condominium                                                                                                                                                                                    | 0.79992         | \$  | 42.01     | parcel |  |
| Multiple SFR on a single parcel pay                                                                                                                                                            | 22% higher rate |     |           |        |  |
| Non-Single-Family Residential**                                                                                                                                                                |                 |     |           |        |  |
| Multi-Family Residential                                                                                                                                                                       | 17.44360        | \$  | 916.01    | acre   |  |
| Commercial / Industrial / Parking                                                                                                                                                              | 19.47193        | \$  | 1,022.53  | acre   |  |
| Office                                                                                                                                                                                         | 18.25493        | \$  | 958.62    | acre   |  |
| Institutional / Church                                                                                                                                                                         | 16.63227        | \$  | 873.41    | acre   |  |
| School / Hospital                                                                                                                                                                              | 15.21244        | \$  | 798.85    | acre   |  |
| Recreational                                                                                                                                                                                   | 11.76429        | \$  | 617.78    | acre   |  |
| Park                                                                                                                                                                                           | 1.21700         | \$  | 63.91     | acre   |  |
| Vacant (developed)                                                                                                                                                                             | 1.01416         | \$  | 50.78     | acre   |  |
| Open Space / Agricultural                                                                                                                                                                      |                 | ex  | kempt     |        |  |
| * Single-Family Residential category also includes duplex, triplex and four-plex units.  ** Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion thereof |                 |     |           |        |  |

The proposed \$52.51 SFE rate is well within the range of storm drainage rates adopted by other municipalities.

# NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY

#### LEVY OF 2018 CLEAN STORMWATER FEE FOR FY 2023

NOTICE IS HEREBY GIVEN that at its meeting on Tuesday, June 28, 2022, the Berkeley City Council will conduct a public hearing to consider:

The levy of the 2018 Clean Stormwater Fee in Fiscal Year 2023.

The fee is collected through the property tax bill and collected revenue would fund operations, maintenance, and capital improvements of the City's storm drain system. The table below details prior year and proposed FY 2023 rates for the property-related fee.

| Rate Category                                     | FY       | 2022        | 2 Proposed |              |         |
|---------------------------------------------------|----------|-------------|------------|--------------|---------|
|                                                   | F        | ee          | FY 2023 Fe |              | Unit    |
| Single-Family Residential                         |          |             |            |              |         |
| Small                                             | \$       | 40.06       | \$         | 42.01        | parcel  |
| Medium                                            | \$       | 50.08       | \$         | 52.51        | parcel  |
| Large                                             | \$       | 60.56       | \$         | 63.51        | parcel  |
| Condominium                                       | \$       | 40.06       | \$         | 42.01        | parcel  |
| Single-Family Residential parcels with multiple s | single-f | amily resid | lences pa  | ay 22% highe | er rate |
| Non-Single-Family Residential**                   |          |             |            |              |         |
| Multi-Family Residential                          | \$       | 873.48      | \$         | 916.01       | acre    |
| Comm / Industrial / Parking                       | \$       | 975.06      | \$ 1       | ,022.53      | acre    |
| Office                                            | \$       | 914.12      | \$         | 958.62       | acre    |
| Institutional / Church                            | \$       | 832.86      | \$         | 873.41       | acre    |
| School / Hospital                                 | \$       | 761.76      | \$         | 798.85       | acre    |
| Recreational                                      | \$       | 589.10      | \$         | 617.78       | acre    |
| Park                                              |          |             | \$         | 53.26        | acre    |
| Vacant (developed)                                | \$       | 50.78       | \$         | 53.25        | acre    |
| Open Space / Agricultural                         |          |             | exe        | mpt          |         |

<sup>\*</sup> Single-Family Residential category also includes duplex, triplex and four-plex units.

The 2018 Clean Stormwater Fee ("2018 Fee") is subject to an annual adjustment tied to the Consumer Price Index - U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"). Per the voter approved measure, any increase in the CPI in excess of 3% shall be cumulatively reserved as "Unused CPI" and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. To date there is a current "Unused CPI" balance of 0.0%. For the period beginning in December 2020 and ending in December 2021, the CPI increased by 4.24%; therefore the annual adjustment for FY 2023 will be limited to the prescribed maximum of 3.00% and the excess CPI increase of 1.24% will be reserved as "Unused CPI" balance to be used in future years.

As approved by voters, the annual adjustment may be calculated by taking the sum of the 1991 Clean Stormwater Fee ("1991 Fee") and the 2018 Clean Stormwater Fee, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this

<sup>\*\*</sup> Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion Thereof

#### Page 18 of 18

manner allows for the inclusion of a 1991 Fee adjustment as part of the annual 2018 Fee increase. The cumulative adjustment of the 1991 Fee and the 2018 Fee, result in 2018 Fee increases of approximately 4.9%.

#### **Public Hearing Information**

The hearing will be held, on June 28, 2022 at 6:00 p.m. The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

A copy of the agenda material for this hearing will be available on the City's website at <a href="https://www.cityofberkeley.info">www.cityofberkeley.info</a> as of June 16, 2022. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.

FY 2023 Assessment Rolls will be available at the City Clerk's Office at 2180 Milvia Street, 1<sup>st</sup> Floor, and at the main Public Library, 2090 Kittredge Street, Berkeley, CA, when the city offices reopen for public business.

Written comments should be mailed to the <u>City Clerk, 2180 Milvia Street, Berkeley, CA 94704</u> or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

For further information, please contact Joe Enke, Manager of Engineering at (510) 981-6411 or Ricardo Salcedo, Associate Civil Engineer at (510) 981-6407.

Published: June 17 and June 24, 2022 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

~~~

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted on the display case located near the walkway in front of the Council Chambers at 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 16, 2022.

Mark Numainville, City Clerk

Mad Municipal



PUBLIC HEARING June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Levy and Collection of Fiscal Year 2023 Street Lighting Assessments

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in the Fiscal Year 2023.

FISCAL IMPACTS OF RECOMMENDATION

On May 31, 2022, Council adopted Resolution No. 70,388–N.S. (District No. 1982-1) and Resolution No. 70,389–N.S. (District 2018) declaring the City's intent to levy and collect FY 2023 assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018, collectively referred to herein as the Districts; preliminarily approving the Engineer's Reports for the Districts; and setting a public hearing for the June 28, 2022 Council Meeting.

The attached Resolutions confirm the assessments, approve the final Engineer's Reports, and authorize the levy and collection of assessment in Fiscal Year 2023. The assessments are to be filed with the Alameda County Auditor and included on the County's assessment roll. After collection by the County, the total amount of the assessment minus a county collection fee is paid to the City of Berkeley. The revenue is posted in the Street Light Assessment District Fund (Fund 142).

A summary of forecasted FY 2023 revenue and expenditures for the Districts is shown in Table 1.

Table 1: FY 2023 Street Light Assessment Revenue & Expenditures Forecast

| Estimated Beginning Balance (Fund 142) | | 1,941,027 |
|---|----|-----------|
| | | |
| Street Lighting Program Expenditures | \$ | 2,974,124 |
| Projected Assessments & Other Revenue | | |
| Street Light Assessment District 1982-1 | \$ | 1,416,260 |

| Estimated End Balance (Fund 142) | \$
1,055,108 |
|---------------------------------------|-----------------|
| Deficit | \$
(885,919) |
| Projected Net Revenue | \$
2,088,205 |
| Misc. Revenue | \$
957 |
| County Collection Fee (1.7%) | \$
(36,097) |
| Street Light Assessment District 2018 | \$
707,085 |

Allowable annual adjustments of the 2018 District assessment rates are expected to raise revenues over the coming years.

CURRENT SITUATION AND ITS EFFECTS

The proposed FY 2023 rates for Assessment District 1982-1 (1982 District) are incorporated into the Engineer's Report (Attachment 3) and reflect no changes to assessment rates in FY 2023. Accordingly, this action is exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XIII D, Sec. 5). Any increase or change in the formula for the assessments would make the annual assessment subject to the procedures and approval process of Proposition 218 (Government Code Section 53750-53754). Table 2 details the prior year and proposed FY 2023 assessment rates for this district.

Table 2: Street Lighting Assessment District No. 1982-1 Rate Schedule

| Rate Category | Assessment
FY 2022 | | A | Proposed
ssessment
FY 2023 | Unit |
|-------------------------------|-----------------------|--------|----|----------------------------------|------------------|
| Residential and Institutional | \$ | 0.0108 | \$ | 0.0108 | BSF ¹ |
| Industrial and Utility | \$ | 0.0216 | \$ | 0.0216 | BSF |
| Commercial | \$ | 0.0432 | \$ | 0.0432 | BSF |

The assessment for Street Lighting Assessment District 2018 (2018 District) is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. For the period beginning in December 2020 and ending in December 2021, the CPI increased by 4.24%; therefore, the assessment CPI adjustment for the Fiscal Year 2023 may not exceed the prescribed maximum of 3.00%. As approved by voters, the total annual adjustment may be calculated by taking the sum of the 1982-1 District assessment and the 2018 District assessment and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for the inclusion of a 1982-1 District adjustment as part of the 2018 District adjustment. The

_

¹ Building Square Footage (BSF)

cumulative total adjustment results in a 2018 District assessment rate increase of approximately 6.1%.

These rate increases and the methodology used in their calculation are in accordance with the voter approved measure; therefore, the proposed adjustments are exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XII D, Sec. 5). Table 3 details FY 2022 and proposed FY 2023 assessment rates for this district. A detailed calculation of the annual adjustment and the corresponding rate increases are included in the 2018 District Engineer's Report (Attachment 4).

Table 3: Street Lighting Assessment District 2018 Rate Schedule

| Table 3: Street Lighting Assessmen | | | | Proposed | | | | | |
|------------------------------------|--------------|---------|----|----------|--------|--|--|--|--|
| | Ass | essment | | sessment | | | | | |
| Rate Category | | Y 2022 | l | FY 2023 | Unit | | | | |
| Residential | | | | | | | | | |
| Single Family | \$ | 14.12 | \$ | 15.34 | parcel | | | | |
| Multi-Family<5 units | \$ | 11.30 | \$ | 12.27 | unit | | | | |
| Multi-Family 5 or more units | \$ | 8.47 | \$ | 9.20 | unit | | | | |
| Condominium | \$ | 11.30 | \$ | 12.27 | parcel | | | | |
| Mobile Home | \$ | 7.06 | \$ | 7.67 | unit | | | | |
| Multiple SFR on parcel | \$ | 14.12 | \$ | 15.34 | unit | | | | |
| Non-Residential | | | | | | | | | |
| General Commercial | \$ | 211.82 | \$ | 230.10 | acre | | | | |
| Industrial / Warehouse | \$ | 21.18 | \$ | 23.01 | acre | | | | |
| Auto Repair | \$ | 141.22 | \$ | 153.40 | acre | | | | |
| Hotel / Motel / Boarding | \$ | 141.22 | \$ | 153.40 | acre | | | | |
| Hospital | \$ | 88.26 | \$ | 95.88 | acre | | | | |
| Retirement Home | \$ | 17.65 | \$ | 19.18 | acre | | | | |
| School / Day Care | \$ | 31.77 | \$ | 34.52 | acre | | | | |
| Medical / Dental / Vet | \$ | 176.52 | \$ | 191.75 | acre | | | | |
| Church | \$ | 10.59 | \$ | 11.51 | acre | | | | |
| Mortuary | \$ | 3.53 | \$ | 3.84 | acre | | | | |
| Recreational | \$ | 35.30 | \$ | 38.35 | acre | | | | |
| Parking / Transportation | \$ | 70.61 | \$ | 76.70 | acre | | | | |
| Mini Storage | \$ | 10.59 | \$ | 11.51 | acre | | | | |
| Office | \$ | 52.96 | \$ | 57.53 | acre | | | | |
| Bank | \$ | 176.52 | \$ | 191.75 | acre | | | | |
| Park / Open Space / Agriculture | \$ | 0.71 | \$ | 0.77 | acre | | | | |
| Vacant | Not assessed | | | | | | | | |

Revenue from the assessments will provide needed funding for the installation, maintenance, and servicing of public lighting facilities, including but not limited to street lights, traffic signals, and related electrical facilities. The improvements and services support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The Berkeley Street Lighting Assessment District No. 1982-1 was established under the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22620-22631) on July 27, 1982 (Resolution No. 51,449-N.S.)². The Street Lighting Assessment District 2018 was established under the same Act on June 12, 2018 (Resolution No. 68,482-N.S.). The Act requires the City Council to hold a public hearing each year to consider adoption of an annual budget and approve changes to the Engineer's Report. At this hearing owners of assessed properties within the district are allowed to make an oral or written protest against the annual levy.

During the course of, or upon conclusion of the public hearing, City Council may order changes in any of the matters provided in the respective Engineer's Report, including changes in improvements; zones within the assessment district; and the proposed district diagram, or the proposed assessment, as long as any proposed changes are less than the proposed annual levy. With the incorporation of any changes made by Council to the Engineer's Report, it is then adopted upon supporting vote by Council confirming the diagrams, assessments, and levying assessments for the coming Fiscal Year.

The City's Engineering Division has filed the FY 2023 Engineer's Reports for the assessment districts with the City Clerk. Copies of the Engineer's Reports with FY 2023 assessments will be available for review on the City's Website³ after this Council Action, at the reference desk of the main branch of the Berkeley Public Library, and at the City Clerk's Office when the City offices reopen for public business.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City exclusively uses LED (light-emitting diode) street lighting. LED lights provide environmental benefits by reducing the level of greenhouse gases emitted; reducing the level of toxic materials disposed of; maximizing energy and energy cost savings; achieving the City's illumination standards, and minimizing administration costs and staff time for street light maintenance.

RATIONALE FOR RECOMMENDATION

Failure to conduct a public hearing and adopt the Resolutions would result in non-compliance with the requirements set forth in the Landscaping and Lighting Act of 1972 thus preventing the City from levying assessments in FY 2023. The District

² State of California legislation (Streets & Highways §22500) allows local governmental agencies to form Landscape & Lighting Maintenance Districts. A 1972 Act Landscaping and Lighting District is a flexible tool used by local government agencies to pay for landscaping, lighting and other improvements and services in public areas. It is based on the concept of assessing only those properties that benefit from improvements financed, either directly, or indirectly through increased property values. http://www.californiataxdata.com/pdf/1972LLact.pdf

³ https://berkeleyca.gov/city-services/report-pay/property-taxes

assessments are needed to establish financial sustainability for the Program and to avoid significant reductions in service.

CONTACT PERSON

Liam Garland, Director, Department of Public Works, (510) 981-6303 Joe Enke, Manager of Engineering/City Engineer, (510) 981-6411

Attachments:

- 1: Resolution Levy and Collection of FY 2023 Assessments for Street Lighting Assessment District 1982-1
- 2: Resolution Levy and Collection of FY 2023 Assessments for Street Lighting Assessment District 2018
- 3: Engineer's Report Street Lighting Assessment District 1982-1 Fiscal Year 2023
- 4: Engineer's Report Street Lighting Assessment District 2018 Fiscal Year 2023
- 5: Public Hearing Notice

Page 6 of 51

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

LEVY AND COLLECTION OF FY 2023 ASSESSMENTS FOR STREET LIGHTING ASSESSMENT DISTRICT 1982-1

WHEREAS, the Council of the City of Berkeley adopted Resolution No. 70,388-N.S. declaring the City's intent to levy and collect assessments for FY 2023, approving the preliminary Engineer's Report, dated May 2022, for the Berkeley Lighting Assessment District 1982-1, and setting a public hearing for June 28, 2022; at a regular Council Meeting; and

WHEREAS, the City Clerk published notice of the public hearing 10 days prior to the public hearing in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Government Code Section 6061 in a newspaper with general circulation; and

WHEREAS, a public hearing was held on Tuesday, June 28, 2022, at the regular City Council meeting held via videoconference and teleconference pursuant to Governor's Executive Order N-29-20; and all interested persons were afforded the opportunity to hear and be heard or file a written protest with the Clerk; and

WHEREAS, the Council considered all public comments received against the levy of an annual assessment at the same rate as was levied in FY 2022 and the assessment is in compliance with the Landscape and Lighting Act of 1972.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the final Engineer's Report dated May 2022 and authorizes the levy and collection of assessments within Berkeley Street Lighting Assessment District No. 1982-1 for FY 2023. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

Page 7 of 51

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

LEVY AND COLLECTION OF FY 2023 ASSESSMENTS FOR STREET LIGHTING ASSESSMENT DISTRICT 2018

WHEREAS, the Council of the City of Berkeley adopted Resolution No. 70,389-N.S. declaring the City's intent to levy and collect assessments for FY 2023, approving the preliminary Engineer's Report, dated May 2022, for the Street Lighting Assessment District 2018, and setting a public hearing for June 28, 2022; at a regular Council Meeting; and

WHEREAS, the City Clerk published notice of the public hearing 10 days prior to the public hearing in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Government Code Section 6061 in a newspaper with general circulation; and

WHEREAS, a public hearing was held on Tuesday, June 28, 2022, at the regular City Council meeting held via videoconference and teleconference pursuant to Governor's Executive Order N-29-20; and all interested persons were afforded the opportunity to hear and be heard or file a written protest with the Clerk; and

WHEREAS, the Council considered all public comments received against the levy of an annual assessment at the proposed assessment rate of FIFTEEN DOLLARS AND THIRTY-FOUR CENTS (\$15.34) per single-family equivalent benefit unit; and

WHEREAS, the proposed annual assessment adjustment is in accordance with formulas established when the assessment district was formed and the assessment is in compliance with the provisions of Proposition 2018 (Article XIII D of the California Constitution) and the Landscape and Lighting Act of 1972.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the final Engineer's Report dated May 2022 and authorizes the levy and collection of assessments within Street Lighting Assessment District 2018 for FY 2023. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

CITY OF BERKELEY

STREET LIGHTING ASSESSMENT DISTRICT No. 1982-1

ENGINEER'S REPORT

on the Levy of an Assessment for Fiscal Year 2023

May 2022

Prepared by

JOSEPH ENKE, PE

CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION

TABLE OF CONTENTS

| BACKGROUND | 3 |
|--|---|
| | |
| PLANS AND SPECIFICATIONS | 3 |
| METHODOLOGY | 3 |
| ESTIMATE OF COSTS | |
| DIAGRAM | 4 |
| ASSESSMENT | 5 |
| APPENDIX A: DETAIL OF STREET LIGHTING COSTS IN FY 2023 | |
| APPENDIX B: FY 2023 ASSESSMENT ROLL | |
| | |
| | |
| LIST OF TABLES | |
| Table 1. FV 2023 Street Light Fund Forecast | , |

BACKGROUND

By its Resolution 51,230 N.S., adopted April 6, 1982, the Berkeley City Council initiated proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled "Landscaping and Lighting Act of 1972". The required public hearing was held on July 20, 1982, at which time the Council ordered the improvements and the formation of the assessment district, and confirmed the diagram and assessment. The district so formed was designated the "City of Berkeley Street Lighting Assessment District 1982-1". Assessments have been levied for the 1983 through 2022 fiscal years.

This report was prepared and filed pursuant to Division 15, Part 2, of the California Streets and Highway Code Section 2250, and is exempt from Government Code Section 53753 since the proposed assessment for FY 2023 will not be increased.

PLANS AND SPECIFICATIONS

The plans and specifications for this assessment district were prepared and filed with the Engineer's Report for the 1983 fiscal year, which plans and specifications are incorporated herein by this reference thereto.

METHODOLOGY

The benefit to individual parcels within the Assessment District was established in 1982 based on the median light intensity a parcel receives. Parcel's Land Use Code (LUC) is used to categorize the parcels. The assessment is calculated by multiplying the building square footage on the parcel times the rate of its category. The rate structure has three categories: 1) Residential and Institutional, 2) Industrial, 3) Commercial. An industrial area has twice the median light intensity of a residential area and a commercial area has four times the median light intensity; therefore, the rates are two and four times higher, respectively, than the residential rate. The rates are:

Residential and Institutional Industrial and Utility \$0.0108/Building Square Footage \$0.0216/Building Square Footage \$0.0432/Building Square Footage

ESTIMATE OF COSTS

The improvements to be made in this assessment district are generally described as the maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalks, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

An estimate of costs for the maintenance of the improvements is provided in the fiscal year (FY) 2023 Street Light Assessment Fund (Fund 142) forecast provided below. A more detailed breakdown of costs is included as Appendix A.

Table 1- FY 2023 Street Light Fund Forecast

| Costs | | |
|---|----------------|-----------|
| Personnel Costs | \$ | 1,072,367 |
| Non-Personnel Costs | | |
| Supplies, etc. | \$ | 149,673 |
| Debt Service | \$ | 370,451 |
| PG&E Electric Costs | \$ | 423,193 |
| Infrastructure/Streets | \$ | 534,398 |
| Deferred Capital Maintenance | | 171,125 |
| Indirect Costs | \$
\$
\$ | 51,764 |
| Operating Transfer Out | \$ | 12,120 |
| Internal Services | \$ | 189,033 |
| Subtotal Non-Personnel Costs | \$ | 1,901,757 |
| Total Costs | \$ | 2,974,124 |
| Assessments & Other Revenue | | |
| Street Light Assessment District 1982-1 | \$ | 1,416,260 |
| Street Light Assessment District 2018 | | 707,085 |
| County Collection Fee (1.7%) | \$
\$ | (36,097 |
| Misc. Revenue | \$ | 957 |
| Net Revenue | \$ | 2,088,20 |
| | | (885,919 |

DIAGRAM

The diagram for this assessment district was prepared and filed with the Engineer's Report for the 1983 fiscal year.

ASSESSMENT

Except as described below, the assessments to be made against the assessable lots and parcels of land within this assessment district are contained in the "2022 Assessment Roll" for this district, which roll is filed herewith and incorporated herein by this reference thereto.

Said assessment roll filed herewith is based on data contained in the City's 2022 Library Tax tape and the County Assessor's 2022 maps. In the event that data contained in the 2022 Library Tax tape and 2022 maps, when issued, conflict therewith, assessments to be made against the affected parcels for this 2023 Fiscal Year shall be based upon the revised data contained in said 2023 tape and 2023 maps.

Dated: April 19, 2022

Joseph Enke, RCE 49027 Engineer of Work

Joseph Eke



APPENDIX A: DETAIL OF STREET LIGHTING COSTS IN FY 2023

DETAIL OF STREET LIGHTING COSTS IN FY 2023

| | Perso | nnel | Sup | plies, etc | De | bt Service | P | GE Electric | Inf | rastructure/
Streets | Deferred
Capital/
aintenance | Indir | ect Costs | perating | Internal
Services | TOTALS |
|-------------------------------------|---------|-------|-----|------------|-----|------------|----|-------------|-----|-------------------------|------------------------------------|-------|-----------|--------------|----------------------|-----------------|
| Customer Service - 311 | | | | | | | | | | | | | | | \$
38,402 | \$
38,402 |
| Revenue Collection | \$ 1 | 9,063 | | | ~~~ | | | | | |
 | \$ | 2,188 |
 |
 | \$
21,251 |
| Financial Admin
Services | | | | | | | | | | |
 | | | \$
364 |
 | \$
364 |
| Corp Yard
Administration | | | | | | | | | | |
 | | | \$
1,091 |
 | \$
1,091 |
| General Engineering | | | | | | | | | | | | | | \$
121 | | \$
121 |
| Communication System
Maintenance | | | \$ | 1,000 | | | | | | |
 | | |
 |
 | \$
1,000 |
| Street Lighting
Maintenance | | | | | | | | | | 534,398 | | | | | | 2,875,458 |
| Traffic Signal
Maintenance | | | | | | | | | | | | | | | | \$
- |
| Corp Yard Maintenance | | | \$ | 12,917 | | | \$ | 7,385 | | | | | | | \$
16,136 | \$
36,438 |
| TOTALS | \$ 1,07 | 2,367 | \$ | 149,673 | \$ | 370,451 | \$ | 423,193 | \$ | 534,398 | \$
171,125 | \$ | 51,764 | \$
12,120 | \$
189,033 | \$
2,974,125 |

APPENDIX B: FY 2023 ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern all details concerning the description of the lots or parcels.

FY 2023

City of Berkeley

Street Lighting Assessment District 2018

May 2022



Engineer of Work:



4745 Mangels Boulevard Fairfield, California 94534 707.430.4300

www.sci-c**429**m

(This Page Intentionally Left Blank)

CITY OF BERKELEY

City Council

Jesse Arreguin, Mayor Rashi Kesarwani, District 1 Terry Taplin, District 2 Ben Bartlett, District 3 Kate Harrison, District 4 Sophie, Hahn, District 5 Susan Wengraf, District 6 Rigel Robinson, District 7 Lori Droste, District 8

City Manager

Dee Williams-Ridley

Public Works Department

Liam Garland, Director Joseph Enke, Manager of Engineering Ricardo Salcedo, Associate Civil Engineer

City Attorney

Farimah Brown

Engineer of Work

Jerry Bradshaw, P.E., SCI Consulting Group



TABLE OF CONTENTS

| Introduction | 1 |
|---|----|
| Overview | 1 |
| Assessment Formation Process | 2 |
| Legal Requirements | 2 |
| Proposition 218 Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space | 2 |
| Authority | 3 |
| Dahms v. Downtown Pomona Property | 4 |
| Bonander v. Town of Tiburon | 5 |
| Beutz v. County of Riverside | 5 |
| Golden Hill Neighborhood Association v. City of San Diego | 5 |
| Compliance with Current Law | 5 |
| Plans and Specifications | 7 |
| Fiscal Year 2023 Budget | 9 |
| Method of Assessment | 11 |
| Discussion of Benefit | 11 |
| Special Benefit | 12 |
| Improved Visibility and Safety | 12 |
| Improved Access, Navigation and Traffic Safety | 12 |
| Improved Community Character and Vitality | 12 |
| General Versus Special Benefit | 13 |
| Quantification of General Benefit | 13 |
| Calculation of General Benefit | 14 |
| Calculation of the Current General Benefit Contribution from the City | 16 |
| General Benefit is More than Offset by City Contribution | 16 |
| Method of Assessment | 16 |
| Residential Traffic | 17 |
| Non-Residential Traffic | 17 |
| Darkness | 18 |
| Single-Family Equivalents | 18 |
| Annual Assessment Increase | 19 |
| Duration of Assessment | 20 |
| Appeals and Interpretation | 21 |



Page 19 of 51

| | Page iii |
|------------------------------|-----------------|
| | |
| Assessment Statement | 22 |
| Assessment Diagram | 24 |
| Appendix B – Assessment Roll | 27 |
| | |

List of Tables

| Table 1 – FY 2023 Budget Summary | 9 |
|---|------|
| Table 2 – General Benefit for Arterial Streets | . 15 |
| Table 3 – Calculation of General Benefit | 15 |
| Table 4 – Single-Family Equivalent Rates | 19 |
| Table 5 – Maximum Single-Family Equivalent Rate Calculation | 20 |



| | • | | |
|------|-----|-----|------|
| List | OT. | FIΘ | ures |
| | | | |

Introduction

Overview

The City of Berkeley ("City") provides maintenance and servicing of certain publicly-owned street lights throughout the City. In order to fund the installation, maintenance and operation (the "Services") of these improvements ("Improvements"), the City formed a city-wide street light assessment district in 1982. The rates for the 1982 assessment district have never been increased. Revenues from these assessments are placed into the streetlight fund (Fund 470).

In time, the financial outlook of the Streetlight fund began to cause concern as the costs increased for energy, labor and materials, while the revenue remained relatively static. Accordingly, the Streetlight fund no longer had enough funds to fund the Street light program. As a result, beginning in Fiscal Year 2006¹ the Streetlight fund began to receive a subsidy from the City's General Fund in order to balance revenues with expenditures. However, because of other demands on the General Fund, that subsidy ended beginning Fiscal Year 2018. The modest fund balance was sufficient for Fiscal Year 2018 to cover that year's anticipated expenses, but under current conditions it was expected to be depleted during Fiscal Year 2019. To establish financial sustainability for the Streetlight fund and avoid significant reductions in service levels, in 2018 the City conducted a funding measure to increase the assessment revenue for street light services.

With the passage of Proposition 218 in 1996, any increase in assessments must be approved by the affected property owners through a specified ballot proceeding. In addition, Proposition 218 and related subsequent court decisions create strict criteria for how assessments can be apportioned to the various properties, and the existing 1982 assessment structure may not be adequately consistent with these newer criteria. While the 1982 assessment structure may continue as a "grandfathered" assessment, any increase must be implemented in accordance with Proposition 218 and court decisions. For this reason, a new district, Street Lighting Assessment District 2018 ("District"), was formed separately, leaving the 1982 assessment structure in place, as is. The District will was formed and the levies are made pursuant to Part 2 of Division 15 of the *California Streets and Highways Code*, commonly known as the Landscape and Lighting Act of 1972 ("Act"), and Article XIIID of the California Constitution ("Article").

¹ Fiscal years are referenced in this Report by the year that fiscal period ends. For example, Fiscal Year 2006 would cover the period from July 1, 2005 through June 30, 2006.



Assessment Formation Process

This Engineer's Report ("Report") describes the Street Lighting Assessment District 2018 ("District"), along with the boundaries, a description of the facilities and public improvements to be improved, serviced and maintained by the assessments (the "Improvements"), and the proposed assessments for Fiscal Year 2023 ("Assessments").

At its meeting on April 3, 2018, the City Council passed a resolution directing that a notice of assessment and assessment ballot be mailed to property owners within the District whose property receives special benefit from the Improvements. The notice included a description of the Improvements to be funded by the Assessments, the proposed assessment amount for each parcel owned, and an explanation of the method of completing and submitting the ballot. Ballots were mailed on or about April 11, 2018.

On May 29, 2018, a public hearing was be held for the purpose of allowing public testimony regarding the proposed Assessments. At the Public Hearing, the public had the opportunity to speak on the issue, voice any concerns or protests, and obtain further information about the proposed Assessments.

The returned ballots were then tabulated, and the ballot results were announced at the City Council meeting on June 12, 2018. It was determined that the assessment ballots submitted in opposition to the proposed Assessments did not exceed the assessment ballots submitted in favor of the Assessments (each ballot was weighted by the proportional financial obligation of the property for which the ballot was submitted), so the Council was able to take action to approve the levying of Assessments for Fiscal Year 2019. The Assessments were so confirmed and approved, and the Assessment information was submitted to the County Auditor/Controller. The County Auditor/Controller included the Assessments on the property tax roll beginning in Fiscal Year 2019. Assessments may now be continued by the City Council from year to year.

Legal Requirements

Proposition 218

This Assessment District was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now codified as Articles XIIIC and XIIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.



FY 2023

437

Proposition 218 describes a number of important requirements, including propertyowner balloting for the imposition, increase and extension of assessments, and these requirements are satisfied by the process used to establish this Assessment District.

Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority

In July 2008, the California Supreme Court decided Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA"), the most significant court case clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the decision included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in each assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish the Assessments are consistent with the *SVTA* decision and with the requirements of Article XIIIC and XIIID of the California Constitution based on the following factors:

1. The District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements. Thus, zones of benefit are not required, and the assessment revenue derived from real property in the District is extended only on the Improvements in the District.



- 2. The Improvements which will be constructed and maintained with Assessment proceeds in the District are located in close proximity to the real property subject to the Assessment. The Improvements provide illumination to streets and sidewalks enabling improved access to the residents of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to the residents of the assessed parcels by the Improvements provides a special benefit to the parcel being assessed pursuant to the factors outlined by the Supreme Court in that decision.
- 3. Due to their proximity to the assessed parcels, the Improvements financed with Assessment revenues in the District benefit the properties in that District in a manner different in kind from the benefit that other parcels of real property in the area derive from such Improvements, and the benefits conferred on such property in the District are more extensive than a general increase in property values.
- 4. The assessments paid in the District are proportional to the special benefit that each parcel within the District receives from the Improvements because:
 - a) The costs of the specific lighting Improvements and maintenance and utility costs in the District are specified in this Report; and
 - b) Such Improvement and maintenance costs in the District are allocated among different types of property located within the District and equally among those properties which have similar characteristics, such as singlefamily residential parcels, multi-family residential parcels, commercial parcels, industrial parcels, etc.

Dahms v. Downtown Pomona Property

On June 8, 2009, the Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona in Dahms v. Downtown Pomona Property ("Dahms"). On July 22, 2009, the California Supreme Court denied review. In *Dahms* the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.



Bonander v. Town of Tiburon

On December 31, 2009, in Bonander v. Town of Tiburon ("Bonander"), the Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments primarily on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of the overall cost of the improvements and the overall proportional special benefits.

Beutz v. County of Riverside

On May 26, 2010 the Court of Appeals issued a decision in Steven Beutz v. County of Riverside ("Beutz"). This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

Golden Hill Neighborhood Association v. City of San Diego

On September 22, 2011, the Court of Appeal issued a decision in Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The Court described two primary reasons for its decision. First, like in *Beutz*, the Court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the Court found that the City failed to record the basis for the assessment on its own parcels.

Compliance with Current Law

This Engineer's Report is consistent with the requirements of Articles XIIIC and XIIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the District; and the Improvements provide a direct advantage to property in the District that would not be received in absence of the Assessments.



This Engineer's Report is consistent with *Beutz, Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.



Plans and Specifications

The work and Improvements to be undertaken by the City and the cost paid from the levy of the annual assessment provide special benefit to assessor parcels within the District defined in the Method of Assessment herein. Consistent with the Act, the Improvements are generally described as follows:

The installation, maintenance, and servicing of local street lights in close proximity to certain lots and parcels which provide a direct special benefit to such lots or parcels.

The installation, maintenance, and servicing of peripheral street light structures which provide a special benefit to all the assessable parcels within the District whether or not such parcels are in close proximity to such lighting.

The installation or construction of public lighting facilities, or the acquisition of any new improvements.

Plans and Specifications for the Improvements for the District are voluminous and are not bound in this Report but by this reference are incorporated and made a part of this Report. The Plans and Specifications are on file in the office of the Public Works Director where they are available for public inspection.

Article XIII D of the California Constitution defines "maintenance and servicing expenses" as, "the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care and supervision necessary to properly operate and maintain a permanent public improvement". The Improvement funding includes, but is not limited to, the removal, repair, replacement or relocation of light standards, poles, bulbs, fixtures and appurtenances, electrical energy, supplies, engineering and incidental costs relating to the maintenance and servicing of the local lighting improvements benefiting the parcels within the District.

The Improvements to be maintained and serviced within the District are to be part of the local street light system of the City of Berkeley that confers special benefit to the District's parcels. The specific location of local street light Improvements within the City can be found in the Streetlight Condition Assessment by Tanko Lighting, which is on file in the office of the Director of Public Works, where it is available for public inspection.



The Improvements to be maintained and serviced within the District include City-owned street lights within the right of way of the local public streets located within the boundaries of the District. These lights are all within close proximity to the parcels within the District identified as receiving local lighting benefit in the Method of Assessment, and, as such, provide special benefit to these parcels.

All street light maintenance will be performed by the City of Berkeley or its contractors.



Fiscal Year 2023 Budget

A summary budget for fiscal year 2023 for the maintenance of the Improvements is provided below. The full Itemized budget for the Assessment District is voluminous and is not bound in this report but by reference is incorporated and made a part of this report. The Itemized budget is on file in the Department of Public Works where it is available for public inspection.

Table 1 - FY 2023 Budget Summary

| | FY 2023 |
|--|--------------|
| Revenue | |
| 1982 Assessment Dist | \$ 1,416,260 |
| SLAD 2018 Assessments ¹ | 707,085 |
| Misc. Revenue | 957 |
| TOTAL REVENUE | \$ 2,124,302 |
| Expenses | |
| Personnel Expenses | |
| Personnel | 1,072,367 |
| Other Operating Expenses | |
| Supplies, etc. | 149,673 |
| Indirect Costs | 51,764 |
| Gas/Electricity | 423,193 |
| Debt Service Payment | 370,451 |
| Operating Transfer Out | 12,120 |
| Internal Services | 189,033 |
| County Collection Fee | 36,097 |
| Other Operating Subtotal | \$ 1,232,331 |
| Capital Expenses | |
| Infrastructure/Streets | 534,398 |
| Deferred Capital/Maint | 171,125 |
| Capital Subtotal | \$ 705,523 |
| TOTAL EXPENSES | \$ 3,010,221 |
| To (from) General Fund and/or Reserves | \$ (885,919) |
| Budget Allocation to Parcels | |
| Total Street Light 2018 Assessments ¹ | \$ 707,085 |
| Total Street Light 2018 SFEs | 46,097.747 |
| Assessment per SFE ² | \$ 15.34 |



Notes on the Budget:

- 1. The Act requires that proceeds from the Assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the District. Moreover, funds raised by the Assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The City may also establish a reserve fund for contingencies and special projects, as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments.
- 2. The rate shown here is for a Single-Family Equivalent ("SFE"), which is a single-family home or its equivalent. For the definition of the term SFE and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.



Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits derived from the installation, maintenance and servicing of the Improvements throughout the District and the Assessment methodology used to apportion the total Assessment to properties within the District.

The District consists of all assessor parcels within the boundaries as defined by the Assessment Diagram and the parcels identified by the Assessor Parcel Numbers listed with the levy roll included with this Report. The parcel list includes all assessable privately and publicly owned parcels within the boundaries. The method used for apportioning the Assessment is based on the proportional special benefits to be derived by the properties in the District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements and the second step is to allocate the Assessments to property based on the estimated relative special benefit for each type of property.

Discussion of Benefit

In summary, the Assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the Improvements or a property owner's specific demographic status. With reference to the requirements for Assessments, Section 22573 of the Act states:

The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

Proposition 218, as codified in Article XIIID of the California Constitution, has confirmed that Assessments must be based on the special benefit to property:

No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.



Special Benefit

Street lighting is an optional improvement, not required by state or federal law, that is an enhancement over and above requisite infrastructure, and thus is a special benefit. The majority of the benefits of the street lights are received by the benefited property, with a small portion of the benefits received by the general public on major streets only. This portion received by the general public is captured and quantified in the following section.

The factors that determine special benefit conferred on parcels are detailed below:

Improved Visibility and Safety

Well maintained, effective street lighting provides special benefit to proximate parcels, within range of the light, because it allows for safer and improved use of the property in the evenings, early morning, and at night. Street lighting provides special benefit because it increases neighborhood safety and, at least indirectly, reduces the likelihood of crime on the proximate parcels. Over time, the Improvements continue to confer a particular and distinct special benefit upon parcels within the District because of the nature of the Improvements. The proper maintenance of the street lights and appurtenant facilities increases visibility and local human presence and, in many situations, helps reduce property-related crimes, especially vandalism, against assessed properties in the District.

Improved Access, Navigation and Traffic Safety

Well maintained, effective street lighting enhances ingress, egress and accessibility of all forms to the assessed parcels in the evening, early morning, and at night by increasing visibility. Improved visibility also helps prevent local automobile, bicycle, and pedestrian traffic accidents related to the assessed parcels. This benefit includes a reduction in accidents during non-daylight hours.

Improved Community Character and Vitality

Well maintained, effective street lighting promotes evening and nighttime social interaction of residents and customers of businesses and industry. This creates a positive atmosphere and enhanced community image in the evening and at night for the assessed parcels.

All of the above-mentioned items also contribute to a specific enhancement to each of the parcels within the District. The proximate street lights make each parcel safer, more visible, more accessible, more useful, more valuable and more desirable; and this further strengthens the basis of these Assessments.



General Versus Special Benefit

The proceeds from the Assessments are used to fund the described Improvements and increased levels of maintenance to the other City facilities that serve and benefit the properties in the District. In absence of the Street Lighting Assessment District 2018, such Improvements would not be properly maintained. Therefore, the District's purpose is to ensure that the necessary and beneficial public facilities for property in the District are properly maintained, operated and repaired over time. The Assessments will ensure that street lighting and associated improvements within and adjacent to the District are functional, well maintained and effective. These public resources directly benefit the property in the District and will confer distinct and special benefits to the properties within the District.

The Improvements and Services are specifically designed, located and created to provide additional and improved resources for property inside the District and not the public at large although the Improvements maintained by the Services may be available to the general public. Other properties that are outside the District do not enjoy the unique proximity and other special benefit factors described previously. These Improvements and Services are of special benefit to properties located within the District because they provide a direct advantage to properties in the District that would not be provided in the absence of the Assessments. Any general benefits to surrounding properties outside of the Assessment District, if any, are collateral and conferred concomitantly.

Quantification of General Benefit

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments. The funding for general benefits must come from other sources.

The maintenance and servicing of these Improvements is also partially funded, directly and indirectly, from other sources, including the City of Berkeley, Alameda County, and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.



In the 2009 *Dahms* case, the Court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund Improvements and Services directly provided within the District and every benefiting property in the District enjoys proximity and access to the Improvements. Therefore, *Dahms* establishes a basis for minimal or zero general benefits from the Assessments. Nonetheless, possible general benefits have been liberally calculated below and then shown to be more than offset by resources from non-assessment sources.

Calculation of General Benefit

The Illumination Engineering Society of North America provides a widely-used standard for street lighting which has become the de-facto industry standard. This standard specifies footcandle requirements as a measurement of illumination at the roadway level, which are different for local, collector, and major streets using three levels (low/medium/high) of pedestrian activity. The three street classifications and pedestrian activity levels are described below with a discussion of their general benefit contribution from the street light system.

<u>Local Streets</u> – a street that is used to gain access to the property bordering it. The street lights on local streets primarily serve the adjacent property owner. Therefore, per industry standard, the street lights on local streets have no general benefit component.

<u>Collector Streets</u> – low to moderate capacity roads which serve to move traffic from local streets to arterial roads. Similar to local streets, collector streets are primarily used by local residents and per industry standard are also deemed to have no general benefit component. This street classification will be used as the baseline for this analysis.

<u>Arterials</u> – high capacity streets that serve as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important regional roadways traversing the City. As such, this traffic includes a significant number of drivers from outside the District and the street light Improvements may confer some general benefit on those drivers.



On average, arterial streets require a 45% increase in lighting levels from the baseline collector streets.² This increase in lighting reinforces the special benefits to the abutting properties as defined above: increased visibility and safety; improved access, navigation and traffic safety; and improved community character and vitality. In addition to these benefits, the through traffic flow, which includes drivers from outside the District, receives the additional benefit of reduction in nighttime accidents due to enhanced lighting. The degree to which each of these benefits can be considered general benefit is shown in Table 2 below.

Table 2 – General Benefit for Arterial Streets

| | | General | Relative | | |
|--|----------|--------------|----------|--|--|
| | Relative | Benefit | General | | |
| Benefit Factor | Weight | Contribution | Benefit | | |
| Improved Nighttime Visibility and Safety | 25 | 0% | 0.0% | | |
| Improved Access, Navigation and Traffic Safety | 25 | 50% | 12.5% | | |
| Improved Community Character and Vitality | 25 | 0% | 0.0% | | |
| Reduction in Nighttime Accidents | 25 | 75% | 18.8% | | |
| General Benefit on Arterial Streets from Improved Lighting | | | | | |

The general benefit from arterial streets must be combined with the general benefit from all other streets in the District. Each category of street has its unique general benefit weight, prorated by center line miles of streets. This calculation is shown in Table 3 below.

Table 3 – Calculation of General Benefit

| | | | General | |
|-----------------------|----------|----------|---------|---------|
| | | | Benefit | General |
| Street Classification | Centerli | ne Miles | Weight | Benefit |
| Local | 158 | 73.1% | 0% | 0.0% |
| Collector | 37 | 17.1% | 0% | 0.0% |
| Arterial | 21 | 9.7% | 31.3% | 3.0% |
| TOTAL | 216 | 100% | | 3.0% |

² Based on values from the Illumination Engineering Society of North America, "American National Standard Practice for Roadway Lighting."



FY 2023

As a result, the City of Berkeley will contribute at least 3.0% of the total budget from sources other than the Assessment. This contribution offsets any general benefits from the Assessment Services.

Calculation of the Current General Benefit Contribution from the City

This general benefit contribution is the sum of the following components:

The City of Berkeley owns, maintains, rehabilitates and replaces <u>curb and gutter</u> along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 1%.

The City of Berkeley owns and maintains a <u>storm drainage system</u> along the border of the District's Improvements. This system serves to prevent flooding and associated damage to the Improvements and to manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance and operation of the local storm drainage system is conservatively estimated to be 1%.

The City of Berkeley owns and maintains <u>local public streets</u> throughout the District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Berkeley toward general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the <u>construction of the existing street light Improvements</u> can be quantified and monetized as an annuity. Since this construction was performed and paid for by funds other than these Assessments, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 25%.

General Benefit is More than Offset by City Contribution

Therefore, the total general benefit is liberally quantified at 3.0%, which is more than offset by the total non-assessment contribution toward general benefit of 28%.

Method of Assessment

As previously discussed, the proposed Assessments will provide comprehensive Improvements that will clearly confer special benefits to properties in the proposed District. The allocation of special benefits to property is partially based on the type of property and the size of property.



The development of an Assessment methodology requires apportioning to determine the relative special benefit for each property. To determine the special benefit received by individual parcels, the use of that parcel must be considered. Each category of property can benefit from street lights in a unique way, and those characteristics must be quantified. As noted above, the special benefit factors are as follows:

- Improved visibility and safety
- Improved access, navigation and traffic safety
- Improved community character and vitality

The basis for apportioning Assessments is traffic generated to and from a particular parcel. This is used because the amount of traffic generated by a parcel is directly proportional to, and effectively models, the relative quantity of the three special benefit factors. For instance, the more people that come and go from a site, the more the site benefits from the improved visibility and safety. The same reasoning applies to the other special benefit factors.

Residential Traffic

The typical single-family residence ("SFR") generates approximately ten vehicular trips per day. Condominium units generate approximately eight trips per day and apartment units generate approximately six trips per day per unit. The trip generation rates that are used for each land use are based on the trip generation rates published by the San Diego Association of Governments and the Encinitas Ranch Austin Foust Traffic Study. The trip generation rates are included in Appendix A of this report.

Non-Residential Traffic

Trip generation for non-residential parcels vary depending on their designated land use as well as size of parcel. The trip generation data for non-residential land uses are based on trips per acre. For instance, a commercial parcel on two acres typically will have twice the traffic of a commercial parcel on one acre. It follows that the two-acre parcel will then receive twice the benefit from the street lighting as the one-acre parcel. Various land uses were grouped into categories with similar traffic characteristics, resulting in the fee categories shown later in this report.

Darkness

Non-residential parcels typically do not operate all night long. The average period of darkness is 12 hours, but non-residential uses will only operate for approximately three hours of that time. For that reason, a non-residential darkness factor of ($3 \div 12 =$) 25% is applied to those parcels. For two non-residential categories, the darkness factor is different, as shown below:

- Offices and banks typically close earlier than other non-residential uses so they are assigned a darkness factor of 12.5%.
- Hotels, motels and boarding houses typically have activity further into the night than other non-residential uses, so they are assigned a darkness factor of 50%.

Non-residential trip generation is then adjusted for the darkness factor for each rate category.

Single-Family Equivalents

The SFR category is used as the baseline for calculating the special benefit for all other land uses and sizes. Each rate category is assigned a single-family equivalent ("SFE") rate using the following formula:

$$\frac{ADT \ x \ Darkness Factor}{ADT \ for \ SFR} = SFE \ Rate$$

Where:

- ADT = Average Daily Trips for each category
- ADT for SFR = ADT for single-family residential, which is used as a baseline figure for SFE rate
- SFE Rate = SFEs per unit shown (parcel, [living] unit, or acre)

The results of these calculations for each rate category are shown in Table 4 below.



Table 4 – Single-Family Equivalent Rates

| · | | | | | |
|---------------------------------|------|--------------------|------------|----------|--------|
| Landusa Catagony | ADT | Darkness
Factor | Adj
ADT | SFE Rate | Unit |
| Landuse Category | ADI | Factor | ADI | SFE Rate | Unit |
| Residential | | | | | |
| Single Family | 10 | 1 | 10 | 1.000 | parcel |
| Multi-Family < 5 units | 8 | 1 | 8 | 0.800 | unit |
| Multi-Family 5 or more units | 6 | 1 | 6 | 0.600 | unit |
| Condominium | 8 | 1 | 8 | 0.800 | parcel |
| Mobile Home | 5 | 1 | 5 | 0.500 | unit |
| Multiple SFR on parcel | 10 | 1 | 10 | 1.000 | unit |
| Non-Residential | | | | | |
| General Commercial | 600 | 0.25 | 150 | 15.000 | acre |
| Industrial / Warehouse | 60 | 0.25 | 15 | 1.500 | acre |
| Auto Repair | 400 | 0.25 | 100 | 10.000 | acre |
| Hotel / Motel / Boarding | 200 | 0.5 | 100 | 10.000 | acre |
| Hospital | 250 | 0.25 | 62.5 | 6.250 | acre |
| Retirement Home | 50 | 0.25 | 12.5 | 1.250 | acre |
| School / Day Care | 90 | 0.25 | 22.5 | 2.250 | acre |
| Medical / Dental / Vet | 500 | 0.25 | 125 | 12.500 | acre |
| Church | 30 | 0.25 | 7.5 | 0.750 | acre |
| Mortuary | 10 | 0.25 | 2.5 | 0.250 | acre |
| Recreational | 100 | 0.25 | 25 | 2.500 | acre |
| Parking / Transportation | 200 | 0.25 | 50 | 5.000 | acre |
| Mini Storage | 30 | 0.25 | 7.5 | 0.750 | acre |
| Office | 300 | 0.125 | 37.5 | 3.750 | acre |
| Bank | 1000 | 0.125 | 125 | 12.500 | acre |
| Park / Open Space / Agriculture | 2 | 0.25 | 0.5 | 0.050 | acre |
| Vacant | 0 | | | na | |
| | | | | | |

Annual Assessment Increase

The Assessment is subject to an annual adjustment tied to the San Francisco-Oakland-Hayward Consumer Price Index-U as of December of each succeeding year ("CPI"), with a maximum annual adjustment not to exceed 3%. In order for the City's dedicated Streetlight fund revenue sources to satisfy cost requirements into the future, the maximum rate per SFE is calculated based upon the sum of the 1982 assessment and the Street Light Assessment District 2018 Assessment.



Table 5 – Maximum Single-Family Equivalent Rate Calculation

| | FY 2022 | F | Y 2023 |
|---|----------------|----|------------|
| 2018 District Maximum for FY 22 | \$ 645,239.76 | \$ | 645,239.76 |
| 1982 District Maximum for FY 22 | \$1,416,260.14 | | |
| Total for FY 22 | \$2,061,499.90 | | |
| Maximum Increase of 3% of Total for FY 22 | | \$ | 61,845.00 |
| FY 23 Maximum Assessment | | \$ | 707,084.76 |
| Total SFEs | | | 46,097.747 |
| FY 23 Maximum Rate per SFE | | \$ | 15.34 |

Duration of Assessment

The Assessments may be continued every year after their formation, so long as the public Improvements need to be maintained and improved and the City requires funding from the Assessments for these Improvements in the District. As noted previously, the Assessment can continue to be levied annually after the City Council approves an annually updated Engineer's Report, budget for the Assessment, Improvements to be provided and other specifics of the Assessment. In addition, the City Council must hold an annual public hearing to continue the Assessment.



Appeals and Interpretation

Any property owner who feels that the Assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Berkeley Public Works department. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Berkeley City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the City Engineer or her or his designee shall be referred to the Public Works Director and the decision of the Public Works Director shall be final.



Assessment Statement

WHEREAS, on March 22, 2022, the City Council of the City of Berkeley, County of Alameda, California, adopted its Resolution No. 70,279-N.S., initiating proceedings for the levy of Assessments for fiscal year 2023 within the Street Light Assessment District 2018, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution (collectively "the Act");

WHEREAS, the City of Berkeley directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Assessment District, to which the description of the proposed Improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Act and the order of the City Council of the City of Berkeley, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for the Improvements and the expense incidental thereto to be paid by the City of Berkeley Street Lighting Assessment District 2018 for the fiscal year 2023 are generally as listed in Table 1.

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the City of Berkeley Street light Assessment District 2018. The distinctive number of each parcel or lot of land in the City of Berkeley Street light Assessment District 2018 is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the City of Berkeley Street Lighting Assessment District 2018, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the cost estimate and method of assessment hereto attached and by reference made a part hereof.

The Assessments are made upon the parcels or lots of land within the City of Berkeley Street Lighting Assessment District 2018 in proportion to the special benefits to be received by the parcels or lots of land from the Improvements.



Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2018. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2019 for each parcel or lot of land within the City of Berkeley Street Lighting Assessment District 2018.

Dated: April 21, 2022

Engineer of Work

Ву

Jerry Bradshaw, License No. C48845



Assessment Diagram

The boundaries of the City of Berkeley Street light Maintenance Assessment Districts and Annexations are displayed on the Assessment Diagram below.

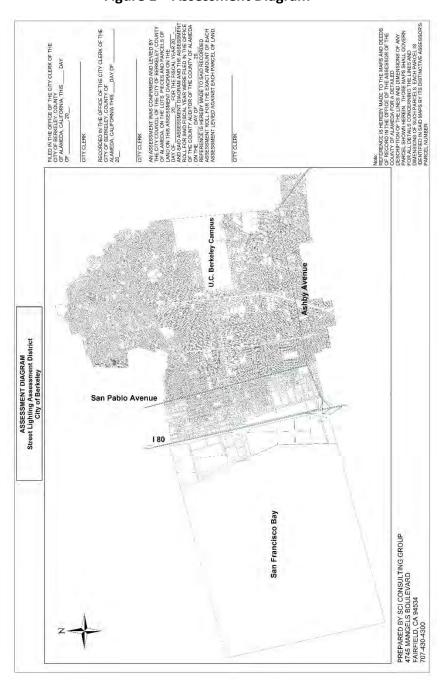


Figure 1 – Assessment Diagram





Appendix A – SANDAG Trip Generation Tables

(NOT SO) BRIEF GUIDE OF VEHICULAR TRAFFIC GENERATION RATES FOR THE SAN DIEGO REGION



APRIL 2002

NOTE: This listing only represents a *guide* of average, or estimated, traffic generation "driveway" rates and some very general trip data for land uses (emphasis on acreage and building square footage) in the San Diego region. These rates (both local and national) are subject to change as future documentation becomes available, or as regional sources are updated. For more specific information regarding traffic data and trip rates, please refer to the San Diego Traffic Generators manual. Always check with local jurisdictions for their preferred or applicable rates.

| LAND USE TRIP CATEGORIES [PRIMARY:DIVERTED:PASS-BY] | ESTIMATED WEEKDAY VEHICLE
TRIP GENERATION RATE (DRIVEWAY) | | | R % (plus IN:
1. Between 3:0 | | TRIP LENGT
(Miles) |
|---|---|--|---|--|--|--|
| AGRICULTURE (Open Space)[80:18:2] | 2/acre** | | | | | 10.8 |
| AIRPORT | 60/acre, 100/flight, 70/1000 sq. ft.* **
6/acre, 2/flight, 6/based aircraft * **
100/acre * | 5%
5% | (6:4)
(7:3) | 6%
15% | (5:5)
(5:5) | 12.5 |
| AUTOMOBILES | | | | | | |
| Car Wash Automatic Self-serve Gasoline [21:51:28] | 900/site, 500/acre* *
100/wash stall* * | 4%
4% | (5:5)
(5:5) | 9%
8% | (5:5)
(5:5) | 2.8 |
| With/Food Mart. & Car Wash Older Service Station Design Sales (Dealer & Repair) Auto Repair Center Auto Parts Sales Quick Lube Tire Store | 160/vehicle fueling space * " 155/vehicle fueling space * " 150/vehicle fueling space, 900/station * " 50/1000 sq. ft., 300/scre, 60/service stall * * * 20/1000 sq. ft., 400/scre, 20/service stall * 60/1000 sq. ft., * * 40/service stall * 7 25/1000 sq. ft., 30/service stall * * | 7%
8%
7%
5%
8%
8%
4%
7%
7% | (5:5)
(5:5)
(5:5)
(7:3)
(7:3)
(6:4) | 8%
9%
9%
6%
11%
10%
10% | (5:5)
(5:5)
(5:5)
(4:6)
(4:6)
(5:5) | |
| CEMETERY | 5/acre* | 113 | (o. ix | 7779 | (0.0) | |
| CHURCH (or Synagogue)[64:25:11] | 9/1000 sq, ft., 30/acre** (quadruple rates for Sunday, or days of assembly) | 5% | (6:4) | 8% | (5:5) | 5.1 |
| COMMERCIAL/RETAIL ^S Super Regional Shopping Center (More than 80 acres, more than 800,000 sq. ft., w/usually 3+ | .35/1000 sq. ft., 6 400/acre* | 4% | (7:3) | 10% | (5:5) | |
| majorstores) Regional Shopping Center | 50/1000 sq. ft., ^c 500/acre* | 4% | (7:3) | 9% | (5:5) | 5.2 |
| sq. ft., w/usually 2 = major stores) Community Shopping Center | 80/1000 sq. ft., 700/acre* ** | 4% | (6:4) | 10% | (5:5) | 3.6 |
| restaurant(s), grocery and drugstore) Neighborhood Shopping Center (Less than 15 acres, less than 125,000 sq. ft., w/lusually grocery & drugstore, cleaners, beauty & barber shop, & fast food services) | 120/1000 sq. ft., 1200/acre* ** | 4% | (6:4) | 10% | (5:5) | |
| Commercial Shops | 40/1000 sq. ft., 400/acre*
50/1000 sq. ft.** | 39% | (6:4) | 9%
10% | (5:5)
(5:5) | 4.3 |
| Factory Outlet Supermarket Drugstore Convenience Market (15-16 hours) Convenience Market (24 hours) Convenience Market (w/gasoline pumps) Discount Club Discount Store Furniture Store Lumber Store Hardward/Paint Store Garden Nursery Mixed Use: Commercial (w/supermarket)/Residential | 40/1000 sq. ft. ** 150/1000 sq. ft., 2000/acre* ** 99/1000 sq. ft., ** 500/1000 sq. ft., ** 500/1000 sq. ft., ** 60/1000 sq. ft., 500/acre* ** 60/1000 sq. ft., 500/acre* ** 60/1000 sq. ft., 500/acre* * 6/1000 sq. ft., 150/acre* * 30/1000 sq. ft., 150/acre* * 40/1000 sq. ft., 150/acre* * 40/1000 sq. ft., 500/acre* * 110/1000 sq. ft., 2000/acre* * 110/1000 sq. ft., 2000/acre* (commercial only) 15/dwelling unit, 2000/acre* (commercial only) | 3%
4%
4%
9%
9%
1%
1%
4%
2%
2%
3%
3% | (7:3)
(7:3)
(6:4)
(5:5)
(5:5)
(5:5)
(7:3)
(6:4)
(6:4)
(6:4)
(6:4)
(6:4)
(6:4) | 9%
10%
10%
8%
7%
6
9%
8%
9%
9%
10%
9% | 55
55
55
55
55
55
55
55
55
55
55
55
55 | |
| University (4 years) [91:9:0] Junior College (2 years) [92:7:1] High School [75:19:6] Middle/Junior High [63:25:12] Elementary [57:25:10] Day Care [28:58:14] | 2.4/student, 100 acre* 1.2/student, 1000 sq. ft., 120/acre* ** 1.3/student, 15/1000 sq. ft., 60/acre* ** 1.4/student, 12/1000 sq. ft. 50/acre** 1.6/student, 14/1000 sq. ft., 90/acre* ** 5/child, 80/1000 sq. ft. ** | 10%
12%
20%
30%
32%
17% | (8:2)
(8:2)
(7:3)
(6:4)
(6:4)
(5:5) | 9%
9%
10%
9%
9%
18% | (3:7)
(6:4)
(4:6)
(4:6)
(4:6)
(5:5) | 8.9
9.0
4.8
5.0
3.4
3.7 |
| INANCIAL ⁵ | 150/1000 sq. ft., 1000/acre* ** 200/1000 sq. ft., 1500/acre* 250 (125 one-way)/lane* 60/1000 sq. ft., 500/acre** 100 (50 one-way)/lane* | 4%
5%
3%
2%
4% | (7:3)
(6:4)
(5:5) | 8%
10%
13%
9%
15% | (4:6)
(5:5)
(5:5) | 3.4 |
| HOSPITAL [73:25:2]
General
Convalescent/Nursing | 20/bed, 25/1000 sq. ft., 250/acre*
3/bed** | 8%
7% | (7:3)
(6:4) | 10%
7% | (4:6)
(4:6) | 8.3 |
| NDUSTRIAL Industrial/Business Park (commercial included) [79:19:2] Industrial Park (no commercial) Industrial Plant (multiple shifts) [92:5:3] Manufacturing/Assembly Warehousing Storage Science Research & Development Landfill & Recycling Center | 15/1000 sq. ft., 200/acre* ** 8/1000 sq. ft., 90/acre** 10/1000 sq. ft., 120/acre* 4/1000 sq. ft., 50/acre* 5/1000 sq. ft., 50/acre* 2/1000 sq. ft., 0.2/yault. 30/acre* 8/1000 sq. ft., 0.2/yault. 30/acre* 6/acre | 12%
11%
14%
19%
13%
6%
16% | (8:2)
(9:1)
(8:2)
(9:1)
(7:3)
(5:5)
(9:1)
(5:5) | 12%
12%
15%
20%
15%
9%
14%
10% | (2:8)
(2:8)
(3:7)
(2:8)
(4:6)
(5:5)
(1:9)
(4:6) | 9.0
11.7 |

MEMBER AGENCIES: Cities of Carlabad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City,
Oceaniside, Poway, San Diego, San Marcos, Santhee, Solana Beach, Vista and County of San Diego.
ADVISORY/LIAISON MEMBERS: California Department of Transportation, County Water Authority, U.S. Department of Defense, S.D. Unified Port District and Tijuana/Baja California.

City of Berkeley

Street Lighting Assessment District 2018 FY 2023



| | | | | | | | Page 26 |
|---|--|---|----------------------------|---|--------------------------------------|---|------------------------|
| LAND USE | TRIP CATEGORIES [PRIMARY:DIVERTED:PASS-BY]P | ESTIMATED WEEKDAY VEHICLE
TRIP GENERATION RATE (DRIVEWAY) | | | R % (plus IN:
1. Between 3:0 | | TRIP LENGTI
(Miles) |
| LIBRARY | [44:44:12] | 50/1000 sq. ft., 400/acre** | 2% | (7:3) | 10% | (5:5) | 3.9 |
| LODGING | [58:38:4] | 10/occupied room, 300/acre
9/occupied room, 200/acre*
8/occupied room, 100/acre*
7/occupied room** | 6%
8%
5%
8% | (6:4)
(4:6)
(6:4)
(4:6) | 2%
%
7%
% | (6:4)
(6:4)
(4:6)
(6:4) | 7.6 |
| MILITARY | [82:16:2] | 2.5/military & civilian personnel* | 9% | (9:1) | 10% | (2:8) | 11.2 |
| OFFICE | al Office[77:19:4] | 20/1000 sq. ft., a 300/acre* | 14% | (9:1) | 13% | (2:8) | 8.8 |
| (less than 100.00) | 0 sq. ft.)
mmercial Office [82:15:3] | 17/1000 sq. ft., ° 600/acre* | 13% | (9:1) | 14% | (2:8) | 10.0 |
| (more than 100,00
Office Park (400,00 | 00 sq. ft., 6 + stories) | 12/1000 sn ft 200/acre# ** | 13% | (9:1) | 13% | (2:8) | 10.0 |
| Single Tenant Office
Corporate Headqua | e | 14/1000 sq. ft., 180/acre*
7/1000 sq. ft., 110/acre*
30/1000 sq. ft.** | 15%
17%
9% | (9:1)
(9:1)
(9:1) | 15%
16%
12% | (2:8)
(1:9)
(3:7) | 8.8
6.0 |
| Central/Walk-In
Community (not
Community (w/r
Mail Drop Lane
Department of Mo | including mail drop lane)
nail drop lane)
only | 90/1000 sq. ft. **
200/1000 sq. ft., 2000/acre*
300/1000 sq. ft., 2000/acre*
1500 (750 one-way)/lane*
180/1000 sq. ft., 500/acre*
50/1000 sq. ft., 500/acre* | 5%
6%
7%
7%
6% | (6·4)
(5:5)
(5:5)
(6:4)
(8:2) | %
9%
10%
12%,
10%
11% | (5:5)
(5:5)
(5:5)
(4:6)
(3:7) | 6.4 |
| PARKS | [66:28:6] | | 4% | 10-10-7 | 8% | forey | 5.4 |
| City (developed w/r
Regional (developed
Neighborhood/Count
State (average 1000 | meeting rooms and sports facilities)
()
ty (undeveloped) | 50/acre* 20/acre* 5/acre (add for specific sport uses), 6/picnic site* * 1 1/acre, 10/picnic site* * | 13% | (5:5) | 9% | (5:5) | |
| Amusement (Theme)
San Diego Zoo
Sea World | | 80/acre, 130/acre (summer only) ** 115/acre* 80/acre* | | | 68% | (6:4) | |
| Beach, Lake (fresh w | / | 600/1000 ft. shoreline, 60/acre*
50/1000 ft. shoreline, 5/acre* | - | 177.00 | where or | 24.00 | 6,3 |
| Bowling Center
Campground | | 30/1000 sq. ft., 300/acre, 30/lane ** 4/campsite** 7/acre, 40/hole, 700/course* ** | 7%
4% | (7:3) | 11%
8%
9% | (4:6) | |
| Golf Course
Driving Range on
Marinas | ly | 70/acre, 14/tee box*
4/berth, 20/acre* ** | 7%
39%
39% | (8:2)
(7:3)
(3:7) | 9%
7% | (5.5)
(6:4) | |
| Multi-purpose (minia
Racquetball/Health
Tennis Courts | ature golf, video arcade, batting cage, etc.)
Club | 90/acre
30/1000 sq. ft., 300/acre, 40/court*
16/acre, 30/court** | 2%
4%
5% | (6:4) | 6%
9%
11% | (6:4)
(5:5) | |
| Sports Facilities
Outdoor Stadium
Indoor Arena
Racetrack | | 50/acre, 0.2/seat*
30/acre, 0.1/seat*
40/acre, 0.6 seat* | | | | | |
| Theaters (multiplex v | v/matinee)[66:17:17] | 80/1000 sq. ft., 1.8/seat, 360/screen* | 1139/6 | | 8% | (6:4) | 6.1 |
| Estate, Urban or Run | [86:11:3]
al | 12/dwelling unit * * | 8% | (3:7) | 10% | (7:3) | 7,9 |
| (average 1-2 DU/a
Single Family Detach | ned * | 10/dwelling unit ** | 8% | (3:7) | 10% | (7:3) | |
| (average 3-6 DU/a
Condominium | | 8/dwelling unit *R | 8% | (2:8) | 10% | (7:3) | |
| (or any multi-fami
Apartment | | 6/dwelling unit ** | 88% | (2:8) | 9% | (7:3) | |
| Military Housing (off-
(less than 6 DU/a
(6-20 DU/acre) | lly units more than 20 DU/acre)
base, multi-family)
cre) | 8/dwelling unit
6/dwelling unit | 7%
7% | (3:7)
(3:7) | 9%
9% | (6:4)
(6:4) | |
| Mobile Home
Family | | 5/dwelling unit, 40/acre* | 8% | (3:7) | 11% | (6:4) | |
| Adults Only
Retirement Communi
Congregate Care Fa | ity
acility | 3/dwelling unit, 20/acre*
4/dwelling unit**
2.5/dwelling unit** | 9%
5%
4% | (3:7)
(4:6)
(6:4) | 10%
7%
8% | (6:4)
(6:4)
(5:5) | |
| RESTAURANT [®] Quality Sit-down, high turno Fast Food (w/drive-th | | 100/1000 sq. ft., 3/seat, 500/acre* * * 160/1000 sq. ft., 6/seat, 1000/acre* * * 650/1000 sq. ft., 20/seat, 3000/acre* * * | 1%
8%
7% | (6:4)
(5:5)
(5:5) | 8%
8%
7% | (7:3)
(6:4)
(5:5) | 4.7 |
| Fast Food (without di
Delicatessen (7am-4) | rive-through) | 700/1000 sq. ft. *
150/1000 sq. ft., 11/seat* | 5%
9% | (6:4)
(6:4) | 7%
3% | (5:5)
(3:7) | |
| TRANSPORTATION | | V-Control of the Control of Streeting | | 1 | - 500 | ATION. | |
| Bus Depot
Truck Terminal | | 25/1000 sq. ft.** 10/1000 sq. ft.** 10/1000 sq. ft.** | 9% | (4:6) | 8% | (5:5) | |
| Waterport/Marine Te
Transit Station (Ligh | | 10/1000 sq. ft., 7/bay, 80/acre* *
170/berth, 12/acre* *
300/acre, 21/2/parking space (4/occupied)* * | 14% | (7:3) | 15% | (3:7) | |
| Park & Ride Lots | - Presence | 400/acre (600/paved acre),
5/parking space (8/occupied)* ** | 14% | (7:3) | 15% | (3:7) | |

^{*} Primary source: San Diego Traffic Generators.

City of Berkeley

Street Lighting Assessment District 2018 FY 2023



 $^{^{\}circ}$ Fitted curve equation: $t = -2.169 \, \text{Ln(d)} + 12.85$ t = trips/DU, d = density (DU/acre). DU = dwelling unit

Fitted curve equation: t = -2,169 Ln(q) + 12,85 t --trips/DU, d = dens

Suggested PASS-BY [undiverted or diverted < 1 mile] percentages for timprate reductions only
during P.M. peak period (based on combination of local datafreview and Other sources * *):

COMMERCIAL/RET JAIL.

Regional Shopping Center 20%
Gommunity 30%
Neighborhood 40%
Specialty Retail/Strip Commercial (other) 10%
Suparmarket Market 50%
Discount Club/Store 50%
FINANCIAL
Bank 25%
AUTOMOBILE
Gasoline Station 50%
RESTAIRANT 0uality 10%
Sit-down high turnover 20%
Fast Food 40%

Trip Reductions - In order to help promote regional smart growth policies and acknowledge San Diego's expanding mass transit system, consider vehicle trip tate reductions (with proper documentation and necessary adjustments for peak periods). The following are some examples:

^[1] A 5% daily trip reduction for land uses with transit access or near transit stations accessible within 1/4 mile.

^[2] Up to 10% daily trip reduction for mixed-use developments where residential and commercial retail are combined (demonstrate mode split of walking trips to replace vehicular trips).

Appendix B - Assessment Roll

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern all details concerning the description of the lots or parcels.



NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY

STREET LIGHTING ASSESSMENTS

Berkeley Street Lighting Assessment District 1982-1:

No increase is proposed for Street Lighting Assessment District 1982-1 rates in FY 2023. The assessment rates will remain as follows:

| | Assessment | |
|-------------------------------|------------|----------|
| Rate Category | Rate | Unit |
| Residential and Institutional | \$ 0.0108 | Bldg. Sf |
| Industrial | \$ 0.0216 | Bldg. Sf |
| Commercial | \$ 0.0432 | Bldg. Sf |

Assessments under this district are determined by building square footage and rates.

Street Lighting Assessment District 2018:

In accordance with the voter-approved measure, Street Lighting Assessment District 2018 is subject to an annual assessment adjustment equal to the annual change in the Bay Area Consumer Price Index (CPI), up to a maximum of 3%. For the period beginning in December 2020 and ending in December 2021, the CPI increased by 4.24%; therefore the CPI assessment adjustment for Fiscal Year 2023 is limited to the prescribed maximum of 3.00%. As approved by voters, the total annual adjustment may be calculated by taking the sum of the 2018 District assessment and the Berkeley Street Lighting Assessment District 1982-1 assessment, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for the inclusion of a 1982-1 District adjustment as part of the 2018 District adjustment. The cumulative total adjustment results in 2018 District assessment rate increases by approximately 6.1%. Detailed calculations of the annual adjustment and the corresponding rate increases are included in the Street Lighting Assessment District 2018 Engineer's Report for FY 2023¹. The proposed assessment rates are summarized below.

| Rate Category | | Assessment
FY 2022 | | oposed
ssessment
/ 2023 | Unit |
|------------------------------|----|-----------------------|----|-------------------------------|--------|
| Residential | | | | | |
| Single Family | \$ | 14.12 | \$ | 15.34 | parcel |
| Multi-Family<5 units | \$ | 11.30 | \$ | 12.27 | unit |
| Multi-Family 5 or more units | \$ | 8.47 | \$ | 9.20 | unit |
| Condominium | \$ | 11.30 | \$ | 12.27 | parcel |
| Mobile Home | \$ | 7.06 | \$ | 7.67 | unit |
| Multiple SFR on parcel | \$ | 14.12 | \$ | 15.34 | unit |
| Non-Residential | | | | | |
| General Commercial | \$ | 211.82 | \$ | 230.10 | acre |
| Industrial / Warehouse | \$ | 21.18 | \$ | 23.01 | acre |
| Auto Repair | \$ | 141.22 | \$ | 153.40 | acre |
| Hotel / Motel / Boarding | \$ | 141.22 | \$ | 153.40 | acre |
| Hospital | \$ | 88.26 | \$ | 95.88 | acre |
| Retirement Home | \$ | 17.65 | \$ | 19.18 | acre |

¹ Copies of the Engineer's Report are on file at the main branch of the Berkeley Public Library and at the City Clerk's Office.

| School / Day Care | \$ | 31.77 | \$ | 34.52 | acre | | |
|---------------------------------|--------------|--------|----|--------|------|--|--|
| Medical / Dental / Vet | \$ | 176.52 | \$ | 191.75 | acre | | |
| Church | \$ | 10.59 | \$ | 11.51 | acre | | |
| Mortuary | \$ | 3.53 | \$ | 3.84 | acre | | |
| Recreational | \$ | 35.30 | \$ | 38.35 | acre | | |
| Parking / Transportation | \$ | 70.61 | \$ | 76.70 | acre | | |
| Mini Storage | \$ | 10.59 | \$ | 11.51 | acre | | |
| Office | \$ | 52.96 | \$ | 57.53 | acre | | |
| Bank | \$ | 176.52 | \$ | 191.75 | acre | | |
| Park / Open Space / Agriculture | \$ | 0.71 | \$ | 0.77 | acre | | |
| Vacant | Not assessed | | | | | | |

Assessments under the 2018 District are generally determined by the number of parcels, units or acres, as applicable to each parcel category, and the associated rate category.

Public Hearing Information

The hearing will be held on June 28, 2022 at 6:00 p.m. The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of June 16, 2022. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.

FY 2023 Assessment Rolls for both street lighting districts will be available at the City Clerk's Office at 2180 Milvia Street, 1st Floor, and at the main Public Library, 2090 Kittredge Street, Berkeley, CA, when the city offices are open for public business.

Written comments should be mailed to the <u>City Clerk, 2180 Milvia Street, Berkeley, CA 94704</u> or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

For further information, please contact Joe Enke, Manager of Engineering at (510) 981-6411 or Ricardo Salcedo, Associate Civil Engineer at (510) 981-6407.

Published: June 17, 2022 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

Page 51 of 51

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted on the display case located near the walkway in front of the Council Chambers at 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 16, 2022.

Mark Numainville, City Clerk

Mad Spring



PUBLIC HEARING June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Transfer Station Rates for FY 2023

RECOMMENDATION

Conduct a public hearing and upon its conclusion adopt a City Council Resolution to:

- 1) Approve the proposed Transfer Station rates, environmental compliance fee and special material handling charges effective August 1, 2022; and
- 2) Authorize the City Manager to review annually the Transfer Station rates, environmental compliance fee, and special material handling charges, and, if needed, increase them by a percentage equal to the percentage change in the Consumer Price Index published by the United States Bureau of Labor; and
- 3) Rescind the rates and special handling fees approved by City Council Resolution No. 64,575-N.S., adopted July 14, 2009, and as amended by Resolution No. 64,712-N.S., adopted December 6, 2009.

SUMMARY

The City's Transfer Station rates last increased in 2009, while the Transfer Station's costs related to inflation, personnel, contract, and environmental compliance have risen. Staff recommends that City Council conduct a public hearing and adopt the proposed Transfer Station rates, initiate a new environmental compliance fee and special handling charges, and authorize the City Manager to annually review these rates and charges and, if needed, increase them by a percentage equal to the percentage change in the Consumer Price Index (CPI) published by the United States Bureau of Labor.

FISCAL IMPACTS

For FY 2022 and FY 2023, Transfer Station revenues are projected to be \$8.4 million annually. The proposed rates, initiation of an environmental compliance fee, an increase of existing special material handling charges, and adoption of new special material handling charges are estimated to generate an additional \$1.1 million annually, or a 13.2% increase in revenues compared to the prior year, and should help to offset the Transfer Station's increased costs.

CURRENT SITUATION AND ITS EFFECTS

City of Berkeley Transfer Station Rates effective August 1, 2022

The Transfer Station's rates and special material handling charges are generated to cover costs for the handling and transfer of City's curbside collection or third-party delivered materials of refuse, recyclables, green/food waste disposal, and recyclable materials (propane tanks, electronic equipment, etc.). With rates flat since 2009, these rates have failed to keep up with increased costs. Further, the Transfer Station has experienced a significant increase of refuse delivered by third-parties because the Transfer Station offers lower rates compared to the City's neighboring transfer stations. Since 2009, landfill tons of refuse have increased by 39%, and green/food and construction and demolition (C&D) materials have more than doubled. These increases are also attributed to overall economic growth in Berkeley and adjacent cities, the City's expansion of green/food materials curbside collection services, and free residential drop-off services of mattress and box spring units.

Rate Analysis & Development. Table 1 provides a comparison of Berkeley's current Transfer Station rates to other transfer stations in the area.

Table 1

| Material type | Refu | se | Organics | | C&D Materials | |
|-----------------------------|------------------|----------|------------------|----------|------------------|----------|
| Rate | Per Min.
load | Per ton | Per Min.
load | Per ton | Per Min.
load | Per ton |
| DAVIS STREET
San Leandro | \$71.54 | \$240.27 | \$71.96 | \$117.84 | \$71.54 | \$240.27 |
| GOLDEN BEAR
Richmond | \$44.26 | \$166.75 | \$35.40 | \$166.75 | \$42.45 | \$158.35 |
| FREMONT | \$55.00 | \$118.62 | \$55.00 | \$108.47 | \$55.00 | \$116.73 |
| MT. DIABLO Pittsburg | \$36.50 | \$120.25 | \$36.50 | \$120.00 | \$36.50 | \$120.00 |
| MARTINEZ | \$25.00 | \$110.00 | \$25.00 | \$100.00 | \$25.00 | \$110.00 |
| BERKELEY
Current | \$29.00 | \$126.00 | \$23.00 | \$67.00 | \$29.00 | \$126.00 |

The proposed rates in Table 2 below were developed with consideration for and review of current rates of neighboring transfer stations; CPI increases as calculated by the US Dept. of Labor since 2009; recent City, StopWaste.org and State legislation that promotes material separation (such as the City's opt-in ordinance to comply with SB 1383¹); increased contractual costs for the composting of organics and the sorting, recycling, and marketing of C&D materials; and rates that remain fair and equitable to City residents and businesses.

The proposed rates include a new environmental compliance fee of \$3.50 per minimum load transaction and \$5.00 per ton, which will help offset the increased cost of

-

¹ https://berkeley.municipal.codes/BMC/12.35

compliance with the CalRecycle Permit, California Water Resources Control Board National Pollution Discharge Elimination System General Permit, City and San Francisco BayKeeper Consent Decree, and EBMUD Wastewater Discharge Permit. The rates charged will include the proposed base rate plus the proposed environmental compliance fee, as detailed in Table 2:

Table 2

| Material type | Refus | Refuse* Organics C&D Materials* | | Organics | | aterials* |
|------------------------|------------------|---------------------------------|------------------|----------------|------------------|-----------|
| Rate | Per Min.
load | Per ton | Per Min.
load | Per ton | Per Min.
load | Per ton |
| BERKELEY current | \$29.00 | \$126.00 | \$23.00 | \$67.00 | \$29.00 | \$126.00 |
| Proposed base rate | \$38.50 | \$149.00 | \$27.75 | \$72.05 | \$33.50 | \$130.00 |
| Env.
Compliance Fee | <u>\$ 3.50</u> | \$ 5.00 | \$ 3.50 | <u>\$ 5.00</u> | \$ 3.50 | \$ 5.00 |
| Total Charged | \$42.00 | \$154.00 | \$31.25 | \$77.05 | \$37.00 | \$135.00 |

^{*}Please note: The rates of Refuse and C&D materials are currently the same. The proposed rate for C&D is less than the Refuse rate to incentivize more source separation by customers prior to arriving at the Transfer Station.

Other Applicable Fees

The proposed Transfer Station rate schedule includes a surcharge for mixed loads to encourage adequate material separation to comply with SB1383, and a surcharge to reload prohibited materials delivered by third parties. Table 3 compares current special material handling rates to the proposed rates:

Table 3

| Material Type | Current | Proposed |
|--|--------------------|--------------------|
| Surcharge for Mixed Loads ¹ | 50% of Refuse rate | 75% of Refuse rate |
| Mattress/Box Spring set | | |
| Commercial | \$ 14.00 | \$ 18.00 |
| Resident ² | no charge | no charge |
| Auto Tire | \$ 10.00 | \$ 20.00 |
| Truck Tire | \$ 15.00 | \$ 30.00 |
| Appliance | \$ 43.00 | \$ 48.00 |
| Propane Tank | \$ 20.00 | \$ 35.00 |
| Electronics ³ | \$ 9.00 | \$ 9.00 |
| Carpets | C&D rate | C&D rate |
| Reload Prohibited Material⁴ | no charge | \$ 50.00 |
| Prepaid Bags | | |
| Refuse | \$ 5.73 | \$ 7.50 |

City of Berkeley Transfer Station Rates effective August 1, 2022 PUBLIC HEARING June 28, 2022

| Organics | \$ 2.30 | \$ 3.00 |
|----------|---------|---------|
|----------|---------|---------|

¹ The surcharge incentivizes segregation of refuse, organics and C&D materials, and is in addition to the rate per material type and load.

In 2014, the Transfer Station rates were revised and approved without allowance for annual adjustments to these rates to account for any inflation impacts on operational expenses. Therefore, staff recommends the City Council authorize the City Manager to conduct an annual review as permitted by law of these rates, fees, and special material handling charges and increase them, if needed, by a percentage equal to the percentage change in the CPI published by the United States Bureau of Labor.

The proposed Transfer Station's rates are a Strategic Plan Priority Project that advances the City's goals to provide an efficient and financially-health City government, and foster a dynamic, sustainable, and locally-based economy.

BACKGROUND

All Zero Waste Division services are exclusively funded by the Zero Waste Fund (Fund 601), an enterprise fund. The Zero Waste Fund pays for the City's solid waste programs, collection services, and Transfer Station operations. Fund revenues are generated by two separate revenue streams:

- 1) Rates charged for residential and commercial curbside collection of refuse, dual stream recycling, green/waste collection customers, and third-party franchise fees; and
- 2) Rates charged for third-party delivered materials to the Transfer Station, including refuse, organics, C&D, and specially handled materials.

Rates for collections are subject to Proposition 218, while rates for third-party delivered materials require only a public hearing prior to City Council approval. The current refuse, organic, C&D, and special material handling rates were last adopted by City Council Resolution No. 64,575-N.S. on July 14, 2009, and amended by Resolution No. 64,712-N.S. on December 6, 2009.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The current Transfer Station rates cannot fully fund the cost of operating the facility or maintaining compliance with State or local agency permits. These revised rates will provide funding to help support the City's Zero Waste and Climate Action Plan goals.

RATIONALE FOR RECOMMENDATION

The City's Transfer Station rates last increased in 2009, while the Transfer Station's costs related to inflation, personnel, contract, and environmental compliance have

² There will be no charge to residents for up to two sets because these costs are offset by the Mattress Recycling Program.

³ First two electronic items at no charge, \$9.00 per item for three or more.

⁴ If the same customer reloads on two or more occasions, a charge of \$150 is proposed.

City of Berkeley Transfer Station Rates effective August 1, 2022 PUBLIC HEARING June 28, 2022

increased. The proposed rates are requested to generate sufficient revenues to offset increased costs.

ALTERNATIVE ACTIONS CONSIDERED

City Council could forgo rate setting and continue with existing rates. This would decrease the revenue available for the Zero Waste Fund and, over time, lead to service reductions.

CONTACT PERSON

Greg Apa, Solid Waste & Recycling Manager, PW's Zero Waste Division, (510) 981-6359

Attachments:

- 1: Resolution
- 2: Public Hearing Notice

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

CITY OF BERKELEY TRANSFER STATION REVISED RATES AND RESCINDING RESOLUTIONS NO. 64,575 - N.S. AND 64,712 - N.S.

WHEREAS, the City is required by law, and in the interest of public health and resource reduction, reuse and recycling, to promote and provide integrated zero waste management services to the City community members; and

WHEREAS, the Zero Waste Fund (601) is an enterprise fund for the City's Integrated Zero Waste Management Programs and services and is required to generate sufficient revenues to offset these programs and services costs; and

WHEREAS, on July 14, 2009, the City Council approved Resolution No. 64,575 - N.S. approving Transfer Station rates for refuse, construction and demolition materials, and organics (compostable) by the load and per ton and special material handling charges; and

WHEREAS, on December 6, 2009, the City Council approved Resolution No. 64,712 – N.S. which rescinded Resolution No. 64,575 - N.S., Section 3, rates charged for prepaid refuse and compost bags.

THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley approves the Transfer Station rates, surcharges and fees as follows:

<u>Section 1:</u> An Environmental Compliance Fee for Refuse, Construction and Demolition, and Organics (compostable) materials shall be charged as follows:

- \$3.50 per minimum load (330 pounds or less), or
- \$5.00 per ton.

Section 2: The Base Rate for Refuse shall be:

- \$38.50 per minimum load (330 pounds or less), or
- \$149.00 per ton.

<u>Section 3:</u> For the recycling of items that require special material handling at the Transfer Station, rates shall be charged for each item. In addition, the environmental compliance fee is applicable only for the handling and transfer of refuse, construction and demolition or organic (compostable) materials.

Special Material Handling Charges per item shall be:

 a. 75% surcharge of the Refuse Base Rate on all mixed refuse, construction & demolition and organics loads (10% or more of these mixed material types in the load based on visual inspection).

- b. \$18.00 per unit of mattresses or box spring for commercial customers. Residents are accepted free (up to 2 units per transaction).
- c. \$20.00 per automobile tire.
- d. \$30.00 per truck tire.
- e. \$48.00 per appliance, refrigerated and non-refrigerated.
- f. \$35.00 per propane tank.
- g. \$9.00 per electronic item with three (3) or more, first two (2) items at no change.
- h. Carpets are charged per the construction and demolition material base rate.
- i. \$50.00 for first occurrence to reload of prohibited materials, \$150.00 per customers' second and subsequent occurrences.

<u>Section 4:</u> Organic (compostable) Materials includes: plant debris, prunings, unpainted untreated wood, pallets, waxed cardboard, unpainted sheet rock, food scraps, and compostable fibers. Organic materials do not include: plywood, painted wood, tree stumps, plastic bags, trash, refuse, recyclables, such as, uncontaminated cardboard, metal, etc., or all other material unsuitable for composting.

<u>Section 5:</u> The Base Rate for clean loads of Organic (compostable) Materials shall be:

- \$27.75 per minimum load (330 pounds or less), or
- \$72.05 per ton.

Section 6: The Base Rate for Construction and Demolition Materials shall be:

- \$33.50 minimum per load (330 pounds or less), or
- \$130.00 per ton.

<u>Section 7:</u> Vehicles with unsecured loads will be charged a \$15 fee.

<u>Section 8:</u> For the Purchase of Prepaid Bags for residential use only customer for extra materials to be placed at the curb on day of regular scheduled collection up to seven (7) additional bags, the cost shall be:

- Refuse \$7.50 per bag.
- Compostable Organics \$3.00 per bag.

<u>Section 9:</u> If Transfer Station scale is inoperable, the pounds per cubic yard conversion ratio shall be 330 pounds to the cubic yard and any estimate of volume will be made to the nearest half cubic yard.

_

BE IT FURTHER RESOLVED that the City Manager is authorized to annually review the base rates of refuse, construction and demolition, and organics materials; the environmental compliance fee; and special material handling charges; and increase these charges each year by a percentage equal to the percentage change in the

Page 8 of 19

Consumer Price Index (CPI) statistics published by the United States Bureau of Labor, as needed; and

BE IT FURTHER RESOLVED that Resolutions No. 64,575-N.S. and 64,712-N.S. are hereby rescinded; and

BE IT FURTHER RESOLVED that upon the conclusion of the Public Hearing on June 28, 2022, the City Council will amend as directed by public input and that this Resolution and the Transfer Station rates, environmental compliance fee and special material handling charges shall take effect on August 1, 2022.

EXISTING RATES:

On December 6, 2009, The City Council held a public hearing, reviewed and approved the current Transfer Station rates per the Council amended approved Resolution No. 64,575-N.S. and approved Resolution No. 64,712-N.S. (revised previously approved charges). These Transfer Station (Station) rates became effective January 1, 2010 and the following: refuse (also called municipal solid waste), compostable organics (both food and plant debris materials), construction and demolition (C&D) and special materials/appliance handling charges. The current rates are:

- \$29.00 for refuse minimum per load (same for C&D).
- \$126.00 for refuse per ton rate (same for C&D),
- \$23.00 for compostable organics minimum per load charge.
- \$67.00 for compostable organics per ton,
- Special Handling Charges:
 - a. \$14.00 per mattresses/box springs (commercial only),
 - b. \$10.00 per automobile tire,
 - c. \$15.00 per truck tire,
 - d. \$43.00 per appliances,
 - e. \$20.00 per propane tank, and
 - f. \$9.00 for three (3) or more electronic items, first two (2) items at no charge.
- 50% surcharge of refuse rate on mixed refuse and organics loads (10% or more of organics upon inspection) with \$100.00 maximum charge per transaction.

PROPOSED RATES:

The following table summarizes the Transfer Station's (Station) current and proposed rates with the public hearing conducted and City Council's approval for the Transfer Station to be effective August 1, 2022:

| | Refuse (MSW) | | Green Waste | | C&D Materials* | |
|--------------------------------|--------------|----------------|----------------|----------------|----------------|----------------|
| | Min. | Per Ton | Min. | Per ton | Min. | Per ton |
| Current Rate | \$29.00 | \$126.00 | \$26.45 | \$72.05 | \$29.00 | \$126.00 |
| Proposed base
Environmental | \$38.50 | \$149.00 | \$27.75 | \$72.05 | \$33.50 | \$130.00 |
| Fee** | \$ 3.50 | <u>\$ 5.00</u> | <u>\$ 3.50</u> | <u>\$ 5.00</u> | <u>\$ 3.50</u> | <u>\$ 5.00</u> |
| Proposed Rate | \$42.00 | \$154.00 | \$31.25 | \$77.05 | \$37.00 | \$135.00 |

^{*} Please note: The rates of Refuse and C&D materials are currently charged the same. To divert more C&D materials from incoming refuse and reduce landfilled tons, the new rate for C&D is proposed to be less to incentivize customers to increase their separation efforts prior to arriving at the Transfer Station.

Proposed Special Handling Rates:

 a. \$18.00 per set of mattress/box spring (commercial only).
 Residents are accepted free and costs are offset by Mattress Recycling Program.

^{**} Environmental Compliance fee to be charge of \$3.50 per minimum load and \$5.00 per ton.

- b. \$20.00 per automobile tire
- c. \$30.00 per truck tire,
- d. \$48.00 per appliance,
- e. \$35.00 per propane tank,
- g. \$9.00 for three (3) or more electronic items, first two (2) items at no charge,
- f. \$50.00 for 1st occurrence to reload of prohibited materials, \$150 thereafter, and
- g. \$75.00 per occurrence for mixed (not separated) loads.

Impact of CPI since 2009:

From December 2009 through December 2021, inclusive, the CPI for All Urban Consumers for San Francisco-Oakland-Hayward CA¹ has increase 40.83%.



Although not proposed but if this CPI increase were applied to the current rates, the rate increases would be reflected as follows:

- \$48.25 for refuse and C&D Minimum charge,
- \$177.45 for refuse and C&D per ton rate,
- Compostable organics:
 - a. \$32.40 minimum per load charge,
 - b. \$94.35 per ton rate.

¹

ANALYSIS OF EXISTING AND ADJACENT RATES:

With both CPI-Urban and offsite processing cost increases in consideration, the Public Works and Zero Waste Division staff also reviewed surrounding area transfer station rates to ensure that the proposed rates are comparable to the Berkeley Transfer Station. The following area transfer stations rates were analyzed:

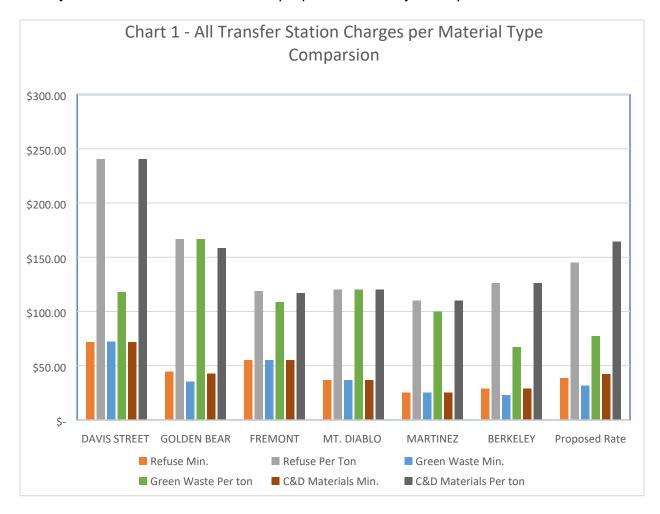
- Davis Street, located in San Leandro (Alameda Co.) operated by Waste Management, Inc.,
- Gold Bear, located in Richmond (Contra Costa Co.) operated by Republic Services, Inc.,
- Fremont (Alameda Co.), owned by BLT Enterprises, Inc. and operated by Tri-CED.
- Mt. Diablo (Contra Costa Co.), located in Concord and its privately owned, and
- Martinez, owned by Contra Costa County and operated under contract with Republic Services, Inc.

Table 1 – Existing and Proposed Rate Comparison

| | Ref | use | Green Waste | | C&D | Materials |
|----------------------|---------|----------|--------------------|----------|---------|-----------|
| | Min. | Per ton | Min. | Per ton | Min. | Per ton |
| | | | | | | |
| DAVIS STREET | \$71.54 | \$240.27 | \$71.96 | \$117.84 | \$71.54 | \$240.27 |
| GOLDEN BEAR | \$44.26 | \$166.75 | \$35.40 | \$166.75 | \$42.45 | \$158.35 |
| Richmond | φ44.20 | φ100.75 | φ35.40 | φ100.75 | φ42.45 | φ136.33 |
| FREMONT | \$55.00 | \$ 18.62 | \$55.00 | \$108.47 | \$55.00 | \$116.73 |
| MT. DIABLO Pittsburg | \$36.50 | \$120.25 | \$36.50 | \$120.00 | \$36.50 | \$120.00 |
| MARTINEZ | \$25.00 | \$110.00 | \$25.00 | \$100.00 | \$25.00 | \$110.00 |
| BERKELEY | \$29.00 | \$126.00 | \$23.00 | \$67.00 | \$29.00 | \$126.00 |
| current | Ψ23.00 | ψ120.00 | Ψ23.00 | ψ07.00 | Ψ23.00 | ψ120.00 |
| Proposed base | \$38.50 | \$149.00 | \$27.75 | \$72.05 | \$33.50 | \$130.00 |
| Env. Fee (1) | \$ 3.50 | \$ 5.00 | \$ 3.50 | \$ 5.00 | \$ 3.50 | \$ 5.00 |
| Proposed Rate | \$42.00 | \$154.00 | \$31.25 | \$77.05 | \$37.00 | \$135.00 |

¹⁾ Environmental Compliance Fee - \$5.00 per load for minimum charge and \$5.00 per ton.

The following charts graphically detail the existing rates by material types for those surveyed transfer stations rates and proposed Berkeley rates provided in Chart 1:



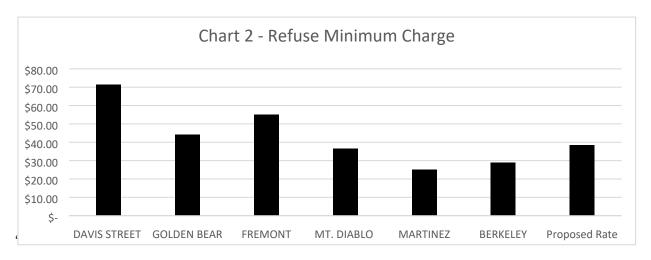
As highlighted by the above chart, the current Berkeley rates are lower than the rates charged by Bay Area Transfer Stations especially those closest to Berkeley, which include Davis Street and Golden Bear transfer stations. The following charts provide graphic comparisons of those surveyed transfer stations rates and the proposed rates for the City's Transfer Station:

Refuse Minimum Rate Comparison:

Davis St. Golden Bear Fremont Mt. Diablo Martinez Berkeley Current Berkeley Proposed \$71.54 \$44.26 \$55.00 \$36.50 \$25.00 \$29.00 \$42.00*

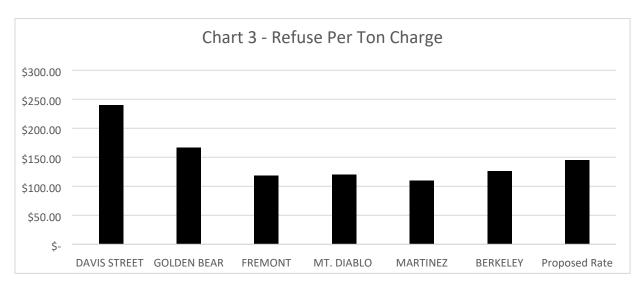
*includes \$3.50 environmental compliance

fee



Refuse Per Ton Comparison:

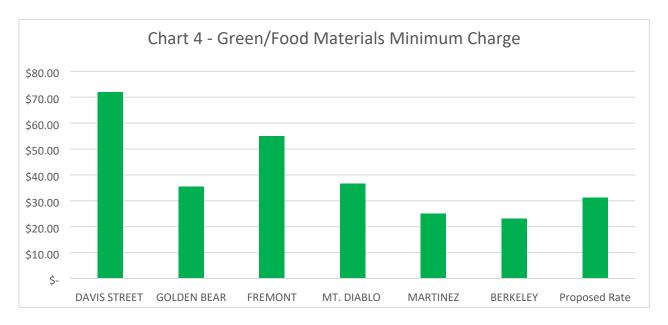
Davis St. Golden Bear Fremont Mt. Diablo Martinez Berkeley Current Berkeley Proposed \$240.27 \$166.75 \$118.62 \$120.25 \$110.00 \$126.00 \$154.00* *includes \$5.00 environmental compliance fee



Organics (compostable) Materials Minimum Charge Comparison (clean loads only):

Davis St. Golden Bear Fremont Mt. Diablo Martinez Berkeley Current Berkeley Proposed \$71.96 \$35.40 \$55.00 \$36.50 \$25.00 \$29.00 \$31.25*
*includes \$3.50 environmental compliance

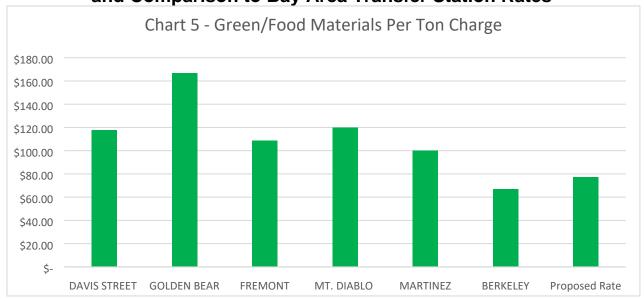
fee



Organics (compostable) Materials Per Ton Charge (clean loads only):

Davis St. Golden Bear Fremont Mt. Diablo Martinez Berkeley Current Berkeley Proposed \$117.84 \$166.75 \$108.47 \$120.00 \$100.00 \$126.00 \$77.05*

*includes \$5.00 environmental compliance fee

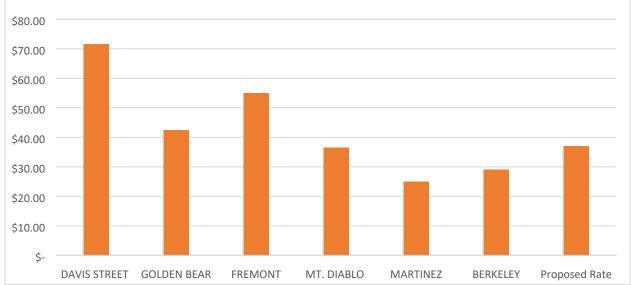


Construction & Demolition (C&D) Materials Minimum Charge Comparison:

fee

Mt. Diablo Martinez Berkeley Current Berkeley Proposed Davis St. Golden Bear Fremont \$71.96 \$42.44 \$55.00 \$25.00 \$ 29.00 \$ 37.00* \$ 36.50 *includes \$3.50 environmental compliance

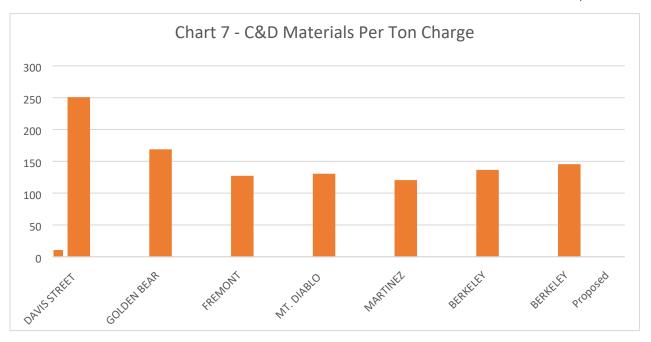
Chart 6 - C&D Materials Minimum Charge \$80.00



Construction & Demolition (C&D) Materials Per Ton Charge Comparison:

Davis St. Golden Bear Fremont Mt. Diablo Martinez Berkeley Current Berkeley Proposed \$240.47 \$158.35 \$116.73 \$120.00 \$110.00 \$126.00 \$135.00*

*includes \$5.00 environmental compliance fee



NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY

REVISED TRANSFER STATION RATES

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said City Council of the City of Berkeley at which time and place all persons may attend and be heard upon the following.

The Department of Public Works is proposing to increase the rates, fee and charges for the handling, transfer, and/or recycling of: refuse, construction and demolition, and organic (compostable) materials; environmental compliance and special material handling items at the City of Berkeley Transfer Station. These rates, fees, and charges are proposed to be effective August 1, 2022.

The City is required by law, and in the interest of public health and resource reduction, reuse and recycling, to promote and provide integrated and comprehensive zero waste management services to the City community members. These rates, fees and charges, as adopted by Council Resolution, are estimated to increase FY2023 base rate revenues by approximately \$833,000 and initiate an environmental compliance fee that will generate approximately \$272,000.

Current Rates:

- \$29.00 for minimum per load, 330 pounds or less, for Refuse, which is the same for Construction & Demolition (C&D) materials,
- \$126.00 per ton for Refuse, which is the same for C&D materials,
- \$23.00 minimum per load, 330 pounds of less, for Organics (compostable)
 Materials,
- \$67.00 per ton for Organics (compostable) Materials,
- Special Material Handling charges:
 - a. \$14.00 per mattresses/box springs (commercial only).
 - b. \$10.00 per automobile tire,
 - c. \$15.00 per truck tire,
 - d. \$43.00 per appliances,
 - e. \$20.00 per propane tank, and
 - f. \$9.00 for three (3) or more electronic items, first two (2) items at no charge.
- 50% surcharge of Refuse Rate on mixed refuse and organics loads (10% or more of organics upon inspection) with \$100.00 maximum charge per transaction.
- Purchase of Prepaid Bags for residential customer use, the rates shall be: Refuse - \$5.73 per bag.

Compostable Organics - \$2.30 per bag.

Proposed Rates:

An Environmental Compliance Fee for Refuse, Construction and Demolition, and Organics (compostable) materials shall be:

- \$3.50 per minimum load, 330 pounds or less, or
- \$5.00 per ton.

The Base Rate for Refuse shall be:

- \$38.50 per minimum load, 330 pounds or less, or
- \$149.00 per ton.

The Special Materials Handling charges shall be:

- \$18.00 of each set of mattresses/box springs for commercial customers. Residents are accepted free (2 sets or less per day).
- \$20.00 per automobile tire.
- \$30.00 per truck tires truck.
- \$48.00 per appliance, refrigerated and non-refrigerated.
- \$35.00 per propane tank.
- \$9.00 per electronic item with three (3) or more, 1st 2 items at no charge.
- \$50.00 per reload of prohibited materials, \$150.00 per customers' second occurrence.
- 75% surcharge of refuse base rate on mixed refuse, construction & demolition and organics loads (10% or more of each material type based on visual inspection).

The Base Rate for clean loads of Organic (compostable) Materials shall be:

- \$27.75 per minimum load, 330 pounds or less, or
- \$72.05 per ton.

For the Base Rate for Construction and Demolition Materials shall be:

- \$33.50 per minimum load, 330 pounds or less, or
- \$130.00 per ton.

Purchase of Prepaid Bags for residential customer use only, the rates shall be:

- Refuse \$7.50 per bag.
- Compostable Organics \$3.00 per bag.

If Transfer Station scale is inoperable, the pounds per cubic yard conversion ratio shall be 330 pounds to the cubic yard and any estimate of volume will be made to the nearest half cubic yard.

Authorize the City Manager to annually review the base cost rates of refuse, construction and demolition, and organics materials; environmental compliance fee; and

ATTACHMENT 3

special material handling charges; and, if required, increase these rates, fee and charges by CPI as needed.

The hearing will be held, on June 28, 2022 at 6:00 p.m. The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of June 16, 2022. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.

For further information, please contact Greg Apa, Solid Waste & Recycling Manager, at (510) 981-6359.

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkely.info for further information.

Published: Publication Date – June 17, 2022 and June 24, 2022 - Berkeley Voice Published pursuant to Government Code Section 6062a

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on or before June 16, 2022.

Mark Numainville, City Clerk



44

ACTION CALENDAR
June 28. 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager

Subject: FY 2023 & FY 2024 Biennial Budget Adoption

RECOMMENDATION

Adopt a Resolution:

- Adopting the FY 2023 & FY 2024 Biennial Budget as contained in the City Manager's FY 2023 & FY 2024 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on June 14, 2022, and as amended by subsequent Council action.
- 2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2023, as reflected in Attachment 2 to the report, and as amended by subsequent Council action.

FISCAL IMPACTS OF RECOMMENDATION

The proposed City expenditure budget for all funds in FY 2023 is \$ 733,086,531 (gross appropriations) and \$ 616,642,121 (net appropriations). The General Fund (Funds 011-099) total is \$287,568,533 and the balance of \$445,517,998, including Measure P and U1 expenditures, and represents the other non-discretionary funds. This fiscal information will be reflected in a separate Annual Appropriation Ordinance on the City Council's agenda on June 28, 2022.

CURRENT SITUATION AND ITS EFFECTS

The development of the biennial budget for Fiscal Years 2023 and 2024 began in September 2021 with preparations leading to the inaugural use of the budget development module within the City's new financial system. Over the next several months, departments worked with the City Manager's Office to develop their baseline budget and funding requests, which were presented to the City's Budget and Finance Policy Committee and subsequently to the City Council as part of the Fiscal Years 2023 and 2024 ("FY 23 and FY 24") Proposed Budget. The City Council received the balanced FY 23 and FY 24 Proposed Budget, inclusive of the City Manager's funding recommendations, on May 31, 2022.

The FY 23 and FY 24 Proposed Budget includes the General Fund Budget, which represents the City's' general-purpose revenues and discretionary spending on various citywide programs, projects and services. Proposed expenditures for FY 23 total \$263.3 million, decreasing to \$256.1 million in FY 24. The planned expenses are offset by revenues and various balancing strategies resulting in a balanced budget.

| | Fiscal Year
2022 Adopted | Fiscal Year
2023 Proposed | Fiscal Year
2024 Proposed |
|--|-----------------------------|------------------------------|------------------------------|
| All Revenues | 236,066,707 | 263,409,219 | 245,077,313 |
| Less Revenues* | (22,120,350) | (35,435,922) | (35,435,922) |
| Baseline
Revenues | 213,9466,357 | 227,973,297 | 209,641,391 |
| All Expenditures | 234,754,491 | 247,131,978 | 249,539,772 |
| Less Expenditures* | (20,808,520) | (17,940,382) | (17,735,757) |
| Baseline
Expenditures | 213,945,971 | 229,191,596 | 231,804,015 |
| Initial Baseline
Projected
Surplus/(Deficit) | | (1,218,299) | (22,162,624) |
| Recommended Tier
1 Funding | | 30,072,013 | 22,798,718 |
| Supplement to
Replenishing
Reserves | | 3,000,000 | 1,500,000 |
| Revised Baseline*
Expenditures | | 263,263,609 | 256,102,733 |
| Balancing
Strategies | | (35,364,529) | (46,482,839) |
| Projected
Surplus/(Deficit) | 386 | 74,216 | 21,496 |

^{*}Less Measure P and U1

The FY 23 and FY 24 Proposed Budget, including Tier 1 Funding Recommendations, addresses several Council priorities and fiscal policy objectives including:

 Continuation of core baseline services that restored funding for positions held vacant in FY 22, including 23 sworn officers within the Police Department, and continuation of the Homelessness Response Team and Downtown Street Team;

- Funding for the Reimagining Public Safety pilot program, including funding to establish the Diversity, Equity and Inclusion Unit within the City Manager's Office;
- Funding for staffing and operations across the organization to enhance revenues and leverage grant opportunities; to address additional health and public safety initiatives within Fire, HHCS, Parks, Recreation and Waterfront, Planning and Public Works; to support affordable housing of the BART sites and other redevelopment opportunities; to provide oversight of the encampment grant, Project RoomKey and other services for the unhoused; to advance climate change initiatives and to implement operational efficiencies;
- Funding of \$14.1 million and \$13.4 million respectively in each fiscal year toward capital projects intended to accomplish the following goals:
 - Address the deferral of funding in FY 21 toward capital needs;
 - o Increase the baseline for Parks, Recreation and Waterfront;
 - Provide additional funding to Public Works for street paving;
 - Begin initial funding to increase the baseline for multi-year projects such as facilities deferred maintenance and accessibility improvements;
 - Tackle a variety of one-time critical public safety capital needs such as the Jail Control Panel Replacement project, the Waterfront piling project; the Telegraph/Channing Garage Elevator Repairs, and various traffic claiming and improvement projects; and
 - Enhance efficiencies and revenues through projects such as the Paperless Contracts Workflow System and business license system.
- Allocation of \$2.0 million to the Section 115 Trust in each fiscal year to address pension liabilities and an allocation of approximately \$5.0 million each fiscal year to replenish and build reserves.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000

Attachments:

- 1: Resolution: Adopting FY 2023 and FY 2024 Budget Exhibit A: FY 2023 and FY 2024 Proposed Budget (May 31, 2021)
- 2: Community Agency Contract Advances

RESOLUTION NO.

ADOPTING THE CITY OF BERKELEY BUDGET UPDATE FOR FISCAL YEAR 2023 and 2024

WHEREAS, on May 31, 2022, the City Manager presented to the City Council the Fiscal Year 2023 and Fiscal Year 2024 ("FY 2023 and FY 2024") Proposed Budget; and

WHEREAS, the City Council held a series of meetings to consider the Proposed Budget Update, including public hearings held on May 31, 2022 and June 14, 2022; and

WHEREAS, members of the City Council presented recommended revisions to the Proposed Biennial Budget at the Council meeting on June 28, 2022; and

WHEREAS, in addition to formal budget adoption, City Council action is required to authorize advances for select community agencies receiving funds in FY 2023. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Berkeley adopts the FY 2023 and FY 2024 Budget contained in the City Manager's FY 2023 and FY 2024 Proposed Budget presented to Council on May 31, 2022 and as amended by subsequent Council action on June 28, 2022.

BE IT FURTHER RESOLVED that the appropriations constituting the FY 2023 Adopted Budget will be reflected in a separate FY 2023 Annual Appropriation Ordinance, as required by Charter.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute contracts and /or amendments, as necessary, to provide advances to selected community agencies receiving City funds in FY 2023.

BE IT FURTHER RESOLVED, that the City Manager is authorized to use the following invoicing/reporting system in contract administration, but maintains the discretion to amend these requirements depending on risk factors associated with past performance, the amount and type of funding an agency receives, and/or whether or not an agency is a new grantee:

Agencies receiving under \$50,000 in General Fund to provide the following services:

- 1. Drop-In services only with no intensive case management, meal programs, outreach programs, or recreation programs:
 - Statements of Expense are required quarterly and a General Ledger is required at fiscal year-end; and
 - An end-of-year narrative summary of accomplishments.
- 2. All other agencies receiving General Fund only:
 - Statements of Expense are required quarterly and a General Ledger is required at fiscal year-end; and
 - Program Reports are required semi-annually.
- 3. Agencies with State and/or Federal Funding:
 - Statements of Expense are required quarterly and a General Ledger is required at fiscal year-end; and
 - Program Reports are required quarterly.

BE IT FURTHER RESOLVED, that the City Manager is authorized to refuse to execute or amend a contract with any agency that has not provided required contract exhibits and documentation within 60 days of award of funding.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute other resultant agreement and amendments with other agencies relating to receipt and expenditure under CDBG or CSBG Program in accordance with the proposals for community agency funding approved through the budget process. A record copy of said contracts and any amendments are on file with the Office of the City Clerk.

Exhibits

Exhibit A: FY 2023 and FY 2024 Proposed Budget (May 31, 2021)

















CITY OF BERKELEY



Office of the City Manager

May 31, 2022

Honorable Mayor Jesse Arreguín and Members of the City Council:

The City Manager's Fiscal Years 2023 and 2024 Proposed Budget ("FY 23 and FY 24 Proposed Budget") for the City of Berkeley is submitted herein for your review and consideration. Over the course of the next several weeks, both the Budget and Finance Policy Committee and City Council will hold several meetings and public hearings on the contents of the Proposed Budget subsequent to adoption. The budget is anticipated to be adopted on June 28, 2022, prior to the statutory deadline of June 30, 2022.

As a result of the economic impact of the coronavirus pandemic, the Fiscal Year 2022 Budget was adopted for one fiscal year. The FY 23 and FY 24 Proposed Budget is characterized by the return to the development of a biennial budget. However, similar to FY 22, the FY 23 and FY 24 Proposed Budget continues to reflect the challenges associated with COVID-19 on operations and revenue.

Operating Factors and Challenges

The department budget narratives contained within this document illustrate the ongoing impacts of the pandemic on operations. These narratives highlight the variety of strategies used by departments to continue to provide excellent service during the pandemic, including while adhering to social distancing protocols. Department narratives describe hybrid approaches delivering a combination of virtual and in-person services moving forward in order to enhance customer service, meet new service delivery expectations and improve operational efficiencies.

In addition to the pandemic, impacts to the provision of services and the implementation of programs and projects are compounded by staffing vacancies due to the phenomena known as the "Great Resignation" that both private and public sector organizations are facing. Another recent operational challenge relates to inflationary pressure increasing the cost and limiting the availability of various services and supplies. These factors are anticipated to continue into the next fiscal years and expenditures within the General Fund operating baseline budget reflect cost increases as well as anticipated savings from vacancies.

On the revenue-side, while revenues are projected to continue to improve, some General Fund revenues, such as sales and use tax and transient occupancy tax, still lag

Page 8 of 410

in terms of pre-pandemic levels of performance. The City of Berkeley received federal funding under the American Rescue Plan Act (ARPA) of 2021 of approximately \$66.6 million, used in part to help offset revenue losses and balance FY 22. The Proposed Biennial Budget recommends deferring the partial use of remaining ARPA funds until FY 24 as part of a series of strategies to balance the General Fund baseline budget. Additional budget balancing strategies are outlined later within this transmittal.

Budget Strategies

Consistent with prior years, the following budget strategies guided the development of the FY 23 and FY 24 Proposed Budget:

- Continue serving the community. Public health and safety functions, as well as
 essential municipal services will be preserved to the maximum extent possible.
 In so doing, the City will make every effort to avoid service and workforce
 reductions.
- 2. Live within our means. Strive for long-term sustainability that aligns available resources with needs and the City's values that embrace a commitment to advancing racial and social equity, serving those who are most in need, and environmental sustainability.
- 3. *Identify expenditures that can be deferred.* Take a deferment first approach by thoroughly assessing expenditures with a special emphasis on large capital projects, equipment purchases, and new projects.
- 4. *Pursue other revenue and assistance.* Vigorously pursue cost recovery efforts, secure alternative sources of revenue, and be positioned to capitalize on federal and state assistance.
- 5. Manage use of, and replenish, reserves. In drawing on reserves, the City will adopt a long-term orientation to ensure that funds are available for the duration of the economic downturn. The City will look to its existing policies to ensure that any reserves that are utilized are restored when the economy improves.
- 6. Be data-driven and transparent. Budget decisions will be informed by data and be transparent. Staff will work collaboratively with the Budget and Finance Policy Committee with on-going communication and updates provided to the entire City Council.

Proposed All Funds Budget

Table 1 below summarizes the Citywide Proposed (All Funds) Budget. The Proposed All Funds Revenue Budget decreases by \$2.8 million in FY 23 compare to FY 22, with further decline of approximately \$21.2 million in FY 24. However, as revenues decrease, planned expenditures grow by \$15.4 million in FY 23 over the FY 22 Adopted before decreasing to \$13.4 million in FY 24. Overall, either additional fund balance is required to meet operating costs and/or alternative sources of funding (fee increases,

grants/intergovernmental revenue and/or transfers from the General Fund) will be needed to balance in the outyears.

A detailed breakdown of the Proposed All Funds Revenue and Expenditure budgets that includes charts and graphs is provided in the Financial Summary section of the budget book. At this time, the General Fund Tier 1 Funding Recommendations have not been incorporated into the All Funds Summary.

Table 1: Proposed FY 23 & 24 All Funds Summary

| | Fiscal Year
2022 Adopted | Fiscal Year
2023 Proposed | Fiscal Year
2024 Proposed |
|------------------------------|-----------------------------|------------------------------|------------------------------|
| Revenues | 595,202,825 | 592,431,444 | 571,408,571 |
| Expenditures | 675,601,287 | 691,022,346 | 677,564,222 |
| Proposed Use of Fund Balance | 78,398,462 | 98,590,902 | 106,155,651 |

Staffing

The City of Berkeley provides a variety of services and, as a service organization, the majority of the City's expenses relate to staffing. Salary and benefit costs total \$339 million and make up approximately 49 percent of the citywide budget on an all-funds basis and \$166 million or 74 percent of the General Fund in FY 23. Authorized staffing levels increase by approximately 49 full-time equivalent positions (FTE) in FY 23 over the FY 22 Adopted. The increase is primarily attributable to a reorganization effort within the Fire Department that will result in more services to the community and a workforce that is better prepared and resilient to respond to the challenges the City will face in the coming decades. Overall, citywide staffing totals 1,735 in FY 23 and 1,737 in FY 24, excluding the additional positions included within the Tier 1 Funding Recommendations.

Proposed General Fund Budget

A portion of the All Funds budget includes the General Fund. The General Fund comprises general-purpose revenues, such as taxes, fines and fees, interest and other income that may be used to support general governmental operations. The FY 23 and FY 24 Proposed General Fund Budget is presented in Table 2 below.

The all revenues projection includes resources generated by Measure P (\$14.0 million) and Measure U1 (\$4.9 million). Council policy is to generally allocate Measure P and Measure U1 revenues to programs and services that address homelessness and support the expansion of affordable housing. Accordingly, the revenues and expenditure amounts for both Measure P and Measure U1 are removed from the Proposed General Fund Baseline Budget outlined below.

In addition, current policy recommends that any excess property transfer tax over the baseline be allocated to capital. Therefore, the \$16.5 million in Property Transfer Tax

revenues over the current baseline amount of \$12.5 million set by Council are also removed from the baseline revenue calculation.

Table 2: Proposed FY 23 & 24 General Fund Summary

| | Fiscal Year
2022 Adopted | Fiscal Year
2023 Proposed | Fiscal Year
2024 Proposed |
|--|-----------------------------|------------------------------|------------------------------|
| All Revenues | 236,066,707 | 263,409,219 | 245,077,313 |
| Less Revenues | (22,120,350) | (35,435,922) | (35,435,922) |
| Baseline
Revenues | 213,9466,357 | 229,006,665 | 209,641,391 |
| All Expenditures | 234,754,491 | 247,131,978 | 249,539,772 |
| Less Expenditures | (20,808,520) | (17,940,382) | (17,735,757) |
| Baseline
Expenditures | 213,945,971 | 229,191,596 | 231,804,015 |
| Initial Baseline
Projected
Surplus/(Deficit) | | (1,218,299) | (22,162,624) |
| Recommended
Tier 1 Funding-
Operations | | 17,022,013 | 9,378,718 |
| Balancing
Strategies | | 18,314,529 | 31,562,839 |
| Baseline Projected Surplus/(Deficit) | 386 | 74,216 | 21,496 |

Tiered Funding Requests and Recommendations

As part of the budget process, City departments requested additional General Fund support over the baseline budget. In addition, the City Council has approved various budget referrals to be considered as part of the budget adoption process. These requests have been prioritized using three tiers as noted below and are included within Appendix 2 of the budget book. Table 2 reflects the recommended funding for Tier 1 operational expenses in both fiscal years.

- Tier 1 includes items that are required to be paid (example debt service, other contractual obligations); federal or state mandated services; public safety; critical operational needs; critical infrastructure; revenue generating, grant funded or cost-share; and addresses climate initiatives,
- Tier 2 includes items that are considered to be Non-Critical Operational Needs that may be placed on hold or have existing funding, and
- Tier 3 includes items deemed to be Non-Urgent Operational Needs.

General Fund Balanced Budget Strategies and Outcomes

As reflected in Table 2 above, the General Fund baseline budget faces a shortfall once specialized revenues and expenditures are omitted. In addition to the imbalance between baseline revenues and expenditures, Tier 1 items are also recommended to be funded in both fiscal years. In order to achieve a balanced budget, several strategies are required as highlighted in Table 3 below.

Table 3: FY 23 and FY 24 Recommended Budget Balancing Strategies

| Balancing Strategy | Fiscal Year 2023
Proposed (Millions) | Fiscal Year 2024 Proposed (Millions) |
|--|---|--------------------------------------|
| FY Excess Property Transfer Tax | 12.2 | 5.1 |
| FY 23 & 24 Increased Baseline (from \$12.5 M to \$18.0M) | 5.5 | 5.5 |
| Salary Savings | 8.1 | 7.5 |
| ARPA Deferral | (10.7) | 10.7 |
| One-Time Measure P for Nexus Programs | 3.2 | 2.8 |
| Total Projected Savings Achieved (in millions) | 18.3 | 31.6 |

These strategies are largely predicated upon the use of the nearly \$27.4 million in FY 22 excess property transfer tax over the baseline revenue projection of \$12.5 million. Specifically, this additional revenue is anticipated to: (1) address operational shortfalls in FY 23 (\$12.2 million) and FY 24 (\$5.1 million); (2) replenish reserves (\$1.5 million) and (3) augment the biennial capital budget (\$8.6 million).

In addition, the FY 23 & FY 24 Proposed Budget recommends adjusting the current excess property transfer tax baseline of \$12.5 million to \$18.0 million, which allows these additional revenues (\$5.5 million) to be redirected toward the increased cost of operations. Based on current and projected vacancies, salary savings assume a citywide average vacancy rate of 5% and reflect additional savings by projecting that new positions recommended within Tier 1 will likely take 6 months, on average, to fill in FY 23 with some savings to account for attrition in FY 24. Together salary savings represent, on average, approximately \$7.8 million in each fiscal year.

As referenced previously in this transmittal, the Proposed Budget assumes the deferral of approximately \$11 million of ARPA funds for use in FY 24. The final budget strategy

Page 12 of 410

recommends the use of Measure P for nexus programs typically funded through the General Fund, such as the funding to community agencies, and for limited Tier 1 items.

Recommended Policy Changes

This balancing approach requires a change in policy direction regarding the excess property transfer tax in FY 23 and FY 24. Specifically, Council policy currently sets the excess property transfer tax baseline at \$12.5 million each fiscal year. The proposed budget balancing approach requires two changes: (1) the baseline excess property transfer tax for operations increases by \$5.5 million in each fiscal year from \$12.5 million to \$18.0 million and (2) the excess property transfer tax over the baseline (now \$18.0 million) is allocated to both *reserves* and capital rather than entirely to capital.

Funding for Unfunded Liabilities

Reserves: The FY 21 budget required the use of \$11.4 million in reserves to balance the budget. Currently, \$6.6 million has been allocated to reserves, resulting in a remaining shortage of \$4.8 million The FY 23 and FY 24 Proposed Baseline Budget currently includes a transfer to the Stability Reserve Fund (\$1.375 million) and the Catastrophic Reserve Fund (\$1.125 million) for each fiscal year. In addition to this annual contribution of \$2.5 million, it is recommended that \$1.5 million of excess property transfer tax from Fiscal Years 2022, 2023 and 2024 also be allocated to reserves for a total increase of \$4.5 million over the initial baseline. Together, the amount dedicated to reserves nears \$9.5 million, which replenishes the reserve by FY 23 and also begins to grow it by approximately \$5.0 million in FY 24 for future use.

Pension: On June 26, 2018, the City Council authorized the City Manager to establish an IRS Section 115 Pension Trust Fund (Trust) to be used to help fund pension obligations (the fund can be utilized to help smooth volatility from year to year fluctuations in annual required contributions). The FY 23 and FY 24 Proposed Budget includes annual funding of \$2 million to the Trust. The Trust balance, as of June 30, 2021, is \$12.8 million. In FY 21, the City realized a discount of approximately \$1.3 million from the prepayment of the required CalPERS unfunded liability and anticipates achieving a similar discount from the FY 22 repayment that will be used to increase the Trust balance.

Capital: The Proposed Budget also recommends the use of excess property transfer tax to address unfunded capital needs. Overall excess property transfer tax revenue is projected at nearly \$29.0 million annually in Fiscal Years 2023 and 2024. Of the \$29.0 million, \$18.0 million is recommended for operational needs and \$1.5 million for reserves, which leaves approximately \$9.5 million in each fiscal year for capital needs. However, approximately \$8.6 million is also available from the FY 22 excess property transfer tax, which is recommended to be allocated across both fiscal years to maximize funding for capital projects. This approach results in annual funding of approximately \$14.0 million in each respective fiscal year.

Together these strategies enable a true "balanced" budget meaning that, from a technical perspective, revenues equal expenditures, and more importantly, from a priority and policy orientation, the proposed General Fund budget, inclusive of the Tier 1 Funding Recommendations located within Appendix 2, achieves progress toward a number of citywide objectives including:

- Continuation of core baseline services that restored funding for positions held vacant in FY 2, including 23 sworn officers within the Police Department, and continuation of the Homelessness Response Team and Downtown Street Team;
- Funding for the Reimagining Public Safety pilot program, including funding to establish the Diversity, Equity and Inclusion Unit within the City Manager's Office;
- Funding for staffing and operations across the organization to enhance revenues and leverage grant opportunities; to address additional public safety initiatives within Fire, Parks, Recreation and Waterfront, Planning and Public Works; to support affordable housing of the BART sites and other redevelopment opportunities; to provide oversight of the encampment grant, Project RoomKey and other services for the unhoused; to advance climate change initiatives and to implement operational efficiencies;
- Funding of \$14.1 million and \$13.4 million respectively in each fiscal year toward capital projects referenced within the Recommended Tier 1 Funding Requests located within Appendix 2 intended to accomplish the following goals:
 - Address the deferral of funding in FY 21 toward capital needs;
 - o Increase the baseline for Parks, Recreation and Waterfront;
 - Provide additional funding to Public Works for street paving;
 - Begin initial funding to increase the baseline for multi-year projects such as facilities deferred maintenance and accessibility improvements;
 - Tackle a variety of one-time critical public safety capital needs such as the Jail Control Panel Replacement project, the Waterfront piling project; the Telegraph/Channing Garage Elevator Repairs, and various traffic claiming and improvement projects; and
 - Enhance efficiencies and revenues through projects such as the Paperless Contracts Workflow System and business license system.
- Allocation of \$4 million to the Section 115 Trust to address pension liabilities and an allocation of \$9.5 million to replenish and build reserves.

Conclusion

The return to the preparation of the biennial budget proved to be challenging as revenues continue to rebound, but not reach pre-pandemic levels of performance; the

Page 14 of 410

costs of providing services, particularly related to personnel expenditures, increased; and the need for funding to implement strategic priorities and Council initiatives such as Reimagining Public Safety, to enhance staffing, to fund operational improvements, and to support on-time special projects, various community enhancements, and capital projects, outpace available resources. However, the FY 23 and FY 24 Proposed Budget provides a myriad of strategies to be used in tandem to fund operations, including restoring FY 22 deferrals, and to address unfunded liabilities pertaining to pension and capital while replenishing reserves.

This document also marks the continuation of an ongoing public budget development process leading to budget adoption on June 28, 2022. Continued dialog, discussion and deliberations with both the Budget and Finance Policy Committee and the City Council will occur throughout June to pass an adopted biennial budget that allocates resources to achieve Council priorities, provide community enhancements and continue to deliver both core and new services.

Acknowledgements

The production of this budget is possible due to the professional and diligent efforts of the Finance Department and its Director Henry Oyekanmi in particular, and key individuals within my Office including staff within the Budget and Fiscal Management Division, led by Sharon Friedrichsen, Melissa McDonough for her unbounded energy to incorporate strategic planning and performance measures into the budget process and Deputy City Managers Paul Buddenhagen and LaTanya Bellow. Together they collaborated in finding solutions to balance the budget, to prioritize funding requests and to produce this comprehensive document. I would also like to commend the Department Directors and their staff for continuing to play an integral role in delivering services and managing their budgets so effectively.

I thank the various Department Directors, the City Auditor and Charter Officers and their collective staff for their cooperation during this budget process, including delivering high quality presentations to the Budget and Finance Policy Committee regarding the department's accomplishments, organizational challenges and funding needs. I also extend my appreciation to the members of the City's Budget and Finance Policy Committee whom have assisted staff in developing policy recommendations to address our unfunded needs the entire calendar year and during the critical budget development cycle in particular. Finally, I wish to acknowledge the City Council whose leadership in setting priorities and fiscally managing the organization provided the framework necessary to create this budget. I look forward to the forthcoming discussions and engaging with Council and the public in adopting this important document.

Respectfully Submitted,

Page 15 of 410

Dee Williams-Ridley City Manager

Page 16 of 410

TABLE OF CONTENTS

| Financial Summaries | 7 |
|---|-----|
| General Fund | 16 |
| Other Fund Forecasts | 29 |
| Staffing | 58 |
| Department Budgets | 77 |
| City Attorney's Office | 78 |
| City Auditor's Office | 83 |
| City Clerk Department | 91 |
| City Manager's Office | 99 |
| Office of Economic Development | 120 |
| Finance | 130 |
| Fire Department | 140 |
| Health, Housing and Community Services | 160 |
| Human Resources | 183 |
| Information Technology | 196 |
| Berkeley Public Library | 215 |
| Mayor and Council | 226 |
| Planning | 228 |
| Police | 249 |
| Office of the Director of Police Accountability | 260 |
| Parks, Recreation and Waterfront | 265 |
| Public Works | 282 |
| Rent Stabilization Board | 302 |
| Non-Departmental (All City Funds) | 309 |
| Community Agencies | 312 |
| Funding Summary | 313 |
| Capital Improvement Program | 323 |
| Appendix 1 – Performance Measures Detail | 329 |
| Appendix 2 – Funding Requests | 392 |

BUDGET BOOK GUIDE

The purpose of the City of Berkeley's budget is to serve as a "blueprint" to communicate to the residents, businesses, and employees how the City's financial sources are planned in order to provide services to the community. As such, it is considered a working financial plan for the upcoming two fiscal years to guide the implementation of City policies, priorities, and programs. The budget includes both the operating costs to manage the City and provide daily services to the community as well as the capital investments or improvement projects that the City plans to implement over the next two fiscal years. Please note, throughout this document, Fiscal Year (FY) denotes July through June, and 23 and 24 is referred to as FY 23 and 24 respectively.

Below is a brief description of each of the major sections of the budget book:

- Budget Message: The budget message contains the City Manager's transmittal letter to
 the City Council that details the budget, including budget issues and policies that lead to
 the development of the budget. It also includes proposed strategies to balance the budget
 where revenues equal or exceed expenditures as well as recommended budget
 enhancement over the baseline budget.
- **Financial Summaries**: The financial summaries provide summary financial analyses and a summary of assumptions used in creating the Five-Year Forecasts.
- **General Fund**: The General Fund section includes summaries of expenditures and revenues for the General Fund.
- Other Fund Forecasts: This section provides the financial forecasts for the City's key non-General Fund operating funds.
- **Staffing**: This section includes detailed staffing information at the summary level, by department, and by funding source.
- **Department Budgets**: This section includes a department's mission statement, organizational structure, overview of core services, strategic plan priorities for FY 23 and 24, challenges, accomplishments, and significant changes from the prior year's budget.
- **Community Agencies**: Summary of the community-based organization funding process and the adopted allocation schedule for FY 23. (FY 24 baseline includes similar funding levels, although the organizations to be funded remains unknown at this time.)
- Capital Improvement Program (CIP): The CIP section consists of an overview of the CIP, funding sources, unfunded citywide capital infrastructure needs, and project categories. More detailed CIP information is available in the accompanying CIP book.

1

Page 18 of 410

CITY OF BERKELEY FY 2023 & 2024 PROPOSED BUDGET

ELECTED OFFICIALS

Mayor

Jesse Arreguín

Councilmembers

Rashi Kesarwani (District 1)

Terry Taplin (District 2)

Ben Bartlett (District 3)

Kate Harrison (District 4)

Sophie Hahn (District 5)

Susan Wengraf (District 6)

Rigel Robinson (District 7)

Lori Droste (District 8)

City Auditor

Jenny Wong

City Manager

Dee Williams-Ridley

Deputy City Managers

Paul Buddenhagen LaTanya Bellow

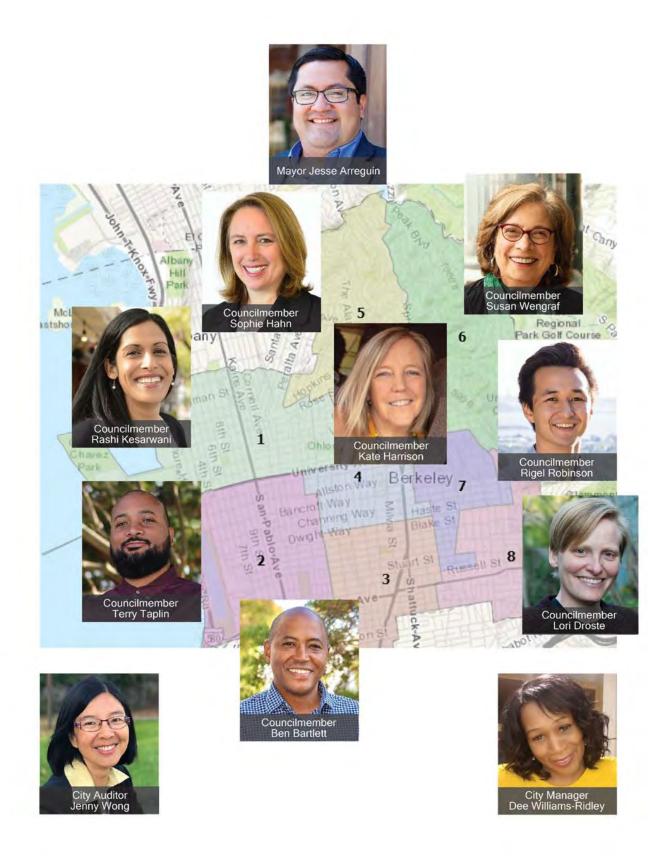
Prepared by:
The City Manager's Office
Office of Budget and Fiscal Management

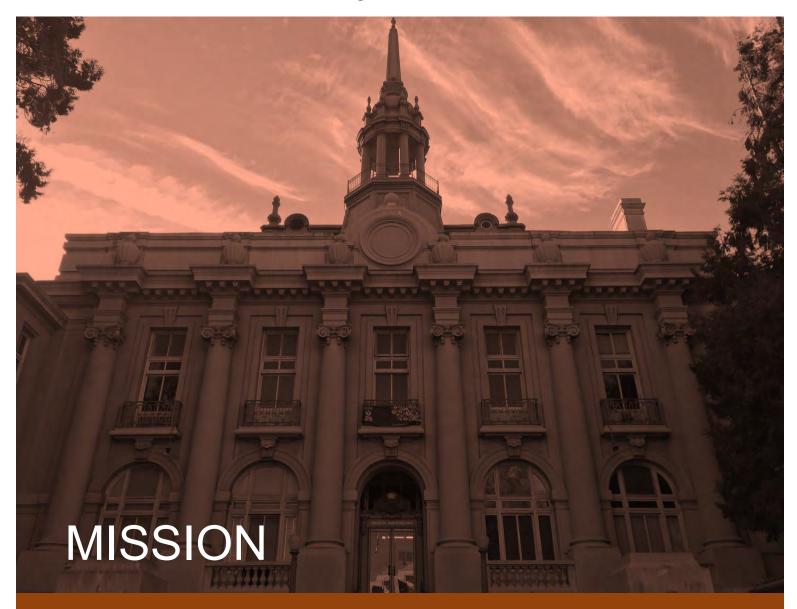
Sharon Friedrichsen, Budget Manager Rama Murty, Senior Management Analyst Maricar Dupaya, Senior Management Analyst Michelle Rosete, Associate Management Analyst Emelita Bersonda, Accounting Office Specialist III

Special thanks to Melissa McDonough, the Finance Department, Department Directors and their staff for their assistance and contributions in preparing this document.

2

504





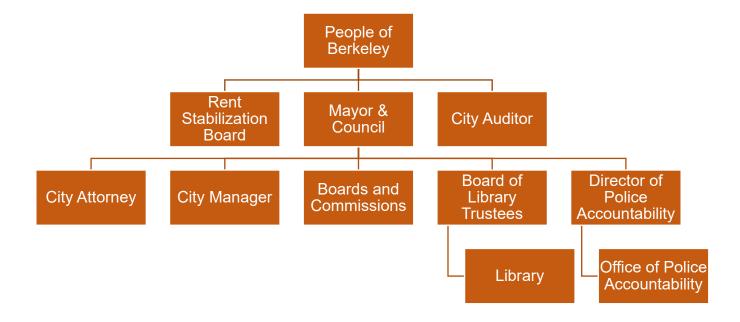
As City of Berkeley employees our mission is to provide quality service to our diverse community; promote an accessible, safe, healthy, environmentally sound and culturally rich city; initiate innovative solutions; embrace respectful, democratic participation; respond quickly and effectively to neighborhood and commercial concerns; and do so in a fiscally sound manner.

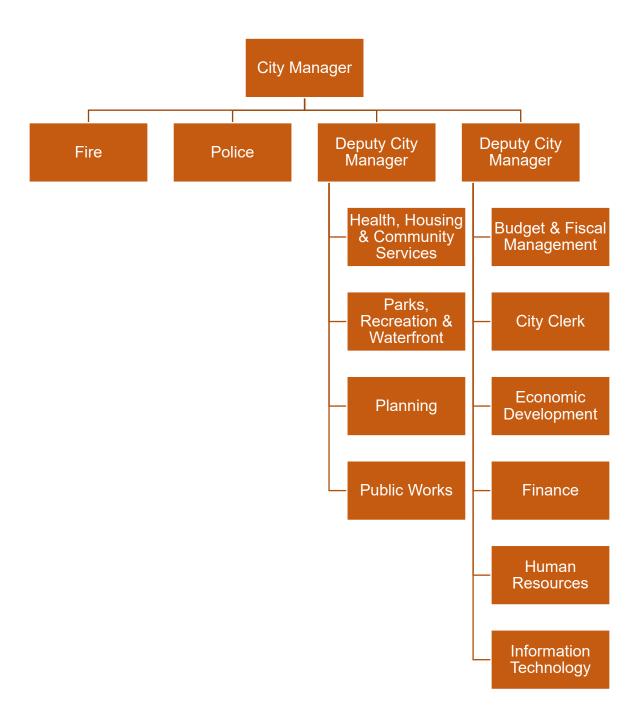
ORGANIZATION CHART

The people of Berkeley are the highest level in the City's organization chart. They directly elect the Mayor and the eight other members of the City Council, the members of the Rent Board, the members of the School Board, and the City Auditor.

The nine members of the City Council (eight elected by district and the mayor, elected atlarge) appoint the members of the Board of Library Trustees and the members of the City's Boards and Commissions. Boards and Commissions serve as advisory bodies to the Council, although some have quasi-judicial functions. Berkeley Housing Authority members are appointed by the Mayor and confirmed by the Council.

The Mayor and Council select and confirm the City Manager, who acts as a Chief Executive Officer for the rest of the City government. The City Manager is responsible for the administration of City services and programs, enforcement of the City's Municipal Code and ordinances, and preparation of the annual budget. The Department directors are selected by the City Manager and confirmed by the City Council.





Page 23 of 410

FINANCIAL SUMMARIES

This section provides charts and tables of the City's budget. These summaries show the revenues and expenditures associated with the City's different funding sources, such as the General Fund, Special Revenue Funds, Grants, Capital Funds, Debt Service, Enterprise Funds, Internal Service Funds and Agency Funds. The charts illustrate revenues by funding source and expenditures by department.

SUMMARY OF FY 2023 & FY 2024 PROPOSED BUDGET BY FUNDING SOURCE

| | Adopted | FY 2022 | Proposed | FY 2023 | Proposed | FY 2024 |
|--|------------------------|-------------|------------------------|-------------|------------------------|-------------|
| Fund Description | Revenue ^(b) | Expenses | Revenue ^(b) | Expenses | Revenue ^(b) | Expenses |
| General Fund Discretionary* | 236,066,707 | 234,754,491 | 263,409,219 | 247,131,978 | 245,077,313 | 249,539,772 |
| Measure U1 | 5,120,350 | 6,446,014 | 5,120,350 | 6,784,542 | 5,120,350 | 6,816,963 |
| GF - Stabilization Reserves | 1,375,000 | - | 1,375,000 | - | 1,375,000 | - |
| GF - Catastrophic Reserves | 1,125,000 | - | 1,125,000 | - | 1,125,000 | - |
| Special Revenue Funds | | | | | | |
| Library - Tax ^(a) | 21,776,603 | 25,037,858 | 23,909,768 | 24,433,766 | 24,386,523 | 24,695,785 |
| Emergency Disabled Services (Measure E) | 1,451,853 | 1,451,853 | 1,590,735 | 1,590,735 | 1,622,550 | 1,622,550 |
| Paramedic Tax ^(a) | 4,088,559 | 4,916,665 | 4,320,545 | 5,218,195 | 4,391,797 | 5,268,022 |
| Playground Camp (a) | 12,803,855 | 13,850,034 | 3,341,425 | 3,596,951 | 3,412,972 | 3,669,222 |
| Gas/Sales Tax Street Improvement Funds | 12,738,525 | 15,711,594 | 17,761,587 | 23,281,269 | 16,906,189 | 19,132,216 |
| CDBG (a) | 4,437,743 | 4,576,057 | 4,437,743 | 4,882,923 | 4,437,743 | 4,923,840 |
| Rental Housing Safety (a) | 1,783,780 | 2,230,164 | 1,783,780 | 1,902,671 | 1,783,780 | 2,033,208 |
| Parks Tax | 15,366,468 | 14,402,630 | 16,863,663 | 15,966,197 | 17,199,496 | 16,331,645 |
| Measure GG - Fire Preparation Tax | 5,605,637 | 4,897,270 | 5,823,036 | 5,276,233 | 5,938,576 | 5,310,949 |
| Street Light Assessment District (a) | | | | | | |
| DEDS Savings | 2,240,939 | 2,671,488 | 2,240,939 | 3,312,730 | 2,240,939 | 3,301,154 |
| PERS Savings | 2,151,632 | - | 2,151,632 | - | 2,151,632 | - |
| Health State Aid Realignment (a) | | | | | | |
| Mental Health State Aid Realigment (a) | 3,703,018 | 3,806,205 | 3,703,018 | 3,961,045 | 3,703,018 | 4,003,539 |
| Mental Health State Ald Nealighletti V | 2,710,000 | 3,182,564 | 2,710,000 | 4,061,702 | 2,710,000 | 4,178,676 |
| Measure FF - Public Safety | | | | | | |
| Other Special Revenue Funds ^(a) | 12,750,000 | 12,750,000 | 8,604,000 | 8,160,000 | 8,776,080 | 8,323,200 |
| Other Special Revenue Funds (4) | 4,992,327 | 7,989,848 | 5,189,081 | 12,737,376 | 5,204,081 | 12,556,892 |
| Grant Funds ^{(a) (c)} | | | | | | |
| 2.3 | 59,521,981 | 81,244,159 | 25,882,939 | 57,065,819 | 25,899,755 | 45,771,257 |

Page 25 of 410

| | Adopted | FY 2022 | Proposed | FY 2023 | Proposed FY 2024 | |
|---|------------|------------|------------------------|------------|------------------|------------|
| Fund Description | Revenue(b) | Expenses | Revenue ^(b) | Expenses | Revenue(b) | Expenses |
| Capital Funds | | | | | | |
| Capital Improvement ^(a) | 4,950,905 | 8,393,901 | 4,950,905 | 11,112,302 | 4,950,905 | 10,237,899 |
| Phone System Replacement | | | | | 449,408 | 449,408 |
| FUND\$ Replacement (a) | 449,408 | 449,408 | 449,408 | 449,408 | _ | 3,249,509 |
| • | - | 3,571,725 | - | 3,221,742 | | |
| PEG Access Facilities (a) | _ | 100,000 | _ | 100,000 | - | 100,000 |
| Park Acquisition Development | _ | 100,000 | _ | 100,000 | 192 | - |
| Measure T1 - Infrastructure & Facilities (b) | 192 | - | 192 | - | | 18,527,703 |
| | - | 12,816,854 | - | 17,858,315 | _ | |
| Measure O - Affordable Housing ^(b) | _ | 6,445,567 | | 6,445,567 | - | 6,445,567 |
| | _ | 0,443,307 | _ | 0,440,507 | | |
| Debt Service Funds (a) | 7 507 550 | 0.004.404 | 7 507 550 | 0.004.404 | 7,537,556 | 9,804,404 |
| | 7,537,556 | 9,804,404 | 7,537,556 | 9,804,404 | | |
| Enterprise Funds | | | | | | |
| Zero Waste ^(a) | 40 707 000 | 40 400 504 | 40.707.000 | FC 477 044 | 46,767,263 | 59,250,480 |
| Marina Operation ^(a) | 46,767,263 | 48,199,561 | 46,767,263 | 56,177,214 | 6,650,211 | 8,091,455 |
| C (2) | 7,163,572 | 7,308,402 | 7,514,876 | 8,204,057 | | |
| Sewer (a) | 24,986,977 | 30,227,353 | 24,986,977 | 35,226,528 | 24,986,977 | 32,765,777 |
| Private Sewer Lateral | 240,501 | 402.650 | 240 504 | 470 600 | 240,501 | 183,821 |
| Clean Storm Water ^(a) | | 193,658 | 240,501 | 172,628 | 4,551,890 | 5,458,692 |
| Downit Coming Conton (3) | 3,991,967 | 4,899,517 | 4,419,311 | 7,173,690 | 40 700 270 | 00.075.400 |
| Permit Service Center (a) | 14,997,428 | 20,692,553 | 20,746,600 | 21,676,546 | 19,709,270 | 22,075,108 |
| Unified Program - Toxics | 064.450 | 004 045 | 064.450 | 077.040 | 964,450 | 885,692 |
| Off Street Parking ^(a) | 964,450 | 821,845 | 964,450 | 877,919 | 5,091,895 | 6,939,757 |
| Parking Mater (a) | 6,165,769 | 6,551,006 | 4,124,985 | 6,790,627 | | |
| Parking Meter ^(a) | 8,974,259 | 10,006,409 | 12,052,490 | 10,557,178 | 9,712,789 | 10,398,188 |
| | | | | | | |

Page 26 of 410

| | Adopted | FY 2022 | Proposed | FY 2023 | Proposed FY 2024 | | |
|--|------------------------|------------|------------------------|------------|------------------------|----------------------|--|
| Fund Description | Revenue ^(b) | Expenses | Revenue ^(b) | Expenses | Revenue ^(b) | Expenses | |
| Building Management (1947 Center St.) ^(a) | 2,969,817 | 3,434,440 | 2,969,817 | 3,832,731 | 2,969,817 | 3,889,708 | |
| Internal Service Funds | | | | | | | |
| Equipment Replacement (a) | 4,754,926 | 5,906,134 | 4,754,926 | 6,676,989 | 4,754,926 | 6,473,770 | |
| Equipment Maintenance (a) | | | | | | | |
| Building Maintenance ^(a) | 6,461,013 | 9,812,320 | 6,461,013 | 9,573,258 | 6,461,013 | 9,527,237 | |
| Central Services (a) | 3,821,039 | 4,463,546 | 3,821,039 | 4,798,308 | 3,821,039 | 4,815,297
394,486 | |
| | 225,000 | 385,483 | 225,000 | 391,386 | 225,000 | 394,400 | |
| Workers Compensation | 9,046,720 | 6,593,924 | 9,046,720 | 6,440,039 | 9,046,720 | 6,469,976 | |
| Public Liability | 3,895,888 | 3,843,932 | 3,895,888 | 3,797,298 | 3,895,888 | 3,811,342 | |
| IT Cost Allocation (a) | | | | | | | |
| | 14,806,185 | 14,673,515 | 14,806,185 | 16,610,868 | 14,806,185 | 16,795,282 | |
| Successor Agency | | E7 120 | | E7 100 | - | 57,120 | |
| | - | 57,120 | - | 57,120 | | | |
| Agency Funds | | | | | | | |
| Thousand Oaks Undergrounding | _ | 98,448 | _ | 98,448 | - | 98,448 | |
| Measure H - School Tax | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | |
| CFD No. 1 Disaster Fire Protection | | · | ŕ | · | | 573,905 | |
| CFD No. 1 Mello-Roos | 2,048,940 | 2,048,940 | 2,048,940 | 1,362,705 | 2,048,940 | | |
| | - | 2,823,820 | - | 2,824,802 | | 2,825,468 | |
| Berkeley Tourism Business Improvement Dist. | 181,125 | 181,125 | 181,125 | 181,125 | 181,125 | 181,125 | |
| Elmwood Business Improvement District | 30,000 | 30,000 | 30,000 | 30,000 | 30,000 | 30,000 | |
| Solano Avenue Business Improvement District | | | | | 25,000 | 25,000 | |
| Telegraph Business Improvement District | 25,000 | 25,000 | 25,000 | 25,000 | | 583,315 | |
| | 523,371 | 523,371 | 583,315 | 583,315 | 583,315 | | |

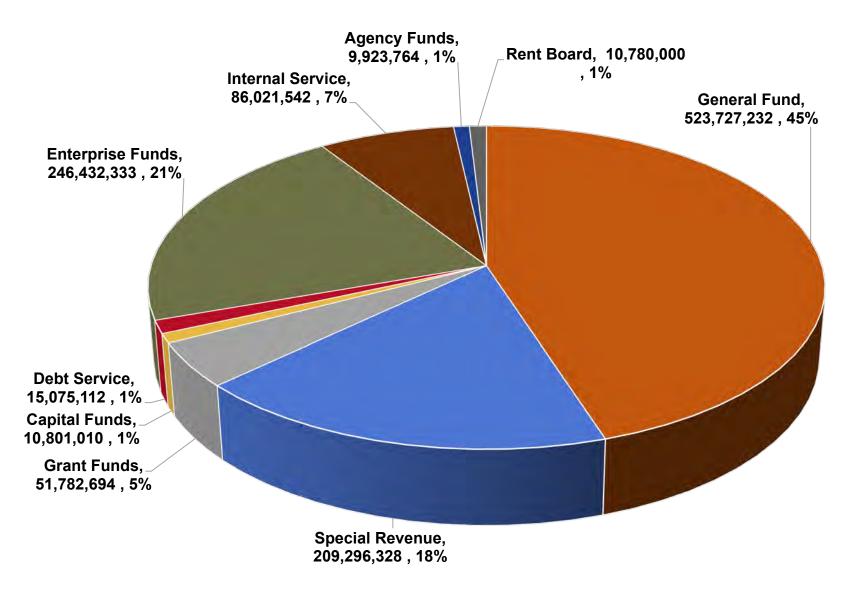
Page 27 of 410

| | Adopted FY 2022 | | Proposed | FY 2023 | Proposed FY 2024 | |
|---|-----------------|-------------|------------------------|-------------|------------------------|-------------|
| Fund Description | Revenue(b) | Expenses | Revenue ^(b) | Expenses | Revenue ^(b) | Expenses |
| North Shattuck Business Improvement District | | | | | | 210,363 |
| | 210,363 | 210,363 | 210,363 | 210,363 | 210,363 | |
| Downtown Berkeley Property & Improvement Dist | 1,313,214 | 1,313,214 | 1,383,139 | 1,383,139 | 1,383,139 | 1,383,139 |
| Rent Stabilization Board (a) (d) | | | | | | |
| | 5,390,000 | 6,275,535 | 5,390,000 | 6,433,192 | 5,390,000 | 6,576,889 |
| Revenue & Expenditure Totals: | 595,202,825 | 673,601,287 | 592,431,444 | 691,022,346 | 571,408,571 | 677,564,222 |

Notes:

- *FY 2023 & FY 2024 General Fund numbers do include proposed Tier 1 funding recommendations
- (a) Revenues do not reflect use of fund balances which are added to balance revenues with appropriations.
- (b) Revenues for Bond Projects collected in prior fiscal years.
- (c) FY 23 & FY 24 grant revenues and expenditures will be adjusted to match once award amounts are known.
- (d) Library and Rent Board figures for FY 23 & FY 24 are unofficial and have not been approved yet by the Board of Library Trustees or the Rent Stabilization Board

Page 28 of 410 Revenue by Funding Source FY 2023 & FY 2024 Biennial Budget \$1,163,840,015 (Two-Year Total) (Excludes the Use of Fund Balance)



SUMMARY OF EXPENDITURES BY DEPARTMENT – ALL FUNDS

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| Mayor & Council | 2,081,536 | 2,525,920 | 2,708,844 | 3,096,559 | 4,025,131 | 4,074,793 |
| Auditor | 2,416,689 | 2,527,125 | 2,526,081 | 2,805,883 | 3,101,376 | 3,124,862 |
| Police Review Commission ^(a) | 741,202 | 775,701 | 741,700 | | | |
| Office of the Director of Police Ac | countability | | | 1,114,235 | 1,166,136 | 1,174,826 |
| City Manager
Office of Economic | 7,622,595 | 8,104,984 | 8,432,572 | 8,770,554 | 9,311,361 | 9,516,504 |
| Development | 6,321,216 | 8,951,152 | 4,966,525 | 5,082,163 | 5,826,659 | 5,822,709 |
| Information Technology | 13,239,636 | 15,495,905 | 16,552,132 | 20,423,888 | 21,838,747 | 22,047,255 |
| City Attorney | 5,333,550 | 4,555,976 | 6,216,367 | 7,278,096 | 7,807,548 | 7,876,621 |
| City Clerk | 2,643,486 | 2,069,740 | 3,194,204 | 2,901,739 | 3,195,710 | 3,261,746 |
| Finance | 7,226,820 | 8,362,334 | 8,146,012 | 9,431,102 | 10,834,401 | 11,006,007 |
| Human Resources
Health, Housing & Community | 3,939,247 | 3,924,687 | 4,078,091 | 4,438,053 | 5,072,123 | 5,178,116 |
| Services | 50,027,411 | 60,608,060 | 81,811,330 | 84,514,926 | 93,368,105 | 92,280,363 |
| Police | 69,567,103 | 79,762,713 | 79,395,632 | 77,807,443 | 85,597,767 | 87,184,737 |
| Fire | 42,992,558 | 48,213,947 | 49,891,701 | 60,351,430 | 63,233,225 | 63,307,034 |
| Public Works | 111,937,507 | 140,021,855 | 125,907,423 | 147,438,656 | 192,703,345 | 180,181,492 |
| Parks, Recreation & Waterfront | 31,595,977 | 43,593,445 | 60,795,051 | 52,979,556 | 50,228,611 | 51,432,870 |
| Planning | 18,325,495 | 21,595,429 | 21,687,691 | 25,252,729 | 27,009,121 | 27,527,930 |
| Library | 18,720,976 | 18,865,464 | 20,255,244 | 25,566,341 | 24,814,123 | 25,075,346 |
| Rent Board | 5,109,453 | 5,755,222 | 5,517,190 | 6,825,535 | 6,983,192 | 7,126,889 |

Page 30 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|---------------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| Non-Departmental ^(b) | 84,752,912 | 56,913,626 | 79,186,118 | 127,522,399 | 74,905,663 | 70,364,121 |
| Total All Funds | 484,595,369 | 532,623,287 | 582,009,906 | 673,601,287 | 691,022,345 | 677,564,222 |

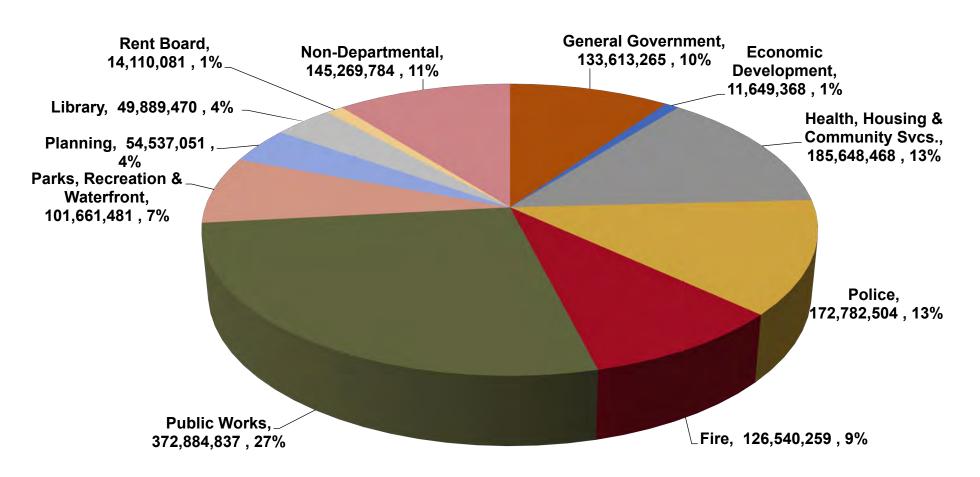
Notes:

^{*}FY 2023 & FY 2024 General Fund numbers do include proposed Tier 1 funding recommendations

⁽a) Police Review Commission has become the Office of the Director of Police Accountability in FY 22

⁽b) Non-Departmental consists of operational overhead costs such as Property Insurance and School Board Salaries, General Fund allocation for Community Based Organizations, Workers' Compensation costs, Debt Service, and Interfund Transfers.

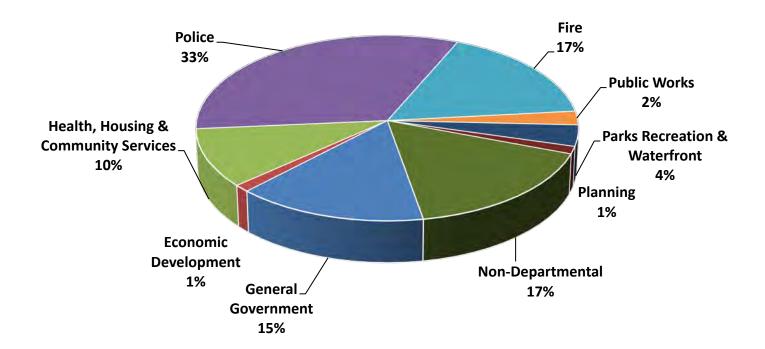
All Funds Expenditures by Department FY 2023 & FY 2024 Biennial Budget \$1,368,586,567 (Two-Year Total)



GENERAL FUND

The primary fund of the City, the General Fund, is used to account for all revenues and expenditures not legally restricted as to use. The General Fund includes general purpose revenues from business licenses, property, sales and transient occupancy taxes and other discretionary revenues. These revenues are considered discretionary (i.e. there is no restriction in their use by federal, state or local legislation) and may be spent on a variety of City services, program and projects at the discretion of the City Council. This section describes what the different City departments' share of the General Fund looks like, the diverse types of revenue that go into the General Fund, and the five-year forecast of General Fund revenue.

General Fund Expenditures by Department FY 2023 & FY 2024 Proposed Biennial Budget \$496,671,750 (Two-Year Total)



| SUMMARY O | FEXPENDIT | JRES BY D | EPARTMEN | IT – GENER | AL FUND | |
|---|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
| Mayor & Council | 2,081,536 | 2,525,920 | 2,708,844 | 3,096,559 | 4,025,131 | 4,074,793 |
| Auditor | 2,266,839 | 2,432,086 | 2,467,028 | 2,705,379 | 3,006,058 | 3,026,481 |
| Police Review Commission | 741,202 | 775,701 | 741,700 | | | |
| Office of the Director of Police Accountability | | | | 1,114,235 | 1,166,136 | 1,174,826 |
| City Manager | 7,071,344 | 7,573,988 | 7,872,856 | 8,377,168 | 8,899,604 | 9,101,074 |
| Office of Economic Development | 2,820,609 | 5,855,850 | 2,488,081 | 2,535,186 | 3,011,403 | 3,015,427 |
| Information Technology | 1,525,916 | 1,396,627 | 1,330,730 | 1,526,760 | 1,526,760 | 1,526,760 |
| City Attorney | 2,181,489 | 2,217,772 | 2,762,048 | 3,434,164 | 4,010,250 | 4,065,279 |
| City Clerk | 2,643,486 | 2,069,740 | 2,832,552 | 2,396,737 | 2,684,842 | 2,747,927 |
| Finance | 5,474,314 | 6,596,629 | 6,682,935 | 7,041,962 | 8,431,482 | 8,550,063 |
| Human Resources | 2,045,393 | 2,270,953 | 2,318,029 | 2,407,724 | 3,112,412 | 3,166,581 |
| Health, Housing & Community
Services | 19,186,176 | 27,809,295 | 25,566,360 | 23,455,690 | 25,265,310 | 25,429,537 |
| Police | 65,493,664 | 75,754,210 | 77,270,053 | 73,228,172 | 80,870,183 | 82,371,991 |
| Fire | 34,172,733 | 38,848,003 | 38,988,843 | 37,021,939 | 41,626,945 | 42,159,998 |
| Public Works | 4,691,231 | 4,729,001 | 5,499,277 | 4,742,625 | 5,993,903 | 5,886,935 |
| Parks, Recreation & Waterfront | 5,943,167 | 6,987,179 | 7,304,226 | 7,675,564 | 9,061,484 | 9,290,044 |
| Planning | 1,885,755 | 2,540,320 | 2,567,473 | 2,325,367 | 3,209,174 | 3,212,698 |
| Rent Board | 265,419 | | | | | |
| Non-Departmental | 51,972,083 | 27,414,646 | 29,995,640 | 51,669,260 | 41,230,901 | 40,739,358 |
| TOTAL | \$212,462,355 | \$217,797,922 | \$219,396,675 | \$234,754,491 | \$247,131,978 | \$249,539,772 |

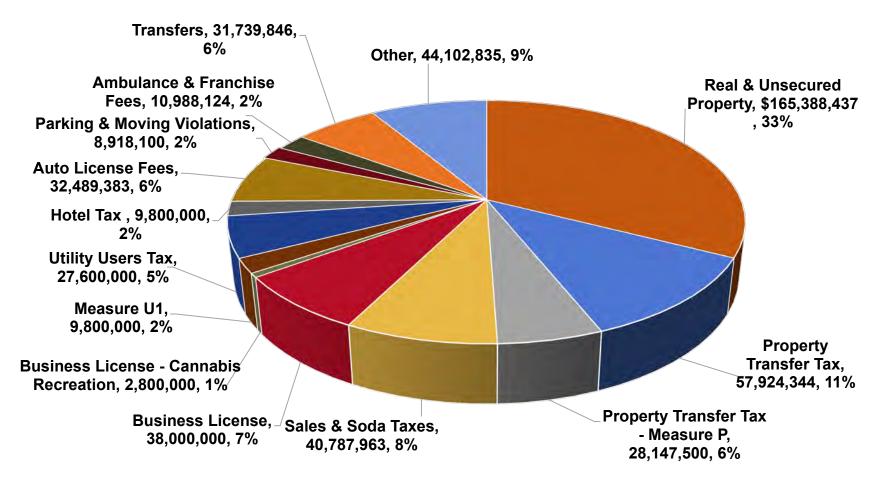
Page 34 of 410

| FY 2023 & | FY 2023 & FY 2024 PROPOSED GENERAL FUND REVENUES SUMMARY | | | | | | | | | | | |
|--|--|-------------------------------|-------------------------------|--------------------|---------------------|---------------------|--|--|--|--|--|--|
| | Actual
Revenues
FY 2019 | Actual
Revenues
FY 2020 | Actual
Revenues
FY 2021 | Adopted
FY 2022 | Proposed
FY 2023 | Proposed
FY 2024 | | | | | | |
| | | | | | | | | | | | | |
| Secured Property | \$59,178,773 | \$63,192,678 | \$68,166,155 | \$71,382,000 | \$75,664,920 | \$78,691,517 | | | | | | |
| Unsecured Property | 2,878,275 | 3,164,168 | 3,448,412 | 2,625,000 | 3,516,000 | 3,516,000 | | | | | | |
| Supplemental Taxes | 2,174,903 | 2,334,597 | 2,249,517 | 2,000,000 | 2,000,000 | 2,000,000 | | | | | | |
| Property Transfer Tax | 19,952,981 | 22,095,507 | 21,469,955 | 12,500,000 | 12,500,000 | 12,500,000 | | | | | | |
| Property Transfer Tax for Capital Improvements | | | | 8,500,000 | 16,462,172 | 16,462,172 | | | | | | |
| Property Transfer Tax -
Measure P | 2,932,313 | 9,512,603 | 10,919,576 | 8,500,000 | 14,073,750 | 14,073,750 | | | | | | |
| Sales Tax | 18,663,550 | 17,557,539 | 15,792,305 | 18,287,215 | 19,016,546 | 19,790,997 | | | | | | |
| Soda Tax | 1,547,349 | 1,331,313 | 953,069 | 990,210 | 990,210 | 990,210 | | | | | | |
| Business License | 19,848,803 | 20,863,685 | 17,809,332 | 18,498,146 | 19,000,000 | 19,000,000 | | | | | | |
| Business License - Cannabis
Recreation | 1,168,794 | 1,300,887 | 1,712,641 | 1,643,739 | 1,400,000 | 1,400,000 | | | | | | |
| Measure U1 | 4,828,443 | 5,597,359 | 4,818,740 | 5,120,350 | 4,900,000 | 4,900,000 | | | | | | |
| Utility Users Tax | 13,973,744 | 13,475,915 | 13,892,200 | 13,000,000 | 13,800,000 | 13,800,000 | | | | | | |
| Hotel Tax | 7,995,188 | 6,387,495 | 2,292,480 | 2,173,500 | 4,900,000 | 4,900,000 | | | | | | |
| Vehicle In-Lieu | 12,540,784 | 13,356,044 | 14,380,453 | 14,959,837 | 15,926,168 | 16,563,215 | | | | | | |
| Parking Fines | 6,002,211 | 3,900,595 | 3,562,706 | 3,726,450 | 4,326,450 | 4,326,450 | | | | | | |
| Moving Violations | 177,824 | 200,894 | 131,756 | 132,600 | 132,600 | 132,600 | | | | | | |
| Interest | 4,334,404 | 6,702,564 | 5,917,722 | 4,462,320 | 6,000,000 | 6,000,000 | | | | | | |
| Ambulance Fees | 4,424,808 | 4,996,193 | 3,081,204 | 3,154,002 | 3,880,779 | 3,880,779 | | | | | | |

Page 35 of 410

| | Actual
Revenues
FY 2019 | Actual
Revenues
FY 2020 | Actual
Revenues
FY 2021 | Adopted
FY 2022 | Proposed
FY 2023 | Proposed
FY 2024 |
|----------------|-------------------------------|-------------------------------|-------------------------------|--------------------|---------------------|---------------------|
| Franchise Fees | 1,821,316 | 1,839,102 | 1,726,470 | 1,613,283 | 1,613,283 | 1,613,283 |
| Other Revenue | 18,662,025 | 20,074,732 | 18,522,747 | 15,443,132 | 15,951,418 | 16,151,417 |
| Transfers | 5,356,132 | 5,480,439 | 21,180,762 | 27,354,923 | 27,354,923 | 4,384,923 |
| TOTAL | \$208,462,620 | \$223,364,309 | \$232,028,202 | \$236,066,707 | \$263,409,219 | \$245,077,313 |

FY 2023 & FY 2024 Proposed General Fund Revenues Summary



GENERAL FUND REVENUES

The following chart shows projected General Fund revenues for FY 22 and the current projections for FY 23 through FY 26.

| 5 YEA | ARS PROJ <u>E</u> C | CTED GENE | RAL FUND F | REVENUES | | |
|-------------------------------------|---------------------|-------------|-------------|-------------|-------------|-------------|
| | FY 2022 | FY 2022 | FY 2023 | FY 2024 | FY 2025 | FY 2026 |
| | Adopted | Projected | Projected | Projected | Projected | Projected |
| Undesignated Revenues | | | - | - | - | |
| Secured Property Taxes | 71,382,000 | 71,382,000 | 75,664,920 | 78,691,517 | 83,019,550 | 87,585,625 |
| Supplemental Taxes | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,110,000 | 2,226,050 |
| Unsecured Property Taxes | 2,625,000 | 3,637,247 | 3,516,000 | 3,516,000 | 3,709,380 | 3,913,396 |
| Property Transfer Taxes | 12,500,000 | 12,500,000 | 12,500,000 | 12,500,000 | 12,500,000 | 12,500,000 |
| Property Transfer Tax – Measure P | 8,500,000 | 20,054,687 | 14,073,750 | 14,073,750 | 14,355,225 | 14,642,329 |
| Sales Tax | 18,287,215 | 17,686,255 | 19,016,546 | 19,790,997 | 20,186,817 | 20,590,553 |
| Soda Tax | 990,210 | 990,210 | 990,210 | 990,210 | 1,010,014 | 1,030,214 |
| Utility Users Taxes | 13,000,000 | 13,800,000 | 13,800,000 | 13,800,000 | 14,076,000 | 14,357,520 |
| Transient Occupancy Taxes (TOT) | 2,173,5004 | 4,200,000 | 5,000,000 | 5,200,000 | 5,304,000 | 5,410,080 |
| Short-term Rentals | 630,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,020,000 | 1,040,000 |
| Business License Taxes | 18,498,146 | 19,000,000 | 19,000,000 | 19,000,000 | 19,380,000 | 19,767,600 |
| Recreational Cannabis | 1,643,739 | 1,400,000 | 1,400,000 | 1,400,000 | 1,428,000 | 1,456,560 |
| Measure U1 | 5,120,350 | 4,900,000 | 4,900,000 | 4,900,000 | 4,998,000 | 5,097,960 |
| Other Taxes | 2,593,155 | 2,631,441 | 2,631,441 | 2,631,441 | 2,684,070 | 2,737,751 |
| Vehicle In Lieu Taxes | 14,959,837 | 15,024,697 | 15,926,168 | 16,563,215 | 17,474,192 | 18,435,272 |
| Parking Fines – Regular Collections | 3,726,450 | 4,326,450 | 4,326,450 | 4,326,450 | 4,412,979 | 4,501,239 |
| Parking Fines – Booting Collections | - | - | - | - | - | - |
| Moving Violations | 132,600 | 132,600 | 132,600 | 132,600 | 135,252 | 137,957 |
| Ambulance Fees | 3,154,002 | 3,268,275 | 3,880,779 | 3,880,779 | 3,958,395 | 4,037,562 |
| Interest Income | 4,462,320 | 5,766,586 | 6,000,000 | 6,000,000 | 6,120,000 | 6,242,400 |
| Franchise Fees | 1,613,283 | 1,613,283 | 1,613,283 | 1,613,283 | 1,645,549 | 1,678,460 |
| Other Revenues | 6,729,977 | 6,729,977 | 6,729,977 | 6,729,977 | 6,864,577 | 7,001,868 |
| Indirect cost reimbursements | 5,490,000 | 5,490,000 | 5,490,000 | 5,490,000 | 5,599,800 | 5,711,796 |
| Transfers | 27,354,923 | 27,354,923 | 27,354,923 | 4,384,923 | 4,472,621 | 4,562,074 |
| Total Undesignated Revenues | 227,566,707 | 244,888,631 | 246,947,047 | 228,615,141 | 236,464,420 | 244,664,667 |
| Designated Revenues | | | | | | |
| Prop. Transfer Taxes for capital | 8,500,000 | 27,396,465 | 16,462,172 | 16,462,172 | 17,041,415 | 17,632,244 |
| improvements | | | | | | |
| Total Designated Revenues | 8,500,000 | 27,396,465 | 16,462,172 | 16,462,172 | 17,041,415 | 17,632,244 |
| TOTAL REVENUES & TRANSFERS | 236,066,707 | 272,285,096 | 263,409,219 | 245,077,313 | 253,505,835 | 262,296,911 |

20

SECURED PROPERTY TAX (\$2,058,646 MORE THAN FY 21 ACTUAL)

During the nine months of FY 22, Secured Property Tax revenues totaled \$46,074,107, which was \$2,058,646 or 4.68% more than the \$44,015,461 received for the same period in FY 21. The FY 22 Adopted Budget assumes a 4.72% increase for the year, while the County's Certification of Assessed Valuation reflects growth of 4.48%.

UNSECURED PROPERTY TAX (\$145,169 MORE THAN FY 21 ACTUAL)

During the nine months of FY 22, Unsecured Property Tax revenues totaled \$3,637,247, which was \$145,169 or 4.16% more than the \$3,492,078 in the same period in FY 21. The FY 22 Adopted Budget reflected a decline of 31.4%, while the County's Certification of Assessed Valuation reflected growth of 1.96% for FY 22. Staff increased the FY 22 Unsecured Property Tax revenue projection to \$3,637,247.

PROPERTY TRANSFER TAX (\$16,203,005 MORE THAN FY 21 ACTUAL)

During the nine months of FY 22, Property Transfer Tax totaled \$32,558,537, which was \$16,203,005 or 99.1% more than the \$16,355,532 received for the same period of FY 21. However, \$3,384,375 of that increase resulted from the late payment by the County of the May 2021 Property Transfer Taxes, which should have been received in FY 21. Staff increased the FY 22 projection of \$21,000,000 to \$39,896,465. However, please note the decline in the growth rate of Property Transfer Tax sales transactions in the third quarter of FY 22 in Table 2, which may be the first sign of a slowdown in the real estate market.

The primary reasons for the remaining \$12,818,630 (\$16,203,005-\$3,384,375) increase in Property Transfer Tax were (1) The dollar value of property sales increased by \$903.5 million or 84.3% during the nine months of FY 22, as illustrated in Table 1 below; (2) The number of property sales transactions increased by 134 or 18.9% during the nine months of FY 22, as illustrated in Table 2 below; and (3) Seismic rebates increased from \$524,200 in the nine months of FY 21 to \$773,216 for the same period in FY 22.

Table 1 In Million \$

| Property Sales
Under \$1.5 million | July | Aug | Sept | Oct | Nov | Dec | Subtotal
Property
Sales \$ |
|---------------------------------------|---------|---------|---------|-------|-------|-------|----------------------------------|
| FY 2022 | \$179.7 | \$194.3 | \$209.9 | 204.5 | 252.9 | 200.2 | \$1,241.5 |
| FY 2021 | 74,0 | 115.0 | 106.4 | 129.7 | 139.0 | 118.4 | 682.5 |
| Change | 105.7 | 79.3 | 103.5 | 74.8 | 113.9 | 81.8 | 559.0 |
| % Change | 142.7% | 69.0% | 97.3% | 57.7% | 81.9% | 69.1% | 81.9% |

| Property Sales Under
\$1.5 million | Jan | Feb | Mar | Apr | May | June | Nine-
Month
Property
Sales \$ |
|---------------------------------------|---------|---------|---------|-----|-----|------|--|
| FY 2022 | \$302.6 | \$284.2 | \$147.5 | | | | \$1,975.8 |
| FY 2021 | 111.1 | 187.0 | 91.7 | | | | 1,072.3 |
| Change | 191.5 | 97.2 | 55.8 | | | | 903.5 |
| % Change | 172.4% | 52.0% | 60.9% | | | | 84.3% |

Table 2

| Property Transfer Transactions | Jul | Aug | Sept | Oct | Nov | Dec | Subtotal |
|--------------------------------|--------|------|------|-------|-------|-------|----------|
| FY 2022 | 114 | 84 | 74 | 104 | 120 | 116 | 612 |
| FY 2021 | 50 | 82 | 73 | 86 | 93 | 87 | 471 |
| Change | 64 | 2 | 1 | 18 | 27 | 29 | 141 |
| % Change | 128.0% | 2.4% | 1.4% | 20.9% | 29.0% | 33.3% | 29.9% |

| Property Transfer Transactions | Jan | Feb | Mar | Apr | May | Jun | Nine-
Month
Total |
|--------------------------------|-------|---------|--------|-----|-----|-----|-------------------------|
| FY 2022 | 62 | 65 | 105 | | | | 84 |
| FY 2021 | 53 | 74 | 112 | | | | 71 |
| Change | 9 | (9) | (7) | | | | 13 |
| % Change | 17.0% | (12.2)% | (6.3)% | | | | 18.99 |

MEASURE P-PROPERTY TRANSFER TAX (\$7,883,771 MORE THAN FY 21 ACTUAL)

In addition, \$14,670,038 in Measure P taxes (a tax which took effect on December 21, 2018) were collected during the nine months of FY 22, which was \$7,883,771 or 116.2% more than the \$6,786,267 collected during the same period of FY 21. The increase was a result of (1) 116.4% increase in the property sales amount in the nine months of FY 22 versus those for the same period

in FY 21, as reflected in the Table 3 below; (2) As reflected in Table 4, there was an 73.6% increase in the number of property sales transactions with a value of \$1.5 million or more; and (3) there were 10 property sales transactions with a value of \$10 million or more (average of \$19.7 million) in FY 22 versus one such transaction in FY 21 (\$12 million).

Staff increased the FY 22 projection of \$8,500,000 to \$20,054,687. However, please note the decline in the growth rate of Measure P property sales transactions in the third quarter of FY 22 in Table 4, which may be the first sign of a slowdown in the real estate market.

Table 3

| Property Sales
\$1.5 million+ | Jul | Aug | Sept | Oct | Nov | Dec | Total |
|----------------------------------|---------|---------|---------|---------|---------|---------|---------|
| FY 2022 | \$117.7 | \$128.5 | \$147.9 | \$145.5 | \$190.7 | \$134.0 | \$864.3 |
| FY 2021 | 39.3 | 61.0 | 58.6 | 67.8 | 82.9 | 115.8 | 425.4 |
| Change | 78.4 | 65.8 | 89.3 | 77.7 | 107.8 | 18.2 | 438.9 |
| % Change | 199.8% | 107.9% | 152.4% | 114.6% | 130.0% | 15.7% | 103.2% |

| Property Sales
\$1.5 million+ | Jan | Feb | Mar | Apr | May | June | Total |
|----------------------------------|---------|---------|---------|-----|-----|------|---------|
| FY 2022 | \$234.7 | \$253.7 | \$115.9 | | | | 1,468.6 |
| FY 2021 | 55.2 | 149.3 | 48.7 | | | | 678.6 |
| Change | 179.5 | 104.4 | 67.2 | | | | 790.0 |
| % Change | 325.2% | 69.9% | 138.0% | | | | 116.4% |

Table 4

| Measure P Transactions | Jul | Aug | Sept | Oct | Nov | Dec | Subtotal |
|------------------------|--------|-------|-------|-------|-------|-------|----------|
| FY 2022 | 53 | 42 | 49 | 44 | 59 | 51 | 298 |
| FY 2021 | 10 | 26 | 27 | 30 | 38 | 28 | 159 |
| Change | 43 | 16 | 22 | 14 | 21 | 23 | 139 |
| % Change | 430.0% | 61.5% | 81.5% | 46.7% | 55.3% | 82.1% | 87.4% |

| Measure P
Transactions | Jan | Feb | Mar | Apr | May | Jun | Nine-
Month
Total |
|---------------------------|--------|------|-------|-----|-----|-----|-------------------------|
| FY 2022 | 27 | 29 | 47 | | | | 401 |
| FY 2021 | 6 | 27 | 39 | | | | 231 |
| Change | 21 | 2 | 8 | | | | 170 |
| % Change | 350.0% | 7.4% | 20.5% | | | | 73.6% |

SALES TAX (\$1,787,555 MORE THAN FY 21 ACTUAL)

For the nine months of FY 22, Sales Tax revenue totaled \$13,885,146, which was \$1,787,555 or 14.8% more than the \$12,097,591 received for the same period of FY 21. The increase was consistent with the following revised projection made by the City's Sales Tax Consultant:

| Sales Tax Category | Revenue Projection |
|----------------------|------------------------|
| General Retail | \$ 4,073,099 |
| Food Products | 4,698,212 |
| Transportation | 2,305,303 |
| Construction | 1,543,840 |
| Business-to-business | 1,564,308 |
| Miscellaneous | 607,268 |
| Subtotal | 14,792,030 |
| County pool | 3,960,607 |
| State pool | 2,378 |
| County sharing | (937,751) ¹ |
| CDTFA adm. | (131,009) ² |
| Total | \$17,686,255 |

Staff decreased the FY 22 Sales Tax revenue projection to \$17,686,255, from \$18,287,215.

UTILITY USERS TAXES (\$461,598 MORE THAN FY 21 ACTUAL)

Utility Users Tax (UUT) revenue for the nine months of FY 22 totaled \$10,835,311, which was \$461,598 or 4.45% more than the \$10,373,713 received for the same period in FY 21. This increase of \$461,598 resulted from the following:

FY 22 Actual Nine Month Revenues and FY 21 Actual Nine Month Revenues

| | FY2022 | FY 2021 | \$ Change | % Change |
|-----------|---------------|--------------|------------|----------|
| Telephone | \$ 1,020,843 | \$ 1,111,712 | \$ -90,869 | -8.17% |
| Cable | 782,504 | 740,462 | 42,042 | 5.68% |
| Cellular | 1,125,805 | 1,132,378 | - 6,573 | 58% |
| Electric | 5,531,038 | 5,394,468 | 136,570 | 2.53% |
| Gas | 2,375,122 | 1,994,693 | 380,429 | 19.07% |
| Total | \$ 10,835,311 | \$10,373,713 | \$461,598 | 4.45% |

Staff increased the FY 22 UUT projection from \$13,000,000 to \$13,800,000.

¹The Cities in Alameda County share 5% of their Bradley Burns sales taxes with the County.

²The California Department of Tax and Fee Administration (CDTFA) administrative fees are a percentage of taxes CDTFA charges to administer the sales tax program.

TRANSIENT OCCUPANCY TAX (\$2,037,957 MORE THAN FY 21 ACTUAL)

Transient Occupancy Tax (TOT) revenue for the nine of FY 22 totaled \$3,588,199, which was \$2,037,957 or 131.5% more than the \$1,550,242 received for the same period of FY 21. The increase in FY 22 was primarily attributable to an increase of 133.8% at the five largest hotels in Berkeley during the nine months of FY 22 (155.8% in the first quarter, 134.1% in the second quarter and 124.2% in the third quarter). Staff increased the FY 22 TOT projection from \$2,173,000 to \$4,200,000.

SHORT-TERM RENTALS (\$519,408 MORE THAN FY 21 ACTUAL)

Short-Term Rentals revenue for the nine of FY 22 totaled \$886,762 which was \$519,408 or 141.4% more than the \$367,359 received for the same period of FY 21. Based on the nine-month results, staff increased the FY 22 projection from \$630,000 to \$1,000,000.

BUSINESS LICENSE TAXES (\$2,229,714 LESS THAN FY 21 ACTUAL)

Business license Taxes (BLT) revenue for the nine months of FY 22 totaled \$11,267,370, which was \$2,229,714 or 16.5% less than the \$13,497,084 received for the same period of FY 21. This decline results from the timing of the processing and recording of the BLT remittances in the nine months of FY 22 versus the same period of FY 21. The FY 22 year-end total will exceed the \$18,498,146 reflected in the Adopted Budget, and staff increased the projection to \$19,000,000.

MEASURE U1 REVENUES (\$1,174,978 LESS THAN FY 21 ACTUAL)

Measure U1 revenue for the nine months of FY 22 totaled \$2,719,252, which was \$1,174,978 or 30.2% less than the \$3,894,230 received in the same period of FY 21. This decline results from the timing of the processing and recording of the U1 remittances in the nine months of FY 22 versus the same period of FY 21. The FY 22 year-end total will come in under the \$5,120,350 reflected in the Adopted Budget. Staff has lowered the projection to \$4,900,000.

VEHICLE IN LIEU TAXES (\$312,775 MORE THAN FY 21 ACTUAL)

Vehicle in Lieu Taxes (VLF) for the nine months of FY 22 totaled \$7,503,002, which was \$312,775 or 4.4% more than the \$7,190,227 received in the same period of FY 21. This increase is consistent with the County's Certification of Assessed Valuation, which reflects growth of 4.48%. Changes in VLF revenues are based on the growth in assessed values.

PARKING FINES (\$1,133,986 MORE THAN FY 21 ACTUAL)

Parking Fines revenue for the nine months of FY 22 totaled \$3,855,090, which was \$1,133,986 or 41.7% more than the \$2,721,104 received for the same period of FY 21. The primary reasons for the increase were a significant increase in ticket writing and a higher collection rate on outstanding citations.

During the nine months of FY 22, ticket writing increased from 84,711 or 11.2% in the nine months of FY 21 to 94,165 in the nine months of FY 22, as follows:

| | July | August | Sept. | Oct | Nov | Dec | Subtotal |
|--------------|--------|--------|--------|--------|--------|--------|----------|
| FY 2022 | 9,231 | 9,362 | 11,401 | 11,021 | 10,434 | 10,154 | 61,603 |
| FY 2021 | 6,810 | 7,654 | 9,093 | 12,519 | 10,357 | 9,301 | 55,734 |
| Difference | +2,421 | +1,708 | +2,308 | -1,498 | 77 | 853 | +5,869 |
| % Difference | +35.6% | +22.3% | +25.4% | -12.0% | 7% | 9.2% | +10.5% |

| | Jan | Feb | Mar | Apr | May | Jun | Nine-
Month
Total |
|--------------|-------|--------|--------|-----|-----|-----|-------------------------|
| FY 2022 | 9,015 | 11,136 | 12,411 | | | | 94,165 |
| FY 2021 | 9,197 | 9,736 | 10,044 | | | | 84,711 |
| Difference | -182 | +1,400 | +2,367 | | | | +9,454 |
| % Difference | +9.8% | +14.4% | +23.6% | | | | +11.2% |

Staff has increased the Parking Fines projection from \$3,726,450 to \$4,326,450.

AMBULANCE FEES (\$518,777 MORE THAN FY 21 ACTUAL)

Ambulance Fees revenue for the nine months of FY 22 totaled \$2,736,858, which was \$518,777 or 23.4% more than the \$2,218,081 received for the same period during FY 21. This increase was primarily due to an increase in the number of transports in FY 22. The City's Ambulance Fees vendor projects that the total number of transports for FY 22 will be 4,500, an increase of 400 over the 4,100 transports in FY 21.

INTEREST INCOME (\$1,108,230 MORE THAN FY 21 ACTUAL)

For the nine months of FY 22, interest income totaled \$4,800,122, which was \$1,108,230 or 30.0% more than the total of \$3,691,892 received for the same period in FY 21. This increase was primarily attributable to an increase in the proportion of the portfolio that was invested in long-term (i.e., one year or more) securities than in short-term securities (i.e., less than one year, which paid rates ranging from .01%-.25%), despite the decline in average interest rates. The City moved a significant portion of its short-term funds from its Fidelity money market fund, that paid a rate of .01% into other short-term alternatives, like Commercial Paper.

This increase of \$1,108,230 occurred despite the Fed's actions to keep short-term rates near zero, and the net interest rate earned by the City dropped from a range of .86%-1.17% during the nine months of FY 21, to a range of .91%-1.08% during the first half of FY 22, as follows:

| | MONTHLY NET INTEREST RATE EARNED | | | | | | | | | | | |
|---------|----------------------------------|-------|-------|-------|-------|-------|-------|------|-------|--|--|--|
| | Jul | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | | | |
| FY 2022 | .91% | 1.03% | 1.06% | 1.08% | 1.02% | .96% | .94% | .95% | 1.00% | | | |
| FY 2021 | 1.17% | 1.13% | 1.14% | 1.12% | 1.16% | 1.14% | 1.02% | .94% | .86% | | | |

TRANSFERS (\$7,218,270 MORE THAN FY 21 ACTUAL)

Transfers from other funds for the nine months of FY 22 totaled \$20,516,193 which was \$7,218,270 or 54.3% more than the \$13,297,923 received for the same period in FY 21. This was primarily attributable to the Transfer of \$17,227,017 from the American Rescue Plan Fund in the nine months of FY 22, to recover from the impact of the COVID-19 pandemic, compared to the Transfer of \$5,175,000 from the Stabilization Reserve Fund and the \$3,375,000 from the Catastrophic Reserve Fund during the nine months of FY 21, to mitigate the negative impact of COVID-19. In addition, there was a one-time Shelter Plus Care County grant of \$1,600,000 received during the first half of FY 21.

OTHER REVENUES (\$2,314,752 LESS THAN FY 21 ACTUAL)

Other Revenues consists of licenses and permits; grants; preferential parking fees; general government charges for services; public safety charges for services; health charges for services; culture and recreation charges for services; rents and royalties; and other miscellaneous revenues that are not considered major.

Other Revenues for the nine months of FY 22 totaled \$5,585,280 which was \$2,314,752 or 29.3% less than the \$7,900,032 received for the same period of FY 21. This decrease resulted primarily from the FY 21 receipt of \$1,500,000 from the COVID Relief Program, and \$704,000 from the East Bay Community Foundation for the Berkeley Relief Fund, to finance grant payments to assist businesses and nonprofit organizations impacted by the COVID-19 pandemic.

CONCLUSION

In order to provide the most accurate projections possible, staff have incorporated three additional months of FY 22 actual revenues and new information regarding leading economic indicators into its forecast. However, future economic conditions remain difficult to predict and changes could substantially impact future revenues.

While most of the public health mandates regarding social distancing and vaccination requirements in public spaces have expired, virus mutation and community spread across large portions of the state continues, and future restrictions affecting local economic activity and the national economy as a whole remain a possibility.

Also, the risk of inflationary effects on the economy has become more acute since staff's mid-year projections. Consumer prices are rising at the fastest rates since the early 1980s. In response, the Federal Reserve Board has raised interest rates by the largest amount for a single increase in 20 years. It remains to be seen whether this is a temporary spike in prices or a longer-term

Page 44 of 410

phenomenon. The influx of stimulus funds into the economy and the effects of the Russian invasion of Ukraine on energy prices are at least partially driving overall inflation. Absent additional federal legislation, the impact of federal stimulus will likely recede fairly quickly, but the availability of Russian oil and gas in the global market and the long-term impacts of its absence are difficult to predict at this time. Also, regardless of the proximate causes, inflation can become difficult to control, as rising consumer prices and wages begin to reinforce one another. If the Fed's responding interest rate increases are too tame, the inflationary spiral might continue unabated, and if too aggressive, could send the economy into a recession. The Fed's will have to try and balance its response so as not to tilt the balance either way.

Staff will continue to monitor the economic environment and update revenue projections as new information becomes available.

28

OTHER FUND FORECASTS

This section summarizes other essential operating funds in the City, besides the General Fund. The following pages contain forecasts for the:

- Parks Tax Fund,
- Library Tax Fund,
- · Camps Fund,
- Clean Storm Water Fund,
- Street Light Assessment District Fund,
- Permit Service Center Fund,
- Zero Waste Fund.
- Sanitary Sewer Fund,
- Off Street Parking Fund,
- · Parking Meter Fund, and
- Marina Fund.

INTRODUCTION

This section contains financial forecasts for eleven of the City's key operating funds, which can be described in these broad categories:

- Special Revenue/Grant Funds are revenue sources legally restricted to a specific purpose, service or program and include tax-based revenues. The City's Special Revenue/Grant Funds are the:
 - o Parks Tax Fund.
 - Library Tax Fund, and
 - o Camps Fund.
- Special Assessment Funds account for revenues and expenditures related to the financing of public improvements or services. The City's Special Assessment Funds are the:
 - Clean Storm Water Fund and
 - Streetlight Assessment District Fund.
- Enterprise Funds are used to support the expenditures of a specific service or program and revenue is derived through the collection of the fees associated with providing the service/program. The City's Enterprise Funds are the:
 - Permit Service Center Fund.
 - o Zero Waste Fund,
 - Sanitary Sewer Fund,
 - Off-Street Parking Fund,
 - o Parking Meter Fund, and
 - o Marina Enterprise Fund.

A number of these funds face shortfalls and require balancing measures to close these gaps. Revenue growth is limited by statutory "caps" on certain funds, specifically, the Clean Storm

Page 46 of 410

Water and the Streetlight Assessment funds since revenues have been essentially frozen since the passage of Proposition 218. Several "special tax" revenue funds are limited in terms of revenue growth to the either the higher of the rate of inflation (i.e. Bay Area Consumer Price Index (CPI) or the Per Capita Personal Income Growth (PIG). For FY 23, the PIG increase of 7.55% was higher than the CPI increase of 4.99% and was used for all of the tax rate increases except for the Paramedic Tax, which is tied to the CPI. The City has no discretion in increasing revenues in these funds without voter approval. The impacts of the economy on some of these enterprise funds have caused significant revenue losses in the past. Nonetheless, expenditures within these funds have increased as a result of many of the same factors that impact the General Fund (e.g., salary cost-of-living increases, health benefit costs and retirement costs).

CAMPS FUND

The Playground Camps Fund is a special revenue fund established to account for the revenue and expenses to operate and maintain the City's resident camps and day camp, including Berkeley Tuolumne Camp (BTC), Echo Lake Camp, Cazadero Camp and Berkeley Day Camp. Revenues from these camps are expected to cover their operations, maintenance and capital costs, as well as scholarships for camp participants.

ANALYSIS OF CAMPS FUND

Since the Berkeley Tuolumne Camp (BTC) was destroyed in the Rim Fire in 2013, the Camps Fund has had a persistent structural deficit, as BTC revenue was no longer available to offset the losses in the City's other camp programs at Echo Lake Camp, Berkeley Day Camp, and Cazadero Camp. In the years since the fire, staff have worked to improve the cost recovery of the Fund's other camps and programs, but there continues to be a structural deficit of \$260,000/year. The Camps Fund is projected to remain solvent through the next budget cycle, but the structural deficit may exhaust fund balance by FY 25 depending on the performance of camp programs including the new Berkeley Tuolumne Camp.

Page 47 of 410

| | With BERKELEY TUOLOMNE CAMP (BTC) PROJECT | | | | | | | | | | | |
|---|---|-------------------|--------------------|--------------------|----------------------|---------------------|---------------------|-------------------|--|--|--|--|
| | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2022
Revised | FY 2022
Projected | FY 2023
Proposed | FY 2024
Proposed | 2025
Projected | | | | |
| Beginning Fund Balance | 20,733,248 | 17,613,473 | 13,650,422 | 13,650,422 | 13,650,422 | 736,677 | 479,150 | 220,901 | | | | |
| Revenues | | | | | | | | | | | | |
| Cazadero Rent | 10,000 | 37,500 | 45,000 | 45,000 | 45,000 | 45,900 | 46,818 | 47,754 | | | | |
| Cazadero Insurance | 354,843 | | 592,934 | 592,934 | 1,759,099 | 0 | 0 | 0 | | | | |
| Echo Lake Registration | 72,034 | 578,845 | 679,000 | 679,000 | 588,600 | 600,372 | 612,379 | 624,627 | | | | |
| Echo Lake Donations | 11,775 | | | | | | | | | | | |
| Echo Lake Insurance | | | | | | | | | | | | |
| Tuolumne Registration | | | 1,477,702 | 1,477,702 | 1,232,114 | 2,085,793 | 2,127,508 | 2,170,059 | | | | |
| Tuolumne Sales | | | | | 15,000 | 37,500 | 38,250 | 39,015 | | | | |
| Tuolumne Insurance | 3,597,947 | 13,601,625 | 8,724,719 | 8,724,719 | 7,923,662 | 282,621 | 292,993 | | | | | |
| Tuolumne Rentals | | | | | | | | | | | | |
| Tuolumne Donations | | 74,266 | | | 345,902 | | | | | | | |
| FEMA | 0 | 567,858 | | | 193,770 | | | | | | | |
| Catastrophic Reserve | | | | | 2,700,000 | | | | | | | |
| Day Camp Registration | 59,641 | 315,075 | 249,500 | 249,500 | 283,567 | 289,239 | 295,024 | 300,924 | | | | |
| ARPA Transfer In | | | | | 1,035,000 | | | | | | | |
| Subtotal, Revenues | 4,106,241 | 15,175,169 | 11,768,855 | 11,768,855 | 16,121,714 | 3,341,424 | 3,412,972 | 3,182,379 | | | | |
| Expenditures | | | | | | | | | | | | |
| Personnel | 954,500 | 721,276 | 1,461,564 | 1,461,564 | 1,415,172 | 1,939,848 | 1,979,309 | 1,720,042 | | | | |
| Non-Personnel | 368,483 | 110,411 | 888,470 | 1,013,611 | 1,006,551 | 1,659,103 | 1,691,913 | 1,725,751 | | | | |
| Capital Projects | 5,903,033 | 18,306,533 | 11,500,000 | 28,081,295 | 26,613,737 | 0 | 0 | 0 | | | | |
| Subtotal, Expenditures | 7,226,016 | 19,138,220 | 13,850,034 | 30,556,470 | 29,035,460 | 3,598,951 | 3,671,222 | 3,445,793 | | | | |
| Operating Income / (Loss) | (3,119,775) | (3,963,051) | (2,081,179) | (18,787,615) | (12,913,745) | (257,527) | (258,249) | (263,414) | | | | |
| Camps Fund Reserve Balance (with BTC Project) | 17,613,473 | 13,650,422 | 11,569,243 | (5,137,193) | 736,677 | 479,150 | 220,901 | (42,514) | | | | |
| Reserve Rate | 429% | 90% | 98% | -32% | 5% | 14% | 7% | -1% | | | | |

Camps Fund Forecast Table | Assumptions

- Overall assumptions: Echo and Day Camp will run at regular capacity and BTC will reopen in summer 2022.
- Prior to the Rim Fire, the Camps Fund maintained a strong fund balance of close to \$1.5 million. BTC generated about \$550,000/year in net revenue for the Camps Fund, enabling the City to offset losses in other camps.
- Camps Fund programs now generally recover their costs, except for administrative personnel expenses. This is driving the structural deficit. If BTC increases occupancy beyond 75%, this will offset the structural deficit.
- The BTC rebuild project is expected to fully cover costs, (funded by insurance, FEMA and catastrophic loss).
- The BTC rebuild project is a \$54 million project funded by insurance, FEMA and the City's catastrophic loss reserve.
- Project revenue and expenditure is received and spent out of the Camps Fund.
- Projections assume Project is completed on schedule and within budget, with Camp reopening for the summer of 2022.
- The Cazadero dorm replacement project is expected to fully cover costs (funded by insurance).

Revenues

- 1. BTC revenue figures assume 75% occupancy each year.
- 2. All revenue increases 2% per year starting in FY 23.
- 3. In FY 22, \$2.7 million revenue was added from catastrophic reserve for BTC.
- 4. A \$1.035 million American Rescue Plan Act (ARPA) payment in FY 22 funded the Echo Lake Americans with Disabilities Act (ADA) project (\$705,000), which had been deferred due to COVID-related budget balancing in FY 21; and offset \$330 thousand of COVID-related revenue losses.

32

Expenditures

1. All expenditures escalate 2% per year starting in FY 25.

CLEAN STORM WATER FUND

The Clean Storm Water fund provides the funding for the maintenance and improvement of the City's storm water drainage system to reduce the pollutants in storm water from entering local creeks and the Bay. Revenue to this fund is from the collection of fees charged to every owner of real property in the city of Berkeley and is collected through property taxes.

ANALYSIS OF CLEAN STORM WATER FUND

Prior to FY 19, Clean Storm Water Fund revenues were fee-supported and are capped at 1996 levels by Proposition 218, set at flat \$34 fee per year. The revenues generated by this fee were no longer sufficient to pay for the Clean Storm Water program. The City conducted a Proposition 218 rate increase process that was approved by the voters and the City Council. The new fees generated by the 2018 Clean Storm Water Fee are shown as separate line item on property tax bills from the 1991 Clean Storm Water Fees. The fee is subject to an annual adjustment based on the Consumer Price Index in future years, up to 3% per year.

| CLEAN STORM WATER FUND FORECAST | | | | | | | | | | | |
|---------------------------------|-----------|-----------|-----------|------------|------------------|-----------------|-----------|------------------|--|--|--|
| | FY 2020 | FY 2021 | FY 2022 | FY 2022 | FY 2022 | FY 2023 | FY 2024 | FY 2025 | | | |
| | Actual | Actual | Adopted | Revised | Projected | Proposed | Proposed | Projected | | | |
| Beginning Balance | 2,812,874 | 5,617,025 | 7,568,154 | 7,568,154 | 7,568,154 | 8,765,037 | 6,010,658 | 5,103,855 | | | |
| Revenues | 4,346,423 | 4,479,340 | 3,991,967 | 3,991,967 | 4,291,360 | 4,419,311 | 4,551,890 | 4,688,447 | | | |
| Clean Storm Water Fees | 4,010,814 | 4,175,384 | 3,991,967 | 3,991,967 | 4,290,593 | 4,419,311 | 4,551,890 | 4,688,447 | | | |
| Interest | 41,901 | 1,437 | 0 | 0 | 767 | 0 | 0 | 0 | | | |
| University in Lieu (LRDP) | 293,708 | 302,519 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| ARPA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Expenditures | 1,542,271 | 2,528,211 | 4,899,517 | 5,592,720 | 3,094,477 | 7,173,690 | 5,458,692 | 5,574,954 | | | |
| Personnel | 786,266 | 1,023,608 | 1,747,128 | 1,747,128 | 990,028 | 1,784,281 | 1,835,045 | 1,908,447 | | | |
| Non-Personnel | 754,960 | 743,422 | 3,152,389 | 2,787,950 | 1,046,807 | 2,799,409 | 1,428,647 | 1,471,506 | | | |
| Capital Improvement Projects | 1,045 | 761,181 | 0 | 1,057,642 | 1,057,642 | 2,590,000 | 2,195,000 | 2,195,000 | | | |
| Annual Surplus/Shortfall | 2,804,152 | 1,951,129 | -907,550 | -1,600,753 | 1,196,883 | -2,754,379 | -906,802 | -886,507 | | | |
| Ending Balance | 5,617,026 | 7,568,154 | 6,660,604 | 5,967,401 | 8,765,037 | 6,010,658 | 5,103,855 | 4,217,348 | | | |

Clean Storm Water Fund Forecast Table | Assumptions

Revenues

- Projected Clean Storm Water fees include a 3% increase over the prior year.
- The University of California Long Range Development Plan (UC LRDP) agreement has changed. The LRDP will include other infrastructure near the University.

Expenditures

- Personnel excludes project expenditures, which are included in the CIP instead, as part of the project budget. FY 22 Projected includes vacancies throughout the year, but assumes positions will be filled during the remainder of the year.
- FY 22 Projected Non-personnel assumes all project budgets will be fully spent throughout the life of the project
- FY 23 Projected Non-personnel includes baseline program budgets for green-infrastructure, major repairs, and \$750,000 for the watershed management & master plan update, plus one-time \$600,000 for continuing Wildcat Canyon repairs. \$245,000 is contributed to information technology and roughly \$160,000 is for payment to the State Water Resources Control and to Alameda County Clean Water Program.
- FY 24 and FY 25 Project Non-personnel CIP is for baseline storm water program budgets.

STREET LIGHT ASSESSMENT DISTRICT FUND

The Streetlight Assessment District Fund provides for maintenance of the City's 7,860 streetlights along the public streets, parking lots, pathways, recreation facilities, and marina. Also, it is to be used for installation or construction of public lighting facilities. Revenue to this fund is collected through annual property taxes and is capped by Proposition 218, allowing for no rate increase to this assessment without voter approval.

ANALYSIS OF STREET LIGHT ASSESSMENT DISTRICT FUND

Property owners and the City Council approved a new 2018 Streetlight Assessment District that is shown as a separate line on the property tax bills. The Proposition 218 revenue increase provides additional revenue to support the program and maintain service levels. The approved ballot measure also allows for an inflation adjustment based on the Consumer Price Index, but no more than 3% per year. The inflation index can be applied to the sum of the 1982 and 2018 assessments. In FY 22, Public Works initiated an annual capital improvement projects for the street light program. Accumulated fund balance is mostly due to compounding salary savings from freezing and vacant positions. As the work on the streetlight deferred maintenance and capital plan ramps up, frozen positions will be reassessed.

| STREET LIGHT ASSESSMENT FUND FORECAST | | | | | | | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|------------|------------|-----------|--|--|--|--|
| | FY 2020 | FY 2021 | FY 2022 | FY 2022 | FY 2022 | FY 2023 | FY 2024 | FY 2025 | | | | |
| | Actual | Actual | Adopted | Revised | Projected | Proposed | Proposed | Projected | | | | |
| Beginning Balance | 1,770,822 | 1,864,463 | 2,069,532 | 2,069,532 | 2,069,532 | 1,912,756 | 840,965 | -219,250 | | | | |
| Revenues | 1,933,921 | 1,956,354 | 2,240,939 | 2,240,939 | 2,024,962 | 2,240,939 | 2,240,939 | 2,212,731 | | | | |
| St Lt Assmt District 1982 and St Lt Maintenance and Improvement District 2018 Misc. Revenue (Damage to City Prop, Elec. St. Lt. Insp., Caltrans, Gain/Loss) | | | 2,240,939 | 2,240,939 | 2,024,505 | 2,240,939 | 2,240,939 | 2,212,231 | | | | |
| Interest | 6,518 | 444 | | | 457 | | | 500 | | | | |
| Expenditures | 1,840,281 | 1,751,284 | 2,671,488 | 3,175,968 | 2,181,738 | 3,312,730 | 3,301,154 | 2,729,471 | | | | |
| Personnel | 438,880 | 394,969 | 996,770 | 1,032,326 | 449,821 | 1,155,471 | 1,116,536 | 1,161,198 | | | | |
| Non-Personnel | 1,401,401 | 1,106,315 | 1,674,718 | 2,143,642 | 1,339,119 | 1,764,461 | 1,791,820 | 1,175,475 | | | | |
| Capital Improvement Projects | 0 | 250,000 | 0 | 0 | 392,798 | 392,798 | 392,798 | 392,798 | | | | |
| Annual Surplus/Shortfall | 93,641 | 205,070 | -430,549 | -935,029 | -156,776 | -1,071,791 | -1,060,215 | -516,740 | | | | |
| Ending Balance | 1,864,463 | 2,069,532 | 1,638,983 | 1,134,503 | 1,912,756 | 840,965 | -219,250 | -735,990 | | | | |

Clean Storm Water Fund Forecast Table | Assumptions

Revenues

- The majority of the revenue is received in December and again in late March through April through property taxes.
- The Streetlight Maintenance and Improvement District 2018 was approved and established in June 2018 with first billing in FY 19 County tax roll.
- FY 19 Actual, FY 20 and forward projected shows new assessment of \$500,000 annually plus 3% increase per year.
- FY 21 and forward projected shows an increase in the Street Light Assessment District 1982 plus 3% increase per year. The amount of increase will not exceed already approved ceiling.

Expenditures

- FY 20 and forward Projected assumes 4% increase over previous year projected to evaluate the effects of possible personnel increases (such as steps, PERS, Worker's Comp, and other benefits) on the fund.
- FY 19 Actual, FY 20 and forward Projected shows a decrease in the Other Personnel due to IT cost shifting from personnel cost to interfund transfer out.
- Fund balance is mostly due to compounding salary savings from freezing of vacant positions. As the work on the streetlight deferred maintenance and capital plan ramps up, frozen positions will most likely be filled.

Page 53 of 410

Clean Storm Water Fund Forecast Table | Assumptions (continued)

- Forecast budget shown here assumes full expenditure of salary/benefits, but salary savings are anticipated to cover fund balance overages in FY 26/27.
- Debt service payment to California Energy Commission for the LED loan ends in 2025.
- FY 21 and forward projected assumes 3% increase over previous years projects for CPI.
- FY 19 Actual, FY 20 and forward projected reflects the cost of the City Streetlight Capital Program based on the conditions assessment completed during the Proposition 218 process.

Historical Forecast Notes

• Street lighting special assessment district to be used for maintenance and/or servicing of existing and future public lighting facilities, and the installation or construction of public lighting for the maintenance of servicing thereof, including grading, cleaning, removal of debris, the installation of curbs and gutters, walls, sidewalks or paving or water, irrigation, drainage, or electrical facilities.

PERMIT SERVICE CENTER FUND

The Permit Service Center Fund serves as the fund for the collection of zoning fees, building fees, and plan check fees. The fees are established by the City Council through a public hearing and adoption of a resolution establishing a fee schedule.

ANALYSIS OF PERMIT SERVICE CENTER FUND

The fund is maintaining a positive fund balance over the next few years but is facing an annual operating shortfall. Projected revenues for FY 22 and future years are conservative estimates based on the delayed impact of the pandemic to development activity and an unpredictable economic recovery. In addition, conservative estimates have also been made for personnel expenses and will likely be adjusted downward to manage and prioritize programs in light of a quickly changing landscape and as revenue is actualized.

| PERMIT SERVICE CENTER FUND FORECAST | | | | | | | | | | |
|-------------------------------------|-------------------|-------------------|--------------------|--------------------|----------------------|---------------------|---------------------|----------------------|--|--|
| | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2022
Revised | FY 2022
Projected | FY 2023
Proposed | FY 2024
Proposed | FY 2025
Projected | | |
| Beginning Balance | 12,643,651 | 15,416,133 | 18,739,183 | 18,739,183 | 18,739,183 | 20,053,729 | 19,123,783 | 16,757,945 | | |
| Revenues | 20,491,391 | 20,555,517 | 14,997,428 | 14,997,428 | 21,170,000 | 20,746,600 | 19,709,270 | 20,103,455 | | |
| Revenue from PSC | 20,491,391 | 20,555,517 | 14,997,428 | 14,997,428 | 21,170,000 | 20,746,600 | 19,709,270 | 20,103,455 | | |
| Expenditures | 17,718,909 | 17,232,467 | 20,692,553 | 22,959,285 | 19,855,454 | 21,676,546 | 22,075,108 | 22,299,965 | | |
| Personnel | 12,209,283 | 12,277,996 | 14,640,738 | 14,562,409 | 13,902,269 | 14,967,765 | 15,341,683 | 15,801,933 | | |
| Non-Personnel | 5,509,626 | 4,954,471 | 6,051,815 | 8,396,876 | 5,953,185 | 6,708,781 | 6,733,425 | 6,498,032 | | |
| Annual Surplus/Shortfall | 2,772,482 | 3,323,050 | -5,695,125 | -7,961,857 | 1,314,546 | -929,946 | -2,365,838 | -2,196,510 | | |
| Ending Balance | 15,416,133 | 18,739,183 | 13,044,058 | 10,777,326 | 20,053,729 | 19,123,783 | 16,757,945 | 14,561,435 | | |

Permit Service Center Fund Forecast Table | Assumptions

Revenues

- Revenue projections for FY22 are based on year to date Actuals; an estimated percentage of project valuation of large-, medium-, small-project applications submitted; and projects in final stages of permitting.
- Revenue projections for FY23-FY25 are based on: 1) FY22 projected revenues; 2) 7-10-year cyclical development pattern starting from last downturn; 3) land use permit applications submitted; 4) anticipated development activity with a 3% inflationary cost of project valuation, integrated with uncertainty in status of pandemic, labor shortages, supply chain challenges, and increase in CPI and inflation, all of which could impact development activity.

Expenditures

- Projected personnel expenditures are based on FY21 actual expenditures with 3% annual increase.
- Non-personnel expenditure based on FY21 budgeted expenditures with 3% annual increase.
- FY23 proposed non-personnel expenditure is based on FY21 Actuals, since FY22 will include paying backrent plus current rent due for 5th floor.
- FY23 and FY24, non-personnel expenditures are based on proposed baseline budget increases as part of the FY23 and FY24 budget submittal package and includes a rough estimate of \$500,000 for non-departmental non-personnel expense.
- Decrease in FY23 to FY24 Non-Personnel Expenses is due to a one-time training required in FY23 to stay abreast of CA Building Code Updates.

39

SANITARY SEWER FUND

Sanitary sewer fees pay for the costs of operation, maintenance, rehabilitation and improvement of the City's sanitary sewer collection system and comply with requirements imposed by the Consent Decree entered into with the Environmental Protection Agency (EPA) in July 2014. Sewer service fees are charged to users of the City's sanitary system and are calculated on each hundred cubic feet of water used by each water account serving the premises as established by City Council Resolution. Sewer fees are collected through the payment of the property water bill (e.g., East Bay Municipal Utilities District [EBMUD]).

ANALYSIS OF SANITARY SEWER FUND

Sanitary Sewer Fund Rate increases approved by City Council June, 2015 expired June 30, 2020. A Sanitary Sewer Master Plan is in progress to evaluate Sanitary Sewer construction and operations programs to determine if future rate increases may be necessary. Current drought conditions may negatively impact revenue collections depending upon the degree of water conservation achieved by City of Berkeley residents and Commercial businesses. The Sanitary Sewer Fund is an enterprise fund that fully supports the operating and capital cost of the Sanitary Sewer program. While projected to maintain a positive fund balance through FY 24, the fund is showing a structural deficit trend that started in FY 20 due to high capital costs, and without a rate adjustment will run negative by the end of FY 25.

Page 57 of 410

| | SANITA | RY SEW | ER FUN | D FORE | CAST | | | |
|------------------------------|------------|------------|------------|-------------|------------|-------------|------------|-------------|
| | FY 2020 | FY 2021 | FY 2022 | FY 2022 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
| | Actual | Actual | Adopted | Revised | Projected | Proposed | Proposed | Projected |
| Beginning Balance | 26,027,896 | 25,918,159 | 34,927,908 | 34,927,908 | 34,927,908 | 29,537,706 | 19,307,514 | 11,463,076 |
| Revenues | 23,881,952 | 26,449,634 | 24,724,000 | 24,724,000 | 25,862,277 | 24,996,336 | 24,918,339 | 24,846,871 |
| Sewer Fees EBM | 22,162,348 | 25,455,631 | 23,711,023 | 23,711,023 | 23,695,959 | 23,695,959 | 23,695,959 | 23,695,959 |
| Connection Fees | 1,365,653 | 957,672 | 750,000 | 750,000 | 1,812,039 | 1,000,000 | 1,000,000 | 1,000,000 |
| Misc. Fees | 6,412 | 7,235 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| Interest | 347,539 | 29,096 | 257,977 | 257,977 | 349,279 | 295,377 | 217,380 | 145,912 |
| Expenditures | 23,991,689 | 17,439,885 | 30,058,492 | 47,140,725 | 31,252,479 | 35,226,528 | 32,762,777 | 38,829,414 |
| Personnel | 7,931,074 | 7,613,951 | 9,852,775 | 9,822,540 | 7,463,680 | 10,437,976 | 10,662,705 | 11,089,213 |
| Non-Personnel | 4,842,752 | 4,347,397 | 3,440,653 | 6,121,893 | 4,480,303 | 3,924,228 | 3,945,356 | 3,250,701 |
| Capital Improvement Projects | 11,217,863 | 5,478,537 | 16,765,064 | 31,196,292 | 19,308,496 | 20,864,324 | 18,154,716 | 24,489,500 |
| Annual Surplus/Shortfall | -109,737 | 9,009,749 | -5,334,492 | -22,416,725 | -5,390,201 | -10,230,192 | -7,844,438 | -13,982,543 |
| Ending Balance | 25,918,159 | 34,927,908 | 29,593,416 | 12,511,183 | 29,537,706 | 19,307,514 | 11,463,076 | -2,519,467 |

Sanitary Sewer Fund Forecast Table | Assumptions

Revenues

- No rate increases implemented due to COVID-19.
- No future rate increases implemented until the completion of a Sanitary Sewer Master Plan (estimated 2023) and determination of potential impacts to fund.

Expenditures

- FY 23 personnel and forward includes a 4% increase over *Projected* (using 3-year average of FY20-22 actuals) to evaluate the effects of possible personnel increases (such as steps, PERS or Worker's Comp) on the fund.
- Projected Sewer Capital Improvement Plan reflects the estimated total progress payments, not the projected total to be encumbered.
- FY 22 Projected reflects the annual sewer program budget.
- FY 22 Projected reflects a 3% increase over the FY 21 Projected architectural and engineering services and miscellaneous professional services.

ZERO WASTE FUND

The Zero Waste Fund supports activities related to the removal of waste in the City of Berkeley. Fees for disposal of waste at the City's transfer station and refuse fees charged to owners of premises and places in the City from which garbage is collected generate revenue to this fund. Refuse charges are either collected through the payment of property tax bills or directly paid to the City of Berkeley. Refuse collection fees are established by resolution of the City Council and the conduct of a majority protest process under Proposition 218. Fee amounts are currently determined by the size and number of receptacles, and the frequency of service.

ANALYSIS OF ZERO WASTE FUND

Rate increases to the Zero Waste Fund were last approved via the Proposition 218 process in May 2014, with the final scheduled rate increase effective in FY 19. A rate study was conducted in FY 22 to evaluate the current rate and any adjustments needed to sustain future Zero Waste Operations, including cost recovery for recycling collection and addressing capital needs at the Transfer Station. The fund maintains a positive fund balance but is projecting an annual operating shortfall over the next few years due to permitting and environmental review costs for the Transfer Station Replacement project.

Page 59 of 410

| | Z | ZERO WAS | TE FUND | FORECAS | ST T | | | |
|------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | FY 2020 | FY 2021 | FY 2022 | FY 2022 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
| | Actual | Actual | Adopted | Revised | Projected | Proposed | Proposed | Projected |
| Beginning Balance | 20,079,053 | 24,357,285 | 23,915,109 | 23,915,109 | 23,915,109 | 16,840,177 | 12,107,279 | 8,185,803 |
| Revenues | 48,383,847 | 44,817,257 | 46,767,263 | 46,767,263 | 46,551,220 | 47,968,396 | 49,313,084 | 50,696,443 |
| Residential Collection | 16,443,956 | 15,631,961 | 15,715,836 | 15,715,836 | 16,056,908 | 16,538,615 | 17,034,774 | 17,545,817 |
| Commercial Collection | 17,993,460 | 16,132,053 | 16,600,482 | 16,600,482 | 16,870,145 | 17,376,249 | 17,897,536 | 18,434,462 |
| Transfer Station | 8,182,926 | 7,693,396 | 8,513,516 | 8,513,516 | 8,072,861 | 8,346,585 | 8,513,516 | 8,683,787 |
| Franchise Fees | 235,868 | 414,545 | 337,644 | 337,644 | 363,278 | 363,278 | 363,278 | 363,278 |
| Recycling Fee | 243,645 | 146,395 | 133,447 | 133,447 | 175,535 | 180,801 | 186,225 | 191,812 |
| Recycling Food Waste | 3,053,307 | 2,611,757 | 3,053,307 | 3,053,307 | 2,887,502 | 2,974,127 | 3,063,351 | 3,155,252 |
| CoB Interdepartmental | 1,144,732 | 1,256,940 | 1,144,732 | 1,144,732 | 1,171,087 | 1,206,220 | 1,242,406 | 1,279,678 |
| Exempt Agencies | 416,055 | 240,520 | 412,211 | 412,211 | 359,804 | 370,598 | 381,716 | 393,168 |
| Misc. Revenue | 669,898 | 689,691 | 856,088 | 856,088 | 594,100 | 611,923 | 630,281 | 649,190 |
| Expenditures | 44,105,616 | 45,259,433 | 56,648,952 | 51,770,618 | 53,626,152 | 52,701,294 | 53,234,560 | 59,285,548 |
| Personnel | 19,532,818 | 20,570,671 | 22,021,155 | 22,242,821 | 20,398,050 | 22,126,448 | 22,687,462 | 23,594,960 |
| Non-Personnel | 24,572,798 | 24,688,763 | 34,627,797 | 29,527,797 | 33,228,103 | 30,574,846 | 30,547,098 | 35,690,588 |
| Capital Improvement Projects | . , | | . , | , | . , | | | . , |
| Annual Surplus/Shortfall | 4,278,232 | -442,176 | -9,881,689 | -5,003,355 | -7,074,932 | -4,732,897 | -3,921,476 | -8,589,105 |
| Ending Balance | 24,357,285 | 23,915,109 | 14,033,419 | 18,911,753 | 16,840,177 | 12,107,279 | 8,185,803 | -403,302 |

Zero Waste Fund Forecast Table | Assumptions

Revenues

- Residential & Commercial Rate no increases through 2023. Rate Study in progress to determine rates for future years.
- Transfer Station fees have not been increased since FY 2010. FY 23 and forward assumes a 2% growth increase over the previous fiscal year.
- Commercial customers have been requesting collection fee waivers or service reductions due to impacts of COVID-19. Will need to revisit as the situation progresses.
- Franchise agreements extended indefinitely.
- Misc. Recycling in previous years included Material Sales & Food Waste Revenue, now includes revenue from the sale of scrap metal.
- CoB Interdepartmental and Exempt Agencies, FY 23 and forward assumes no increase over the previous fiscal year projected.

Page 60 of 410

Zero Waste Fund Forecast Table | Assumptions (continued)

Expenditures

- FY 23 personnel and forward includes a 4% increase over Adopted to evaluate the effects of possible personnel increases (such as steps, PERS or Worker's Comp) on the fund.
- Contracts: a) Waste Management landfill option for 5-year extension exercised through December, 2026. b) Recology New contract extended through March 2025; annual increases equal to CPI c) New \$30 million CCC contract for recyclables processing through June, 2031. New \$50 million Ecology Center contract for residential curbside recycling through June 2031.
- Capital Improvements: Preliminary Transfer Station Redesign in progress.
- Recycling Facilities and Transfer Station Feasibility Study (pre CEQA) for replacement and integration completed FY 21.
- Strategic Plan to prepare City to reach Zero Waste Goal est. cost \$ 500,000, moved out to FY 23.
- CEQA (California Environmental Quality Act) process start November, 2022 budget est. cost \$ 4,000,000 5,000,000, est. completion date mid-2023.
- Complete final design & engineering plans for construction cost \$3,000,000-4,000,000, 2023.
- Geotechnical investigation, dependent on final design, \$750,000 to 1,000,000, mid-2023 to 2024.
- Construction start, budgetary estimated \$ 30,000,000 40,000,000 (based upon final design/construction plans) late 2023/early 2024. Expected completion date late 2025.

OFF-STREET PARKING FUND

The Off-Street Parking Fund is an enterprise fund used for capital, operation, and maintenance of off-street parking facilities (garages). The City of Berkeley owns three garages (Center Street Garage, Oxford Garage, and Telegraph Channing Garage).

The rates for the garages follow the goBerkeley program which governs demand-responsive parking and Transportation Demand Management (TDM). The Off-Street Parking Fund pays back the debt service of 2016 Revenue Bond to fund the replacement of the Center Street Garage. The Center Street Garage Reconstruction project was completed in October 2018 and the grand opening in November 2018. The first full debt service payment for the revenue bond was made in FY 2020. The Off-Street Parking Garage Fund is required to have a 1.25 Debt Service Coverage Ratio.

ANALYSIS OF OFF-STREET PARKING FUND

In FY 19, the Center Street garage reopened with demand slow to return as the garage was closed due to construction for about two years. In FY 20, demand and revenue increased closer to staff projections until the March 2020 COVID-19 Pandemic shelter in place order. The impact of this event on the fund was immediate, severe, and is still ongoing. Annual revenues stayed flat in FY 20 compared to FY 19 due to ramped up activity at the Center Street Garage up until March 2020, but were severely down in FY 21 and FY 22 to 38%, and 74% respectively, compared to FY 19 levels. These revenue impacts have led to a depletion of fund balance as well as requiring \$1.9 million in General Fund support in FY 21 to pay for the Garage debt service and \$3.94 million in American Rescue Plan Act funds to be transferred in to sustain parking operations in FY 22. In FY 23, the fund is proposed to receive \$200,000 of American Rescue Plan Act funding.

Revenues are projected to recover to 100% of 2019 levels by FY 23, however, this puts the Center Street Garage four years behind planned revenue growth, and the fund balance will not have grown sufficient to fund the needed replacement of the Telegraph/Channing Mall & Garage Elevator unless other funding sources are identified.

Page 62 of 410

| | OFF-STR | EET PARI | KING FUI | ND FORE | CAST | | | |
|---|------------|------------|-----------|-----------|-----------|------------|------------|------------|
| | FY 2020 | FY 2021 | FY 2022 | FY 2022 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
| | Actual | Actual | Adopted | Revised | Projected | Proposed | Proposed | Projected |
| Beginning Balance | 2,235,776 | -1,215,101 | -356,678 | -356,678 | -356,678 | 657,193 | -2,006,849 | -3,904,989 |
| Revenues | 3,732,045 | 3,525,994 | 6,165,769 | 6,164,673 | 6,856,691 | 4,124,985 | 5,040,017 | 5,140,493 |
| Center Street Garage | 2,155,054 | 1,102,701 | 1,199,750 | 1,199,750 | 1,786,964 | 2,296,960 | 3,246,715 | 3,311,649 |
| Telegraph/Channing Garage & Mall | 1,116,502 | 500,993 | 731,964 | 731,964 | 957,367 | 1,193,645 | 1,203,628 | 1,227,701 |
| Oxford Garage | 451,489 | 3,051 | 284,499 | 284,499 | 160,000 | 415,424 | 573,474 | 584,943 |
| Surface Lots | 9,000 | 9,000 | 9,556 | 8,460 | 12,360 | 18,956 | 16,200 | 16,200 |
| 1x Transfer-in for Debt Service Pmt from GF | | | | | | | | |
| 1x Transfer in from Rate Stabilization Fund | | | | | | | | |
| American Rescue Plan Act Transfer | | | 3,940,000 | 3,940,000 | 3,940,000 | 200,000 | | |
| Expenditures | 7,182,922 | 2,667,572 | 4,631,236 | 5,378,902 | 5,842,820 | 6,789,027 | 6,938,157 | 6,998,255 |
| Personnel | 436,750 | 479,805 | 443,194 | 443,194 | 390,852 | 525,768 | 537,045 | 503,791 |
| Non-Personnel | 6,746,172 | 2,187,767 | 4,188,042 | 4,935,708 | 5,451,967 | 6,263,259 | 6,401,112 | 6,494,464 |
| Capital Improvement Projects | 0 | 0 | 0 | 0 | 0 | | 0 | 0 |
| Annual Surplus/Shortfall | -3,450,877 | 858,423 | 1,534,533 | 785,771 | 1,013,871 | -2,664,042 | -1,898,140 | -1,857,762 |
| Ending Balance | -1,215,101 | -356,678 | 1,177,855 | 429,093 | 657,193 | -2,006,849 | -3,904,989 | -5,762,751 |

Off-Street Parking Fund Forecast Table | Assumptions

Revenues

- Center Street Garage project a slow ramp up to 80% average monthly Pre-COVID revenue by June 2022, 90% in FY 23, 100% by FY 24.
- American Rescue Plan Act (ARPA) allocations were \$3.94 million in FY 22, \$200,000 for FY 23 (planned).

Expenditures

- Assumes Off-Street Fund pays the debt service for the garage bond, resuming in FY 22 and ongoing.
- Telegraph Channing Garage/Mall Elevator replacement project (+\$3 million) is not planned here due to lack of available funding within the fund.

PARKING METER FUND

Parking Meter revenue is generated through payments made by hourly parkers using "pay and display" parking meters and single space parking meters from the City's eight parking meter routes. This enterprise fund provides the funding for the maintenance, collection, capital, and enforcement of parking meters. The Parking Meter Fund is the secondary surety in the Parking Revenue Bonds, Series 2016 (for the Center Street Garage Reconstruction Project).

ANALYSIS OF PARKING METER FUND

Prior to the COVID-19 pandemic, the Parking Meter Fund maintained a healthy fund balance, and averaged over \$10 million (2016-2019) in annual revenue. The COVID-driven impacts on the fund have been immediate, severe, and remain ongoing. FY 20-2022 annual revenues were down at 70%, 40%, and 75% respectively, compared to FY 19 levels, triggering a depletion of fund balance, as well as requiring \$3.2 million in General Fund support in FY 21 and \$4.34 million in American Rescue Plan Act funds to be transferred in to sustain parking operations in FY 22. Revenues are projected to recover to 94% of 2019 levels by FY 24, however, fund balance will not have grown sufficient to fund the needed replacement of citywide parking meters unless other fund sources are identified.

Page 64 of 410

| | PARK | ING MET | ER FUND | FORECA | ST | | | |
|-----------------------------------|-------------------|-------------------|--------------------|--------------------|----------------------|---------------------|---------------------|----------------------|
| | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2022
Revised | FY 2022
Projected | FY 2023
Proposed | FY 2024
Proposed | FY 2025
Projected |
| Beginning Balance | 4,990,946 | 3,208,091 | 1,853,061 | 1,853,061 | 1,853,061 | 3,432,772 | 952,309 | -2,708,867 |
| Revenues | 7,350,026 | 4,254,923 | 11,162,702 | 11,162,702 | 11,843,021 | 12,052,490 | 9,712,789 | 10,296,622 |
| Parking Metered | 7,016,029 | 3,894,333 | 6,472,916 | 6,472,916 | 7,138,030 | 9,007,482 | 9,367,781 | 9,840,136 |
| Point-to-Point Vehicle Share | 307,505 | 354,643 | 344,991 | 344,991 | 344,991 | 344,991 | 344,991 | 414,882 |
| All Other | 26,492 | 5,947 | 4,795 | 4,795 | 20,000 | 17 | 17 | 41,604 |
| American Rescue Plan Act Transfer | | | 4,340,000 | 4,340,000 | 4,340,000 | 2,700,000 | 0 | 0 |
| Expenditures | 9,132,881 | 5,609,953 | 10,006,409 | 10,006,409 | 10,263,310 | 14,532,954 | 13,373,964 | 10,726,177 |
| Personnel | 5,019,203 | 2,608,923 | 5,450,176 | 5,450,176 | 4,883,321 | 5,703,425 | 5,841,955 | 6,152,680 |
| Non-Personnel | 4,113,678 | 3,001,029 | 4,556,233 | 4,556,233 | 5,039,989 | 4,829,529 | 4,532,009 | 4,573,497 |
| Capital Improvement Projects | 0 | 0 | 0 | 0 | 340,000 | 4,000,000 | 3,000,000 | 0 |
| Annual Surplus/Shortfall | -1,782,855 | -1,355,030 | 1,156,293 | 1,156,293 | 1,579,711 | -2,480,464 | -3,661,175 | -429,555 |
| Ending Balance | 3,208,091 | 1,853,061 | 3,009,354 | 3,009,354 | 3,432,772 | 952,309 | -2,708,867 | -3,138,422 |

Parking Meter Fund Forecast Table | Assumptions

Revenues

- Berkeley Way Lot closed permanently June 2020.
- COVID-19 Shelter-at-Home from March 17, 2020.
- Meters shut-down during Shelter-at-Home, re-opened for business June 1, 2020. Enforcement restarted July 2020.
- FY 21 and FY 22 project a slow ramp up to 90% average monthly pre-COVID revenue by June 2022, 100% in FY 23.

Expenditures

- Assumes Police Department Parking Enforcement Officers and Police Department Non-personnel continue to be paid from the fund after resuming in FY 22.
- Parking Meter Replacement Project would begin FY 23 if funding available. Showing full impact if paid for by fund. \$3.5 million requested for General Fund/American Rescue Plan Act funds.
- Non-personnel expenses include annual \$1.75 million transfer out to General Fund, resuming in FY 22.

PARKS TAX FUND

The Parks Tax is a special tax charged to Berkeley property owners on a square foot basis and is used to fund the maintenance of parks, city trees, and landscaping in the City of Berkeley. Berkeley voters approved the tax in May 1997 to replace the Landscape Assessment District. The tax rate was initially set by the voters and was adjusted annually based on the Consumer Price Index (CPI). In the November 2014 election, voters approved a 16.7% increase to the Parks Tax and approved allowing the annual adjustment to the tax rate to be indexed to greater of either the CPI or the per capita Personal Income Growth in California. Revenue is based on a square footage calculation and is collected through the property tax bill.

ANALYSIS OF PARKS TAX FUND

The passage of Measure F in 2014 helped to stabilize the Parks Tax Fund, increased funding for capital to \$1 million/year, and established funding for minor maintenance (\$450,000). Following COVID-19, the Fund absorbed additional landscape costs from the Marina Fund and Sports Field Operations Fund, whose revenues were significantly impacted by COVID-19. Many capital projects that were planned and funded in prior years are now under construction or will be in FY 23-24. This swell in capital projects - along with Covid impacts - have decreased the fund balance, and reserves are projected to be close to 10% in FY23-27.

Page 66 of 410

| PARKS TAX FUND FORECAST | | | | | | | | | | |
|---|-------------------|-------------------|--------------------|--------------------|----------------------|---------------------|---------------------|-------------------|--|--|
| Description / Account | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2022
Revised | FY 2022
Projected | FY 2023
Proposed | FY 2024
Proposed | 2025
Projected | | |
| Beginning Fund Balance | 7,080,688 | 6,295,912 | 4,394,403 | 4,394,403 | 4,394,403 | 1,825,866 | 2,723,331 | 3,591,183 | | |
| Revenues | | | | | | | | | | |
| Interest Investment Pool Sidewalks | 72,290 | 1,254 | 2,000 | 2,000 | 200 | 2,000 | 2,000 | 4,000 | | |
| Tax Revenue ⁽¹⁾ | 13,890,512 | 14,507,783 | 15,320,468 | 15,320,468 | 15,320,468 | 16,791,663 | 17,127,496 | 17,470,046 | | |
| Lease Rents (various, misc.) Other City Expense | 23,006
0 | 14,562 | 20,000 | 20,000 | 15,000 | 20,000 | 20,000 | 20,000 | | |
| Misc. (Rental Insurance, Tree Donation, etc.) | 13,123 | 6,498 | | | 0 | 0 | 0 | 0 | | |
| Park & Rec Fees (pk reserv) | 19,136 | 55,376 | 24,000 | 24,000 | 100,000 | 50,000 | 50,000 | 51,000 | | |
| Park Bench Donation | 7,500 | 0 | | | 36,766 | 0 | 0 | 0 | | |
| Insurance Payments | | 148,707 | | | 50,000 | 0 | 0 | 0 | | |
| Subtotal, Revenues | 14,025,567 | 14,734,180 | 15,366,468 | 15,366,468 | 15,522,434 | 16,863,663 | 17,199,496 | 17,545,046 | | |
| Expenditures | | | | | | | | | | |
| Personnel | 9,353,448 | 9,304,595 | 9,484,144 | 9,484,264 | 9,394,224 | 10,765,039 | 11,075,516 | 11,297,026 | | |
| Non-Personnel | 3,291,556 | 3,328,630 | 3,393,486 | 4,159,533 | 3,562,332 | 3,720,958 | 4,648,125 | 4,741,088 | | |
| Minor Maintenance | 969,195 | 410,646 | 450,000 | 646,072 | 646,072 | 450,000 | 450,000 | 460,000 | | |
| Capital Projects | 1,196,145 | 3,591,818 | 1,075,000 | 4,788,344 | 4,488,344 | 1,030,200 | 158,004 | 160,000 | | |
| Subtotal, Expenditures | 14,810,344 | 16,635,688 | 14,402,630 | 19,078,212 | 18,090,971 | 15,966,197 | 16,331,645 | 16,658,114 | | |
| Operating Income / (Loss) | (784,777) | (1,901,509) | 963,838 | (3,711,744) | (2,568,537) | 897,466 | 867,851 | 886,932 | | |
| Ending Fund Balance | 6,295,912 | 4,394,403 | 5,358,241 | 682,658 | 1,825,866 | 2,723,331 | 3,591,183 | 4,478,115 | | |
| Reserve Rate | 44.89% | 29.82% | 34.87% | 4.44% | 11.76% | 16.15% | 20.88% | 25.52% | | |

Page 67 of 410

Parks Tax Fund Forecast Table | Assumptions

- The passage of Measure F in 2014 helped to stabilize the Parks Tax Fund, increased funding for capital to \$1 million/year and established funding for minor maintenance (\$450,000).
- Following COVID, the fund absorbed additional landscape costs from the Marina Fund and Sports Field Operations Fund, whose
 revenues were significantly impacted by COVID.
- Many capital projects that were planned and funded in prior years are now under construction or will be in FY 23-24. This swell in capital projects - along with COVID impacts - have decreased the fund balance, and reserves are projected to be close to 10% in FY 23.

Revenues

1. Tax revenue in FY 23 assumes a 7.55% increase based on the Personal Income Growth Rate for FY 23. The FY 23 tax rate will be officially set by Council on June 14, 2022. FY 24 & FY 25 assume a 2% increase.

Expenditures

- 1. FY 23 & FY 24 Proposed Personnel include approved salary increases and assumed benefit increases.
- 2. Capital and minor maintenance increase 2% starting FY 25.
- 3. FY 23 Proposed does not include \$300,000 in FY 22 funds that will not be spent but will be spent in FY 23 and an additional \$65,000 in baseline capital that is planned for FY 23 and FY 24. These funds will be added to FY 23 & FY 24 prior to the Budget Adoption on June 28, 2022.

51

MARINA FUND

The Berkeley Marina area (Waterfront) is part of San Francisco Bay and therefore, the property is owned by the State of California. The City holds the Waterfront in trust for the State and by law the Waterfront is required to be a self-supporting financial entity. Fees generated from vessels that berth at the Marina, commercial building and ground leases and special events provide the revenue that funds the operations at the Berkeley Waterfront, including University Avenue and the Bay Trail, from Frontage Road to Marina Boulevard; and all land, infrastructure and Marina waters west of Marina Blvd. There are 100 acres of open space and parks, streets and pathways, 1,000 berths in the Berkeley Marina, a large hotel, 3 restaurants, bait shop, commercial office building, the Adventure Playground, Shorebird Nature Center, the Berkeley Marine Center boatyard, a 4-lane public launch ramp, 9 restroom buildings, and 11 parking lots.

ANALYSIS OF MARINA FUND

The Marina Fund is projected to exhaust all reserves in the next budget cycle. The Fund has struggled with a structural deficit for many years, but since COVID-19, lease revenues from the hotel, restaurants and commercial tenants have plummeted and berth revenues have remained flat. Costs have continued to escalate, and infrastructure has continued to deteriorate. Unfunded infrastructure needs at the Waterfront now exceed \$146 million. Even with the planned \$1.15million in ARPA funds in FY23, there is an additional \$1.45 million needed to maintain Waterfront operations through FY24, and an ongoing structural deficit of \$1.2 million/year.

| | | MARIN | A FUND F | ORECAST | | | | |
|---|-------------------|-------------------|--------------------|--------------------|----------------------|---------------------|---------------------|----------------------|
| | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2022
Revised | FY 2022
Projected | FY 2023
Proposed | FY 2024
Proposed | FY 2025
Projected |
| Beginning Fund Balance | 3,503,847 | 3,151,380 | 5,461,419 | 5,461,419 | 5,461,419 | 971,592 | 284,412 | (1,150,834) |
| Revenues | | | | | | | | |
| Damage to City | 396 | 18 | | | | | | |
| Short and Over | (1,078) | (112) | | | (20) | 0 | 0 | 0 |
| Interest Invest Pool | 42,706 | 802 | 2,000 | 2,000 | 400 | 4,000 | 8,000 | 10,000 |
| Marina Benches / Trees | 3,400 | 0 | 6,800 | 6,800 | 17,000 | 6,800 | 6,800 | 6,800 |
| Sewer Service/Marina | 3,750 | 3,850 | 3,940 | 3,940 | 3,946 | 4,045 | 4,146 | 4,250 |
| Live Aboard Fees | 259,664 | 256,143 | 257,724 | 257,724 | 256,143 | 262,547 | 269,110 | 275,838 |
| Launch Ramp | 129,657 | 121,220 | 136,140 | 136,140 | 75,000 | 80,000 | 82,000 | 84,050 |
| Dry Storage | 105,928 | 105,671 | 103,969 | 103,969 | 105,671 | 108,313 | 111,021 | 113,797 |
| Charter Boat Fees | 113,012 | 66,935 | 56,506 | 56,506 | 80,000 | 82,000 | 84,050 | 86,151 |
| Locker Rentals | 9,523 | 20,773 | 51,666 | 51,666 | 20,773 | 21,292 | 21,824 | 22,370 |
| EV Charging Stations | 2,380 | 1,946 | | | 3,200 | 3,280 | 3,362 | 3,446 |
| Miscellaneous | 37,304 | 105,389 | | | 29,450 | 30,922 | 30,922 | 32,469 |
| Fines & Penalties | 76,835 | 64,319 | 72,225 | 72,225 | 64,319 | 64,319 | 64,319 | 64,319 |
| Marina Leases | 1,806,344 | 1,186,077 | 1,814,019 | 1,814,019 | 1,590,526 | 2,129,170 | 2,214,337 | 2,302,910 |
| Berth Rentals | 3,420,177 | 3,443,688 | 3,249,168 | 3,249,168 | 3,443,688 | 3,443,688 | 3,529,781 | 3,706,270 |
| Special Event Parking | 101,626 | 0 | | | 0 | 75,000 | 150,000 | 200,000 |
| Playground Svc Fees | 8,848 | (605) | 4,534 | 4,534 | 0 | 35,000 | 50,000 | 70,000 |
| Nature Center Fees | 9,240 | 0 | 4,735 | 4,735 | 0 | 15,000 | 25,000 | 40,000 |
| Donations | 284 | 0 | 146 | 146 | 0 | 1,500 | 1,538 | 1,576 |
| Other Revenue | 1,830 | 0 | | | 0 | 0 | 0 | 0 |
| Misc. Fees | | 3,000,000 | | | | | | |
| Transfer from ARPA Fund | | | 1,400,000 | 1,400,000 | 1,400,000 | 1,150,000 | | |
| Subtotal, Revenues | 6,131,825 | 8,376,115 | 7,163,572 | 7,163,572 | 7,090,097 | 7,516,876 | 6,656,210 | 7,024,245 |
| Expenditures | | | | | | | | |
| Personnel | 3,142,775 | 3,220,688 | 3,957,817 | 3,947,718 | 3,364,285 | 4,262,025 | 4,135,023 | 4,217,723 |
| Non-Personnel (excludes debt svc & capital) | | 1,841,572 | 2,364,866 | 2,284,282 | 2,178,402 | 2,214,313 | 2,528,713 | 2,579,288 |
| Capital Projects | 782,038 | 345,016 | 350,000 | 5,671,065 | 5,371,065 | 650,000 | 350,000 | 350,000 |
| Minor Maintenance | 143,510 | 173,082 | 150,000 | 180,452 | 180,452 | 250,000 | 250,000 | 250,000 |
| Principal Payment | 180,579 | 188,059 | 197,546 | 197,546 | 197,546 | 305,391 | 319,346 | 333,212 |

Page 70 of 410

| | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2022
Revised | FY 2022
Projected | FY 2023
Proposed | FY 2024
Proposed | FY 2025
Projected |
|---------------------------|-------------------|-------------------|--------------------|--------------------|----------------------|---------------------|---------------------|----------------------|
| Interest Payment | 305,140 | 297,660 | 288,173 | 288,173 | 288,173 | 522,328 | 508,373 | 494,507 |
| Subtotal, Expenditures | 6,484,292 | 6,066,076 | 7,308,402 | 12,569,235 | 11,579,924 | 8,204,057 | 8,091,455 | 8,224,730 |
| Operating Income / (Loss) | (352,467) | 2,310,039 | (144,830) | (5,405,663) | (4,489,827) | (687,181) | (1,435,245) | (1,200,485) |
| Ending Fund Balance | 3,151,381 | 5,461,419 | 5,316,589 | 55,756 | 971,592 | 284,412 | (1,150,834) | (2,351,319) |
| Reserve Rate | 51% | 65% | 74% | 1% | 14% | 4% | -17% | -33% |

Marina Fund Forecast Table | Assumptions

- FY 21 operating income appears high because \$3 million payment for Marina streets was received as revenue, but the \$3 million in capital spending on that project happens in FY 22. Actual operating loss is approx. -\$700,000 in FY 21.
- ARPA funding received in FY 22 (\$1.4 million) and planned in FY 23 (\$1.15 million) will generally carry the Marina Fund through FY 23. Approx. \$1.45 million is needed to keep the Fund solvent through FY 24. After that, there is a structural deficit of approx. \$1.2 million/year.
- Berth rentals expected to remain flat in FY 22 and FY 23; increase 2.5% in FY 24 with annual fee increases; and increase 5% in FY 25 after D&E dock replacement.
- Marina lease revenue estimated to begin recovery in FY 22, but not to return to baseline levels until FY 25.
- FY 22 Personnel figures are lower than budgeted due to vacant positions. Expected to resume full staffing levels in FY 23. FY 24
 Personnel is reduced by 1 project-based FTE.
- Personnel and Non-Personnel escalate by 2% starting in FY 25.
- Starting in FY 223, assume additional \$342,000 in annual payments for \$5.5 million California Division of Boats and Waterways (DBAW) loan at 4.5% interest rate, 30-year term.
- Includes baseline of \$350,000/year in capital; \$250,000/year in minor maintenance.
- FY 23 Proposed does not include \$300,000 for pilings project. These funds will be added prior to the Budget Adoption.

LIBRARY TAX FUND

The Library Tax Fund provides funding for the Berkeley Public Library system. The primary source of revenue to the fund is the Library Tax, which was originally established in 1980 and reauthorized in 1988. The City Council sets the tax rate annually through an ordinance and the tax rate is indexed to the greater of either the Bay Area Consumer Price Index or the per capita Personal Income Growth in California. Revenue is based on a square footage calculation and is collected through the property tax bill. Additional revenue to this fund includes the collection of library fees.

ANALYSIS OF FUND

The Library Tax Fund, although maintaining a positive fund balance over the next few years, is facing an annual operating shortfall (last occurrence was in FY 2008) as infrastructure maintenance and improvement projects are addressed and post-COVID-19 adjustments to delivery of library services are implemented. Commencing FY 22, reserves are lowered from \$1.5 million to \$1.25 million, reflecting approximately 6% of tax receipts as the basis of the reserves level is modified to a percentage of proposed adopted revenues from a fixed amount.

| | LIBRA | RY TAX F | FUND FO | RECAST | | | | |
|------------------------------|-------------------|-------------------|--------------------|--------------------|----------------------|---------------------|---------------------|----------------------|
| | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2022
Revised | FY 2022
Projected | FY 2023
Proposed | FY 2024
Proposed | FY 2025
Projected |
| Beginning Balance | 10,266,639 | 12,027,796 | 13,187,635 | 13,187,635 | 13,187,635 | 15,201,511 | 14,677,510 | 14,368,248 |
| Revenues | 20,487,115 | 20,715,377 | 21,845,999 | 21,845,999 | 22,005,105 | 23,909,768 | 24,386,523 | 23,592,995 |
| Library Services Tax | 20,431,021 | 20,596,293 | 21,704,603 | 21,704,603 | 21,863,709 | 23,837,768 | 24,314,523 | 23,520,995 |
| Fines & Fees | 26,477 | 17,688 | 40,000 | 40,000 | 40,000 | 40,000 | 40,000 | 40,000 |
| Miscellaneous and Interest | 29,617 | 101,396 | 101,396 | 101,396 | 101,396 | 32,000 | 32,000 | 32,000 |
| Expenditures | 18,725,958 | 19,555,538 | 25,037,858 | 25,152,383 | 19,991,228 | 24,433,769 | 24,695,785 | 25,684,233 |
| Personnel | 13,352,627 | 12,972,590 | 15,931,595 | 15,931,595 | 12,725,924 | 17,491,479 | 17,453,498 | 17,818,568 |
| Non-Personnel | 4,669,368 | 4,145,856 | 5,786,263 | 5,900,788 | 5,894,676 | 6,097,290 | 6,097,287 | 6,116,665 |
| Capital Improvement Projects | 703,964 | 2,437,092 | 3,320,000 | 3,320,000 | 1,370,629 | 845,000 | 1,145,000 | 1,749,000 |
| Annual Surplus/Shortfall | 1,761,157 | 1,159,839 | -3,191,859 | -3,306,384 | 2,013,877 | -524,001 | -309,262 | -2,091,238 |

Library Tax Fund Forecast Table | Assumptions

Revenues

- FY 19 FY 21, Beginning Balance includes reserves of \$1.5 million.
- FY 22 FY 23, Beginning Balance includes proposed reserves of \$1.25 million.
- FY 24 FY 25, Beginning Balance includes proposed reserves of \$1.36 million.
- FY 21, the Library Services Tax was unmodified from the prior year as recommended to the City Council by the Board of Library Trustees, Resolution No. R20-018 on June 3, 2020.

Expenditures

- September 2020, the Director of Library Services position was filled. Prior, the Director position had been vacated in September 2017. April 2021, the Deputy Director position was vacated.
- FY 22, Library budgets for Social Services Specialist to address providing on-site instant response for people experiencing mental health and or other immediate related needs while on Library premises.
- FY 23 and beyond, Library plans to greatly reduce the vacancy rate and adding staff will increase actual personnel expenditures and costs associated with maintaining a nourishing work environment.

Library Tax Fund Forecast Table | Assumptions (continued)

- FY 24/25, Library plans to establish a permanent CIP fund to actively show how we will cover repairing and maintaining both tangible and intangible infrastructures.
- FY 20 and FY 21, execution of the Central Library interior renovation capital improvement project.
- FY 22, planned execution of the Central Library exterior stucco restoration and water sealing capital improvement project.
- FY 23 and FY 24, projects execution of other deferred capital improvement projects including Central Library A/C units replacement and reroofing. Other project anticipated relate to IT infrastructure such as the website and longer-term needs assessment.
- FY 22, library materials increased to over \$330,000 to meet heightened demand for electronic materials.

STAFFING

This section includes a summary of Citywide staffing by department; by detailed position by department that reflects the number and type of positions and by funding source. The FY 2023 Proposed Budget reflects 1,735 full-time equivalent (FTE) positions, an increase of approximately 75 positions compared to the FY 2022 Adopted Budget. The increase in staffing levels are primarily attributed to the Fire Department (49 FTE) and Public Works (14 FTE). Proposed staffing in FY 2024 reflects a modest increase to 1,737 FTE. As illustrated in the tables below, the portion of staff allocated to the General Fund is approximately 688 positions, or 40%, of total FTE count while all other funds represent 1,057, or 60%, of the remaining positions. The ratio between the General Fund and all other funds remains constant in FY 24.

STAFFING TABLE 1: POSITION SUMMARY BY DEPARTMENT-5 YEAR TREND

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| CITY ATTORNEY'S OFFICE | | | | | | |
| Assistant City Attorney | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| City Attorney | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Deputy City Attorney III | 6.00 | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 |
| Legal Office Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Paralegal | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Legal Secretary | 2.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| TOTAL CITY ATTORNEY | 13.00 | 15.00 | 15.00 | 15.00 | 15.00 | 15.00 |
| CITY AUDITOR'S OFFICE | | | | | | |
| | 4.50 | 4.50 | 4 75 | 4.50 | 4 75 | 4 75 |
| Accounting Office Specialist III | 1.50 | 1.50 | 1.75 | 1.50 | 1.75 | 1.75 |
| Accounting Technician Administrative Assistant | 2.00
1.00 | 2.00
1.00 | 2.00
1.00 | 2.00
1.00 | 2.00
1.00 | 2.00
1.00 |
| | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Audit Manager
Auditor I | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Auditor II | 3.00 | 3.00 | 3.00 | 2.00 | 3.00 | 3.00 |
| City Auditor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Deputy Auditor for Payroll Mgmt. | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Auditor | 2.00 | 2.00 | 2.00 | 3.00 | 3.00 | 3.00 |
| Serio Addito | 2.00 | 2.00 | 2.00 | 3.00 | 3.00 | 3.00 |
| TOTAL CITY AUDITOR'S OFFICE | 13.50 | 13.50 | 13.75 | 13.50 | 14.75 | 14.75 |
| CITY CLERK'S OFFICE | | | | | | |
| Assistant City Clerk | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Assistant Management Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| City Clerk | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Deputy City Clerk | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist II | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist III | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| | | F0 | | | | |

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|------------------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| (CITY CLERK'S OFFICE CONTINUED) | | | | | | |
| Records Assistant | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Records Manager | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| TOTAL CITY CLERK'S OFFICE | 10.00 | 10.00 | 10.00 | 10.00 | 10.00 | 10.00 |
| | | | | | | |
| CITY MANAGER'S OFFICE | | | | | | |
| Accounting Office Specialist III | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Assistant | 2.00 | 2.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Hearing Examiner | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Animal Control Officer | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Animal Services Assistant | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 |
| Animal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Planner | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Assistant to the City Manager | 2.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Associate Management Analyst | 2.00 | 2.00 | 3.00 | 2.00 | 1.00 | 1.00 |
| Budget Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| City Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Code Enforcement Officer II | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Code Enforcement Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Community Services Specialist I | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Community Services Specialist II | 0.00 | 1.00 | 2.00 | 1.00 | 1.00 | 1.00 |
| Deputy City Manager | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Digital Communications Coordinator | 1.00 | 1.00 | 1.00 | 3.00 | 3.00 | 3.00 |
| Health Services Program Specialist | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Homeless Services Coordinator | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Office Specialist II | 2.00 | 2.00 | 2.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist III | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Registered Veterinary Technician | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Secretary to the City Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Animal Control Officer | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Management Analyst | 4.00 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| Social Services Specialist | 0.00 | 0.00 | 0.00 | 1.00 | 2.00 | 2.00 |
| TOTAL CITY MANAGER'S OFFICE | 35.50 | 37.50 | 39.50 | 40.50 | 40.50 | 40.50 |
| OFFICE OF ECONOMIC | | | | | | |
| DEVELOPMENT | | | | | | |
| Assistant Management Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 |
| Civic Arts Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 3.00 | 3.00 |
| Community Development Project | | | | | 3.23 | |
| Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Economic Development Project | | | | | | |
| Coordinator | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Manager of Economic Development | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist III | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| TOTAL OFFICE OF ECONOMIC | | | | | | |
| DEVELOPMENT | 7.00 | 7.00 | 7.00 | 7.00 | 8.00 | 8.00 |

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|--|---------|---------|---------|---------|----------|----------|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| | | | | | | |
| FINANCE DEPARTMENT | | | | | | |
| Accountant I | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Accountant II | 2.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Accounting Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Accounting Office Specialist II | 6.00 | 6.00 | 6.00 | 7.00 | 7.00 | 7.00 |
| Accounting Office Specialist III | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Accounting Office Specialist Supv | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Accounting Technician | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Administrative Secretary | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Management Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Associate Management Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Buyer | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Contract Administrator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Customer Service Specialist II | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| Customer Service Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Deputy Director of Finance | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Director of Finance | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Field Representative | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| General Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Information Systems Specialist | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Mail Services Aide | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Revenue Collection Manager | 2.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Revenue Development Specialist I | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Revenue Development Specialist II | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Revenue Development Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Accountant | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Buyer | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Field Representative | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Systems Analyst | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Systems Accountant | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Treasury Manager | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| | | | | | | |
| TOTAL FINANCE DEPARTMENT | 48.00 | 49.00 | 50.00 | 51.00 | 53.00 | 53.00 |
| | | | | | | |
| FIRE DEPARTMENT | | | | | | |
| Accounting Office Specialist II | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Accounting Office Specialist III | 5.00 | 4.00 | 4.00 | 4.00 | 3.00 | 3.00 |
| Administrative & Fiscal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Assistant | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Secretary | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Fire Chief | 2.00 | 2.00 | 2.00 | 2.00 | 4.00 | 4.00 |
| Assistant Management Analyst | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Associate Management Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Battalion Chief | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Communications Specialist | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Deputy Fire Chief | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Deputy Fire Marshal | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| · • | | | | | | |

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|--|---------|---------|---------|---------|----------|----------|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| (FIRE DEPARTMENT CONTINUED) | 0.00 | | | | 4.00 | 4.00 |
| Emergency Services Advisor | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Emergency Services Coordinator | 2.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Fire and Life-Safety Plans Examiner | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Fire Apparatus Operator | 33.00 | 33.00 | 33.00 | 33.00 | 33.00 | 33.00 |
| Fire Captain I/II | 29.00 | 31.00 | 31.00 | 31.00 | 33.00 | 33.00 |
| Fire Chief | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Fire Marshal | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Fire Prevention Inspector (Sworn) | 1.00 | 1.00 | 1.00 | 1.00 | 8.00 | 8.00 |
| Fire Prevention Inspector (Civilian) | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Firefighter | 55.00 | 54.00 | 54.00 | 54.00 | 57.00 | 57.00 |
| Limited Term Emergency Medical
Technician | 0.00 | 0.00 | 0.00 | 0.00 | 12.00 | 12.00 |
| Office Specialist II | 1.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| | 1.00 | 1.00 | 1.00 | 1.00 | 2.00 | 2.00 |
| Office Specialist III Paramedic Supervisor I | 6.00 | 6.00 | 6.00 | 6.00 | 8.00 | 8.00 |
| Single Function Emergency Medical | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 |
| Technician | 0.00 | 0.00 | 0.00 | 0.00 | 18.00 | 18.00 |
| Toomingan | 0.00 | 0.00 | 0.00 | 0.00 | 10.00 | 10.00 |
| TOTAL FIRE DEPARTMENT | 149.00 | 153.00 | 153.00 | 153.00 | 202.00 | 202.00 |
| | | | | | | |
| HEALTH, HOUSING & COMMUNIT | Υ | | | | | |
| SERVICES | | | | | | |
| Career Employees: | | | | | | |
| Accounting Office Specialist III | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Accounting Office Specialist Supervisor | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Accounting Technician | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative & Fiscal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Assistant | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Administrative Secretary | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Manager of Mental Health | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Management Analyst | 3.00 | 4.00 | 6.00 | 6.00 | 5.00 | 5.00 |
| Assistant Mental Health Clinician | 3.00 | 3.00 | 3.00 | 3.00 | 2.00 | 2.00 |
| Associate Management Analyst | 6.00 | 6.00 | 5.00 | 5.00 | 7.00 | 7.00 |
| Associate Planner | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Behavioral Health Clinician I | 3.00 | 3.00 | 5.00 | 6.00 | 8.00 | 8.00 |
| Behavioral Health Clinician II | 21.30 | 24.30 | 25.50 | 24.50 | 26.00 | 26.00 |
| Building Inspector I (Cert) | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Community Development Project | | | | | | |
| Coordinator | 4.00 | 5.00 | 6.00 | 6.00 | 6.00 | 6.00 |
| Community Health Worker | 1.60 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Community Health Worker Specialist | 10.00 | 10.00 | 10.00 | 10.00 | 9.00 | 9.00 |
| Community Service Specialist I | 5.50 | 5.50 | 6.50 | 4.50 | 3.00 | 3.00 |
| Community Services Specialist II | 5.00 | 6.00 | 8.00 | 8.00 | 10.00 | 10.00 |
| Community Services Specialist III | 3.00 | 4.00 | 4.00 | 6.00 | 5.00 | 5.00 |
| Deputy Director of Health, Housing & | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Community Services | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Director of Health, Housing & Community Services | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Employment Program Administrator | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Employment i Togram Administrator | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| (HEALTH, HOUSING & COMMUNITY | 710000 | 7 10 00.01 | 710000 | | . ropocou | |
| SERVICES CONTINUED) | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Environmental Health Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Epidemiologist | 1.00 | 1.00 | 1.00 | 3.00 | 3.00 | 3.00 |
| Health Nutrition Program Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 2.00 | 2.00 |
| Health Officer (Certified) | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Health Services Program Specialist | 7.00 | 7.00 | 8.00 | 8.00 | 9.00 | 9.00 |
| Health Services Supervisor | 2.00 | 2.00 | 2.00 | 1.00 | 1.00 | 1.00 |
| Homeless Services Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 |
| Manager of Aging Services | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Manager of Environmental Health Manager of Housing and Community | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Services | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Manager of Mental Health Services | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Manager of Public Health Services | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Manager, Family Health & Nursing | | | | | | |
| Services | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Mealsite Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Mental Health Clinical Supervisor | 5.00 | 6.00 | 7.00 | 8.00 | 8.40 | 8.40 |
| Mental Health Nurse | 0.00 | 0.00 | 4.50 | 5.20 | 3.50 | 3.50 |
| Mental Health Program Supervisor | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Mid-Level Practitioner | 1.10 | 1.10 | 1.10 | 1.10 | 0.60 | 0.60 |
| Mini Bus Driver | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Nutritionist | 0.50 | 0.50 | 0.50 | 0.50 | 1.50 | 1.50 |
| Office Specialist II | 20.00 | 20.00 | 19.00 | 18.00 | 18.00 | 18.00 |
| Office Specialist III | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Office Specialist Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| PPHP Deputy Health Officer | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Psychiatrist | 1.50 | 1.50 | 2.00 | 2.75 | 1.75 | 1.75 |
| Public Health Nurse | 9.65 | 8.75 | 8.75 | 9.00 | 7.00 | 7.00 |
| Registered Environmental Health | | | | | | |
| Specialist | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 |
| Registered Nurse | 4.00 | 5.50 | 2.00 | 2.00 | 1.80 | 1.80 |
| Senior Behavioral Health Clinician | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Senior Citizen Center Director | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Community Development Project | 4.00 | 4.00 | 4.00 | 4.00 | 0.00 | 0.00 |
| Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 2.00 | 2.00 |
| Senior Community Health Specialist | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Senior Environmental Health Specialist | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Health Management Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 |
| Senior Health Services Program | 4.00 | 4.00 | 4.00 | 4.00 | E 90 | E 00 |
| Specialist | 4.80 | 4.80 | 4.80 | 4.80 | 5.80 | 5.80 |
| Senior Management Analyst | 1.00 | 1.00 | 2.00 | 3.00 | 4.00 | 4.00 |
| Senior Service Assistant | 3.75 | 4.75 | 4.75 | 4.75 | 4.75 | 4.75 |
| Social Services Specialist | 8.00 | 11.00 | 11.00 | 11.00 | 10.00 | 10.00 |
| Supervising Mental Health Nurse | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Supervising Psychiatrist | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Supervising Public Health Nurse | 1.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Transportation Services Coordinator | 0.00 | 1.00 | 0.50 | 1.00 | 1.00 | 1.00 |
| Vector Control Technician | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Total Career Employees | 192.70 | 205.70 | 216.90 | 220.10 | 222.10 | 222.10 |

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|---|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| (HEALTH, HOUSING & COMMUNITY | Actual | Actual | Actual | Auopteu | Proposed | Proposeu |
| SERVICES CONTINUED) | | | | | | |
| Hourly Employees: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Intern | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Behavioral Health Clinician I & II | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Mid-Level Practitioner Mini Bus Driver | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 |
| | 0.20
0.20 | 0.20
0.20 | 0.20
0.20 | 0.20
0.20 | 0.20
0.20 | 0.20
0.20 |
| Physician Psychiatrist II & III | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 |
| Public Health Program Physician | 0.40 | 0.48 | 0.40 | 0.40 | 0.40 | 0.40 |
| Registered Environmental Health | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Specialist | 0.40 | 0.40 | 0.40 | 0.40 | 0.40 | 0.40 |
| Senior Nutrition Program Supervisor | 0.43 | 0.43 | 0.43 | 0.43 | 0.43 | 0.43 |
| Senior Registered Environmental Health | | | | | | |
| Specialist | 0.46 | 0.46 | 0.46 | 0.46 | 0.46 | 0.46 |
| Senior Service Aide | 3.88 | 3.88 | 3.88 | 3.88 | 3.88 | 3.88 |
| Senior Service Assistant | 0.91 | 0.91 | 0.91 | 0.91 | 0.91 | 0.91 |
| Youth Enrollee Intern | 26.02 | 26.02 | 26.02 | 26.02 | 26.02 | 26.02 |
| Total Hourly Employees | 40.48 | 40.48 | 40.48 | 40.48 | 40.48 | 40.48 |
| TOTAL HEALTH, HOUSING & | | | | | | |
| COMMUNITY SERVICES | 233.18 | 246.18 | 257.38 | 260.58 | 262.58 | 262.58 |
| HUMAN RESOURCES | | | | | | |
| Assistant Management Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Human Resources Analyst | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Associate Human Resources Analyst | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Director of Human Resources | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Equal Employment Opportunity & | | | | | | |
| Diversity Officer | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Employee Relations Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Human Resources Manager | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Human Resources Technician | 3.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Information Systems Support Technician | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Occupational Health & Safety Officer | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Occupational Health & Safety Specialist | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist II | 3.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Office Specialist III | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Senior Human Resources Analyst | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Training Officer TOTAL HUMAN RESOURCES | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| TOTAL HUMAN RESOURCES | 21.00 | 22.00 | 22.00 | 22.00 | 22.00 | 22.00 |
| INFORMATION TECHNOLOGY | | | | | | |
| Administrative Assistant | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Applications Programmer/Analyst I | 0.50 | 0.00 | 0.00 | 1.00 | 2.00 | 2.00 |
| Applications Programmer/Analyst II | 13.00 | 14.00 | 14.00 | 14.00 | 14.00 | 14.00 |
| Associate Management Analyst | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Customer Service Specialist III | 9.00 | 9.00 | 9.00 | 9.00 | 9.00 | 9.00 |
| Customer Service Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Customer Service Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| | | | | | | |

Page 80 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| (INFORMATION TECHNOLOGY CONTINUED) | | | | | | _ |
| Database Administrator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Director of Information Technology | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Information Security Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Information Systems Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Information Systems Specialist | 5.00 | 5.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Information Systems Support Technician | 2.00 | 2.00 | 2.00 | 2.00 | 3.00 | 3.00 |
| Senior Information Systems Specialist | 3.00 | 3.00 | 4.00 | 4.00 | 3.00 | 3.00 |
| Senior Management Analyst | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Systems Analyst | 4.00 | 4.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| TOTAL INFORMATION TECHNOLOGY | 44.50 | 45.00 | 46.00 | 47.00 | 48.00 | 48.00 |
| LIBRARY SERVICES | | | | | | |
| Career Employees: | | | | | | |
| Accounting Office Specialist III | 2.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative & Fiscal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Secretary | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Human Resources Analyst | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Management Analyst | 2.00 | 3.00 | 3.00 | 3.00 | 2.00 | 2.00 |
| Associate Human Resources Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Associate Management Analyst | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Building Maintenance Mechanic | 1.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Building Maintenance Supervisor | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Circulation Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Deputy Director of Library Services | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Director of Library Services | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Information Systems Specialist | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Librarian I/II | 21.30 | 21.30 | 21.30 | 22.30 | 22.30 | 22.30 |
| Library Aide | 14.00 | 13.00 | 13.00 | 13.50 | 14.00 | 14.00 |
| Library Assistant | 14.25 | 14.25 | 14.25 | 14.25 | 14.25 | 14.25 |
| Library Info Systems Administrator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Library Literacy Program Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Library Services Manager | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Library Specialist I | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Library Specialist II | 13.55 | 13.55 | 13.55 | 13.80 | 13.80 | 13.80 |
| Mail Services Aide Office Specialist II | 1.80 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| • | 1.00 | 0.00
1.00 | 0.00 | 0.00 | 0.00
1.00 | 0.00
1.00 |
| Senior Building Maintenance Supervisor
Senior Librarian | 1.00
3.00 | 3.00 | 1.00
3.00 | 1.00
3.00 | 3.00 | 3.00 |
| | | | | | | |
| Social Services Specialist Supervising Librarian | 0.00
8.00 | 0.00
8.00 | 0.00
8.00 | 1.00
8.00 | 1.00
8.00 | 1.00
8.00 |
| Supervising Librarian Supervising Library Assistant | 9.00 | 9.00 | 9.00 | 9.00 | 9.00 | 9.00 |
| Tool Lending Specialist | 2.25 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Total Career Employees | 111.15 | 111.10 | 111.10 | 114.85 | 114.35 | 114.35 |
| Hourly Employees: | 111.13 | 111.10 | 111.10 | 114.03 | 117.55 | 117.55 |
| Library Aides | 0.75 | 0.75 | 0.75 | 0.75 | 0.75 | 0.75 |

Page 81 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| (LIBRARY SERVICES CONTINUED) | Actual | Actual | Actual | Adopted | Fioposeu | Fioposeu |
| Library Page | 4.20 | 4.20 | 4.20 | 0.00 | 0.00 | 0.00 |
| Youth Enrollees | 20 | 1.20 | 20 | 0.00 | 0.00 | 0.00 |
| Total Hourly Employees | 4.95 | 4.95 | 4.95 | 0.75 | 0.75 | 0.75 |
| | | | | | | |
| TOTAL LIBRARY SERVICES | 116.10 | 116.05 | 116.05 | 115.60 | 115.10 | 115.10 |
| MAYOR & COUNCIL | | | | | | |
| Assistant to Mayor | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Legislative Aides | 9.00 | 12.00 | 12.00 | 12.00 | 12.00 | 12.00 |
| Logislative / tidoo | 0.00 | 12.00 | 12.00 | 12.00 | 12.00 | 12.00 |
| TOTAL MAYOR AND COUNCIL | 12.00 | 15.00 | 15.00 | 15.00 | 15.00 | 15.00 |
| OFFICE OF THE DIRECTOR OF PO | OLICE ACC | CHINTARI | II ITV* | | | |
| OFFICE OF THE BIREOTOR OF TR | JLIOL AUC | OUNTAD | LII I | | | |
| Director of Police Accountability | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist III | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Police Review Commission Officer | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| PRC Investigator | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| TOTAL OFFICE OF THE DIRECTOR OF | | | | | | |
| POLICE ACCOUNTABILITY | 0.00 | 0.00 | 0.00 | 4.00 | 4.00 | 4.00 |
| PARKS RECREATION & WATERF | RONT | | | | | |
| Career Employees: Accounting Office Specialist II | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| · · | 2.00 | | | | 2.00 | |
| Accounting Office Specialist III | | 2.00 | 2.00 | 2.00 | | 2.00 |
| Accounting Office Specialist Supervisor | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Administrative Secretary | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Aquatics Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Aquatics Facilities Supervisor Aquatics Specialist II | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| • | 0.50
0.00 | 0.50
0.00 | 0.50
0.00 | 0.50
0.00 | 0.00
1.00 | 0.00
1.00 |
| Assistant Aquatics Coordinator | | | | | | |
| Assistant Civil Engineer (Reg) | 1.00 | 1.00 | 1.00 | 2.00 | 2.00 | 2.00 |
| Assistant Management Analyst | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Assistant Recreation Coordinator | 4.00 | 5.00 | 6.00 | 6.00 | 7.00 | 7.00 |
| Associate Civil Engineer | 2.00 | 2.00 | 2.00 | 3.00 | 3.00 | 3.00 |
| Associate Management Analyst | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Building Maintenance Mechanic | 9.00 | 9.00 | 9.00 | 9.00 | 9.00 | 9.00 |
| Building Maintenance Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Camps Manager | 0.75 | 1.00 | 1.00 | 2.00 | 2.00 | 2.00 |
| Capital Improvements Program Manager Deputy Director of Parks Recreation & | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Waterfront | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Director of Parks & Waterfront | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Forestry Climber | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Forestry Climber Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |

Page 82 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| (PARKS, RECREATION & | Actual | Actual | Actual | Adopted | Порозец | Порозец |
| WATERFRONT CONTINUED) | | | | | | |
| Forestry Technician | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Landscape Equipment Operator | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Landscape Gardener | 15.00 | 15.00 | 15.00 | 15.00 | 16.00 | 16.00 |
| Landscape Gardener Supervisor | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| Marina Assistant | 3.00 | 2.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Office Specialist II | 3.00 | 3.00 | 2.00 | 2.00 | 4.00 | 4.00 |
| Parks Superintendent | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Recreation & Youth Svcs Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Recreation Activity Leader | 8.25 | 7.25 | 5.75 | 5.75 | 3.75 | 3.75 |
| Recreation Coordinator | 5.00 | 5.00 | 6.00 | 6.00 | 5.00 | 5.00 |
| Recreation Program Supervisor | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Rosarian | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Building Maintenance Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Forestry Climber | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Senior Forestry Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Groundskeeper | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Landscape Gardener | 3.00 | 3.00 | 3.00 | 3.00 | 4.00 | 4.00 |
| Senior Landscape Gardener Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Management Analyst | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Sports Official | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Supervising Civil Engineer | 1.00 | 1.00 | 1.00 | 1.00 | 2.00 | 2.00 |
| Waterfront Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Waterfront Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Total Career Employees | 103.50 | 102.75 | 104.25 | 107.25 | 110.75 | 110.75 |
| Hourly Employees: | | | | | | |
| Aquatics Specialist I | 2.22 | 2.22 | 2.22 | 2.22 | 2.22 | 2.22 |
| Aquatics Specialist II | 4.02 | 4.02 | 4.02 | 4.02 | 4.02 | 4.02 |
| Assistant Aquatics Coordinator | 0.78 | 0.78 | 0.78 | 0.78 | 0.78 | 0.78 |
| Camp Maintenance Mechanic | 0.39 | 0.39 | 0.39 | 0.39 | 0.39 | 0.39 |
| Camp Medical Staff Member | 2.42 | 2.42 | 2.42 | 2.42 | 2.42 | 2.42 |
| Camp Staff Leader | 2.70 | 2.70 | 2.70 | 2.70 | 2.70 | 2.70 |
| Camp Staff Member | 2.62 | 2.62 | 2.62 | 2.62 | 2.62 | 2.62 |
| Camp Staff Supervisor | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 |
| Cashier Attendant | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 |
| Groundskeeper | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 | 0.73 |
| Office Specialist II | 0.19 | 0.73 | 0.19 | 0.19 | 0.19 | 0.19 |
| Playground Lead Trainee | 8.90 | 8.90 | 8.90 | 8.90 | 8.90 | 8.90 |
| Recreation Activity Leader | 22.12 | 22.12 | 22.12 | 22.12 | 22.12 | 22.12 |
| Senior Aquatics Specialist | 0.79 | 0.79 | 0.79 | 0.79 | 0.79 | 0.79 |
| Sports Field Monitor | 0.79 | 0.79 | 0.79 | 0.79 | 0.79 | 0.79 |
| Sports Official | 2.27 | 2.27 | 2.27 | 2.27 | 2.27 | 2.27 |
| Vegetation Reduction Supervisor | 0.29 | 0.29 | 0.29 | 0.29 | 0.29 | 0.29 |
| Total Hourly Employees | 52.62 | 52.62 | 52.62 | 52.62 | 52.62 | 52.62 |
| TOTAL PARKS REC & WATERFRONT | 156.12 | 155.37 | 156.87 | 159.87 | 163.37 | 163.37 |
| | | . 30.07 | . 50.07 | . 50.01 | . 55.57 | . 50.01 |

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|---|----------|---------|---------|---------|----------|----------|
| PLANNING & DEVELOPMENT DE | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| Career Employees: | FAITIMEN | • | | | | |
| Accounting Office Specialist II | 1.00 | 1.00 | 1.00 | 1.00 | 3.00 | 3.00 |
| Accounting Office Specialist III | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Administrative & Fiscal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative & riscal Services Manager Administrative Secretary | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Assistant Building & Safety Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Management Analyst | 2.00 | 2.00 | 1.00 | 2.00 | 2.00 | 2.00 |
| Assistant Inspector | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 |
| Assistant Planner | 6.00 | 6.00 | 6.00 | 6.00 | 7.00 | 7.00 |
| Associate Management Analyst | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Associate Planner | 6.00 | 6.00 | 6.00 | 5.00 | 5.00 | 5.00 |
| Building and Safety Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Building Inspector I (certified) | 2.00 | 2.00 | 2.00 | 4.00 | 2.00 | 2.00 |
| Building Inspector II | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Building Inspector II (certified) | 6.00 | 6.00 | 6.00 | 7.00 | 6.00 | 6.00 |
| Building Plans Engineer | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Building Plans Examiner | 3.00 | 4.00 | 4.00 | 2.00 | 2.94 | 2.94 |
| Community Services Specialist I | 1.60 | 2.20 | 1.60 | 1.35 | 2.00 | 2.00 |
| Community Services Specialist II | 0.00 | 0.00 | 2.75 | 3.75 | 3.75 | 3.75 |
| Community Services Specialist III | 2.70 | 2.70 | 2.85 | 2.85 | 2.80 | 2.80 |
| Deputy Director of Planning | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Director of Planning | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Energy Program Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Engineering Inspector | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Hazardous Material Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Hazardous Material Specialist I | 1.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Hazardous Material Specialist II | 3.00 | 4.00 | 4.00 | 4.00 | 3.00 | 3.00 |
| Housing Inspector I | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Housing Inspector II | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 |
| Housing Inspector (Certified) | 3.00 | 5.00 | 5.00 | 6.00 | 2.00 | 2.00 |
| Housing Inspector Supervisor | 1.00 | 1.00 | 1.00 | 2.00 | 2.00 | 2.00 |
| Land Use Planning Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist II | 5.50 | 6.50 | 7.50 | 7.50 | 7.75 | 7.75 |
| Office Specialist III | 2.00 | 2.00 | 2.00 | 3.00 | 3.00 | 3.00 |
| Office Specialist Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Permit Center Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Permit Specialist | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Planning Technician | 2.00 | 2.00 | 2.00 | 4.00 | 3.00 | 3.00 |
| Principal Planner | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Resilient Buildings Program Manager | 0.00 | 1.00 | 1.00 | 0.88 | 0.80 | 0.80 |
| Senior Building Inspector | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Building Plans Engineer | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Building Plans Examiner | 0.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Housing Inspector | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Senior Permit Specialist | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Planner | 3.00 | 5.00 | 5.00 | 5.00 | 6.00 | 6.00 |
| Supervising Building Inspector | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Total Career Employees | 84.80 | 93.40 | 94.70 | 100.33 | 101.04 | 103.04 |

Page 84 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|---|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| (PLANNING & DEVELOPMENT DEPARTMENT CONTINUED) Hourly Employees: | | | | | | |
| Intern | 10.00 | 10.00 | 10.00 | 10.00 | 10.00 | 10.00 |
| TOTAL PLANNING DEPARTMENT | 94.80 | 103.40 | 104.70 | 110.33 | 111.04 | 113.04 |
| POLICE DEPARTMENT | | | | | | |
| Career Employees: | | | | | | |
| Administrative & Fiscal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Assistant | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Management Analyst | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Communications Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Community Service Officer | 15.00 | 19.00 | 19.00 | 21.00 | 21.00 | 21.00 |
| Community Service Officer Supervisor | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Crime Analyst | 1.00 | 1.00 | 1.00 | 1.00 | 3.00 | 3.00 |
| Crime Scene Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist II | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| (POLICE DEPARTMENT CONTINUED) | | | | | | |
| Office Specialist III | 5.00 | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 |
| Office Specialist Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Parking Enforcement Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Parking Enforcement Officer | 21.00 | 21.00 | 21.00 | 21.00 | 21.00 | 21.00 |
| Parking Enforcement Supervisor | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Police Captain | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Police Chief | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Police Lieutenant | 9.00 | 9.00 | 9.00 | 9.00 | 9.00 | 9.00 |
| Police Officer* | 137.00 | 137.00 | 136.00 | 135.00 | 135.00 | 135.00 |
| Police Sergeant | 30.00 | 30.00 | 31.00 | 32.00 | 32.00 | 32.00 |
| Public Safety Dispatcher I & II | 28.00 | 28.00 | 28.00 | 28.00 | 28.00 | 28.00 |
| Supervising Public Safety Dispatcher | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Total Career Employees | 274.00 | 279.00 | 279.00 | 281.00 | 283.00 | 283.00 |
| Hourly Employees: | | | | | | |
| Juvenile Bureau Counselor | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 |
| Police Aide | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| School Crossing Guard | 3.70 | 3.70 | 3.70 | 4.70 | 4.70 | 4.70 |
| Total Hourly Employees: | 6.20 | 6.20 | 6.20 | 7.20 | 7.20 | 7.20 |
| TOTAL POLICE DEPARTMENT | 280.20 | 285.20 | 285.20 | 288.20 | 290.20 | 290.20 |
| POLICE REVIEW COMMISSION* | | | | | | |
| | 1.00 | 1.00 | 4.00 | 0.00 | 0.00 | 0.00 |
| Office Specialist III | | 1.00 | 1.00 | 0.00 | 0.00
0.00 | 0.00 |
| Police Review Commission Officer | 1.00
1.00 | | 1.00 | 0.00 | 0.00 | 0.00 |
| PRC Investigator | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| TOTAL POLICE REVIEW COMMISSION | 3.00 | 3.00 | 3.00 | 0.00 | 0.00 | 0.00 |

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|--|---------|---------|---------|---------|----------|----------|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| PUBLIC WORKS | | | | | | |
| Accounting Office Specialist II | 1.00 | 1.00 | 1.00 | 1.00 | 2.00 | 2.00 |
| Accounting Office Specialist III | 5.00 | 5.00 | 5.00 | 5.00 | 4.00 | 4.00 |
| Accounting Office Specialist Supervisor | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Administrative Assistant | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative & Fiscal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Secretary | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Architect | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Assistant Architect | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Assistant Civil Engineer (Reg) | 4.00 | 6.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| Assistant Management Analyst | 5.00 | 5.00 | 5.00 | 5.00 | 6.00 | 6.00 |
| Assistant Planner | 1.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Assistant Public Works Engineer | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Assistant Traffic Engineer | 1.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Associate Civil Engineer | 7.00 | 8.00 | 10.00 | 10.00 | 9.00 | 9.00 |
| Associate Management Analyst | 3.00 | 4.00 | 4.00 | 4.00 | 5.00 | 5.00 |
| Associate Planner | 1.60 | 2.00 | 2.00 | 2.00 | 3.00 | 3.00 |
| Associate Traffic Engineer | 1.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Building Maintenance Mechanic | 5.00 | 6.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| Building Maintenance Mechanic Trainee | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Building Maintenance Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Chief of Party | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Communications Technician | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Community Development Project Coord. | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Concrete Finisher | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Construction Equipment Operator | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Container Maintenance Welder | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Deputy Director of Public Works | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Deputy Director of Public Works Reg | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Director of Public Works | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Disability Services Specialist | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Drafting Aide | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 |
| Drafting Technician | 2.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Electrical Parts Technician | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 |
| Electrician | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 |
| Engineering Inspector | 7.00 | 8.00 | 8.00 | 9.00 | 9.00 | 9.00 |
| Environmental Compliance Specialist | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Equipment Superintendent | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Facilities Maintenance Superintendent | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Field Representative | 1.00 | 3.00 | 3.00 | 3.00 | 7.00 | 7.00 |
| Janitor | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 |
| Janitor Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Junior Public Works Engineer | 0.00 | 1.00 | 1.00 | 1.00 | 3.00 | 3.00 |
| Laborer | 20.00 | 21.00 | 21.00 | 21.00 | 20.00 | 20.00 |
| Lead Communication Technician | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Lead Electrician | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Manager of Engineering | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Mechanic | 8.00 | 8.00 | 8.00 | 8.00 | 8.00 | 8.00 |

Page 86 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| (PUBLIC WORKS CONTINUED) | 710000 | 710000 | 71000 | 710.0 | 11000000 | 110,0000 |
| Mechanic Lead | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Mechanic Supervisor | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Mechanical Sweeper Operator | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| Occupational Health & Safety Officer | 0.00 | 0.50 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist II | 3.00 | 3.00 | 3.00 | 3.00 | 5.00 | 5.00 |
| Office Specialist III | 3.00 | 4.00 | 4.00 | 4.00 | 3.00 | 3.00 |
| Parking Meter Maint & Collection Suprv | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Parking Meter Maintenance Worker | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 |
| Parking Meter Mechanic | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 |
| Parking Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Principal Planner | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Public Works Maintenance | | | | | | |
| Superintendent | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Public Works Operations Manager | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Public Works Supervisor | 6.00 | 6.00 | 6.00 | 5.00 | 6.00 | 6.00 |
| Recycling Program Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Building Inspector | 2.00 | 1.00 | 1.00 | 2.00 | 3.00 | 3.00 |
| Senior Building Maintenance Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 |
| Senior Drafting Technician | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Electrical Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Engineering Inspector | 0.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Senior Equipment Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Management Analyst | 3.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Senior Planner | 1.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Senior Public Works Supervisor | 2.00 | 2.00 | 2.00 | 3.00 | 3.00 | 3.00 |
| Senior Solid Waste Supervisor | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Service Technician | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Sewer Maintenance Assistant Supervisor | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 |
| Skilled Laborer | 15.00 | 17.00 | 17.00 | 17.00 | 21.00 | 21.00 |
| Solid Waste Loader Operator | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Solid Waste Supervisor | 3.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Solid Waste Truck Driver | 33.00 | 33.00 | 33.00 | 33.00 | 33.00 | 33.00 |
| Solid Waste Worker | 34.00 | 36.00 | 36.00 | 36.00 | 36.00 | 36.00 |
| Solid Waste/Recycling Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Supervising Civil Engineer | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Supervising Traffic Engineer | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Survey Technician | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Tractor Trailer Driver | 6.00 | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 |
| Traffic Engineering Assistant | 2.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Traffic Maintenance Supervisor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Traffic Maintenance Worker I | 3.00 | 3.00 | 3.00 | 3.00 | 4.00 | 4.00 |
| Traffic Maintenance Worker II | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Transportation Manager | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 |
| Warehouse Operations Specialist | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Weighmaster | 3.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Welder Mechanic | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| TOTAL PUBLIC WORKS | 300.60 | 320.50 | 322.00 | 323.00 | 337.00 | 337.00 |

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|------------------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| RENT STABILIZATION BOARD | | | | | | |
| Accounting Office Specialist III | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | 1.00 |
| Associate Management Analyst | 2.75 | 2.75 | 1.00 | 1.00 | 1.00 | 1.00 |
| Associate Planner | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Community Services Specialist II | 5.80 | 5.80 | 6.00 | 7.00 | 7.00 | 7.00 |
| Community Services Specialist III | 0.00 | 0.00 | 0.80 | 1.80 | 0.80 | 0.80 |
| Deputy Director Rent Stabilization | | | | | | |
| Program | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 |
| General Counsel | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Executive Director Rent Board | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Hearing Examiner | 2.00 | 2.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Legal Secretary | 0.00 | 0.00 | 0.80 | 1.00 | 1.00 | 1.00 |
| Office Specialist II | 3.80 | 3.80 | 4.00 | 4.00 | 4.00 | 4.00 |
| Office Specialist III | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Hearing Examiner | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Legal Secretary | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Senior Management Analyst | 0.00 | 0.00 | 0.75 | 0.75 | 0.75 | 0.75 |
| Senior Planner | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Staff Attorney II | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Staff Attorney III | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| TOTAL RENT STABILIZATION BOARD | 22.35 | 22.35 | 22.35 | 24.55 | 23.55 | 23.55 |

| TOTAL AUTHORIZED FTEs | 1.559.85 | 1.619.05 | 1.638.80 | 1.660.13 | 1,735.09 | 1.737.09 |
|------------------------------|----------|----------|----------|----------|---|----------|
| 101/12 / 101110111EED 1 1 E0 | .,000.00 | .,0.0.00 | .,000.00 | .,0000 | .,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | ., |

^{*}Police Review Commission has become the Office of the Director of Police Accountability in FY 2022.

Page 88 of 410

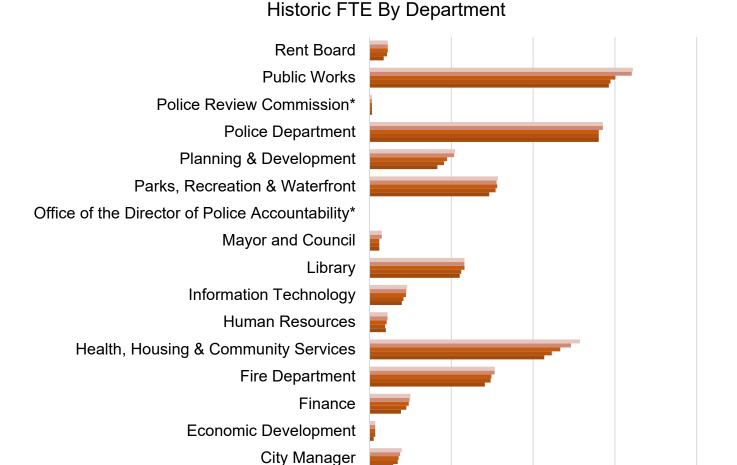
STAFFING TABLE 2:

| | FY 2017
Actual | FY 2018
Actual | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| City Attorney | 13.00 | 13.00 | 13.00 | 15.00 | 15.00 | 15.00 | 15.00 | 15.00 |
| City Auditor | 13.50 | 13.50 | 13.50 | 13.50 | 13.75 | 13.50 | 14.75 | 14.75 |
| City Clerk | 9.78 | 9.47 | 10.00 | 10.00 | 10.00 | 10.00 | 10.00 | 10.00 |
| City Manager | 29.00 | 34.50 | 35.50 | 37.50 | 39.50 | 40.50 | 40.50 | 40.50 |
| Economic Development | 5.00 | 7.00 | 7.00 | 7.00 | 7.00 | 7.00 | 8.00 | 8.00 |
| Finance | 38.50 | 45.00 | 48.00 | 49.00 | 50.00 | 51.00 | 53.00 | 53.00 |
| Fire Department | 141.00 | 148.00 | 149.00 | 153.00 | 153.00 | 153.00 | 202.00 | 202.00 |
| Health, Housing & Community Services | 213.63 | 222.88 | 233.18 | 246.18 | 257.38 | 260.58 | 262.58 | 262.58 |
| Human Resources | 20.00 | 19.00 | 21.00 | 22.00 | 22.00 | 22.00 | 22.00 | 22.00 |
| Information Technology | 39.50 | 41.50 | 44.50 | 45.00 | 46.00 | 47.00 | 48.00 | 48.00 |
| Library | 110.28 | 112.10 | 116.10 | 116.05 | 116.05 | 115.60 | 115.10 | 115.10 |
| Mayor and Council | 12.00 | 12.00 | 12.00 | 15.00 | 15.00 | 15.00 | 15.00 | 15.00 |
| Office of the Director of Police Accountability* | | | | | | 4.00 | 4.00 | 4.00 |
| Parks, Recreation & Waterfront | 146.35 | 154.12 | 156.12 | 155.37 | 156.87 | 159.87 | 163.37 | 163.37 |
| Planning & Development | 82.95 | 91.08 | 94.80 | 103.40 | 104.70 | 110.33 | 111.04 | 113.04 |
| Police Department | 280.20 | 280.20 | 280.20 | 285.20 | 285.20 | 288.20 | 290.20 | 290.20 |
| Police Review Commission* | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 0.00 | 0.00 | 0.00 |
| Public Works | 292.60 | 294.60 | 300.60 | 320.50 | 322.00 | 323.00 | 337.00 | 337.00 |
| Rent Board | 17.35 | 21.35 | 22.35 | 22.35 | 22.35 | 24.55 | 23.55 | 23.55 |
| Full Time Equivalent Employee (FTE) Total | 1467.64 | 1522.30 | 1,559.85 | 1,619.05 | 1,638.80 | 1,660.13 | 1,735.09 | 1,737.09 |

^{*}Police Review Commission has become the Office of the Director of Police Accountability in FY 2022.

Note: FY 23 & 24 staffing does not include recommended Tier 1 positions at this time.

Public Works, Police, and Health Housing & Community Services are the top three departments with the highest number of employees. The overall staffing level has a steady incline ranging from 1.22% to 4.52% per fiscal year since 2017.



City Clerk

City Auditor

City Attorney

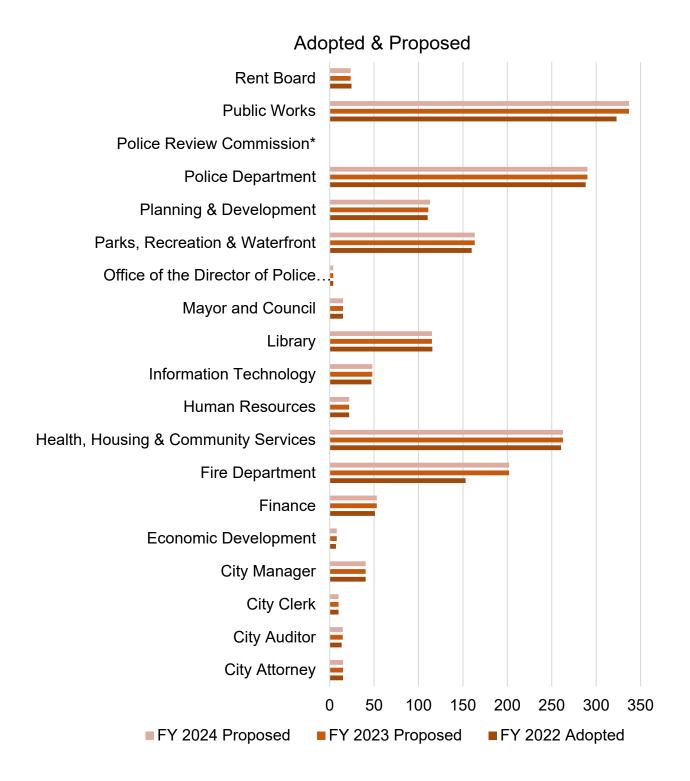
73

■ FY 2021 Actual ■ FY 2020 Actual ■ FY 2019 Actual ■ FY 2018 Actual ■ FY 2017 Actual

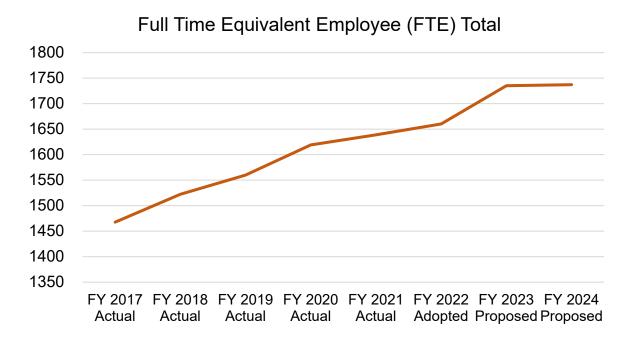
100

200

300



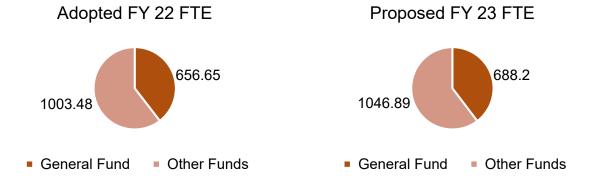
The line chart denotes the over-all staffing trend from FY 2017. Staffing is projected to increase overtime. The primary driver of growth in FY 2022 to FY 2023 is from Fire Department and Public Works Department, with the addition of 49 positions and 14 positions respectively. This increase in staffing is for service enhancements and effectual new program and project implementations.



As mentioned, the following table represents the proposed staffing by funding source. Approximately 40% of the total positions in FY 2023 and 2024 are funded by General Fund and 60% from all other funds. The portion of funding allocation is almost similar compared to the FY 2022 Adopted Budget as indicated in the chart.

Staffing Table 3: Fiscal Year 2023 and 2024 Proposed Staffing by Funding Source

| | FY 2023
Total
FTE | FY 2023
General
Fund
FTE | FY 2023
All
Other
Funds
FTE | FY 2024
Total
FTE | FY 2024
General
Fund
FTE | FY 2024
All
Other
Funds
FTE |
|--------------------|-------------------------|-----------------------------------|---|-------------------------|-----------------------------------|---|
| City Attorney | 15.00 | 13.75 | 1.25 | 15.00 | 13.75 | 1.25 |
| City Auditor | 14.75 | 14.00 | 0.75 | 14.75 | 14.00 | 0.75 |
| City Clerk | 10.00 | 9.43 | 0.57 | 10.00 | 9.43 | 0.57 |
| City Manager | 40.50 | 39.50 | 1.00 | 40.50 | 39.50 | 1.00 |
| Economic | 8.00 | 7.19 | 0.81 | 8.00 | 7.19 | 0.81 |
| Development | | | | | | |
| Finance | 53.00 | 43.00 | 10.00 | 53.00 | 43.00 | 10.00 |
| Fire Department | 202.00 | 128.51 | 73.49 | 202.00 | 128.51 | 73.49 |
| Health, Housing & | 262.58 | 76.76 | 185.82 | 262.58 | 76.76 | 185.82 |
| Community | | | | | | |
| Services | | | | | | |
| Human Resources | 22.00 | 13.70 | 8.30 | 22.00 | 13.70 | 8.30 |
| Information | 48.00 | 0.00 | 48.00 | 48.00 | 0.00 | 48.00 |
| Technology | | | | | | |
| Library | 115.10 | 0.00 | 115.10 | 115.10 | 0.00 | 115.10 |
| Mayor and Council | 15.00 | 15.00 | 0.00 | 15.00 | 15.00 | 0.00 |
| Office of the | 4.00 | 4.00 | 0.00 | 4.00 | 4.00 | 0.00 |
| Director of Police | | | | | | |
| Accountability | 100.07 | 0.4.00 | 400.74 | 400.07 | 0.4.00 | 100 74 |
| Parks, Recreation | 163.37 | 24.63 | 138.74 | 163.37 | 24.63 | 138.74 |
| & Waterfront | 444.04 | 4474 | 00.00 | 440.04 | 4474 | 00.00 |
| Planning & | 111.04 | 14.74 | 96.30 | 113.04 | 14.74 | 98.30 |
| Development | 200 20 | 202.00 | 07.00 | 200 20 | 202.00 | 07.00 |
| Police Department | 290.20 | 263.00 | 27.20 | 290.20 | 263.00 | 27.20 |
| Public Works | 337.00 | 20.99 | 316.01 | 337.00 | 20.99 | 316.01 |
| Rent Board | 23.55 | 0.00 | 23.55 | 23.55 | 0.00 | 23.55 |
| Total | 1735.09 | 688.20 | 1046.89 | 1737.09 | 688.20 | 1048.89 |



DEPARTMENT BUDGETS

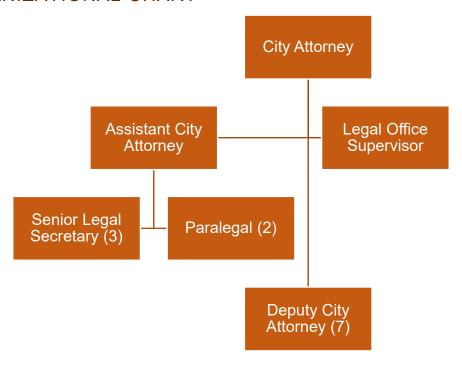
This section contains a summary for various City departments and other public entities, including the Berkeley Public Library and the Rent Stabilization Board. Each narrative includes a mission statement; an overview of the organizational structure and core services provided; a financial summary illustrates expenditures by type, by division, and by funding source; strategic plan priorities; anticipated challenges in the upcoming fiscal years; accomplishments achieved in the current fiscal year and highlights of significant changes from the prior year's budget.

CITY ATTORNEY'S OFFICE

MISSION STATEMENT

The mission of the City Attorney's Office is to provide the City with the highest caliber legal services and advice and to protect and advance the interests of this dynamic City by all legal and ethical means.

ORGANIZATIONAL CHART



CITY ATTORNEY'S OFFICE OVERVIEW

The City Attorney's Office provides legal advice and support to the entire City, including the City Council, City Manager, all City Departments, as well as appointed City Boards and Commissions. In addition, the City Attorney's Office:

- Supports the City in its legislative and policy efforts;
- Responds to claims and represents the City in a wide array of litigation;
- Brings litigation on behalf of the City to protect the City's interests;
- Drafts and/or reviews contracts, leases, ordinances, and resolutions;
- Provides advice and legal analysis regarding ballot measures;
- Provides legal support to the City's response to the COVID-19 pandemic;
- Provides legal support to City affordable housing programs;

Page 95 of 410

- Supports City staff in enforcement of the City's laws and regulations;
- Supports the City in land use and development efforts and modernizing its planning and zoning framework;
- Supports infrastructure projects and economic development efforts;
- Responds to Public Records Act (PRA) requests on behalf of the City Council, as well as coordinating responses to PRA requests that involve multiple departments;
- Staffs the Fair Campaign Practices Commission and the Open Government Commission;
- Provides support to the City's Independent Redistricting Commission
- Provides support to the Police Accountability Board and the Reimagining Public Safety Task Force;
- Acts as the Risk Manager for the City; and
- Provides training to City staff, City Council, and City Boards and Commissions on a range of legal issues, including the Brown Act, the Public Records Act, California Environmental Quality Act (CEQA), and conflicts of interest.

CITY ATTORNEY'S OFFICE FINANCIAL SUMMARY

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|---------------------------------------|--------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| EXPENDITURES | | | | | | · |
| By Type: Salaries and Benefits | | | | | | |
| Services and Materials | 2,555,631 | 2,162,620 | 2,615,730 | 3,471,032 | 3,974,284 | 4,043,357 |
| Capital Outlay | 2,677,046
3,199 | 2,174,097 | 3,379,051 | 3,569,479
4,790 | 3,595,679
4,790 | 3,595,679
4,790 |
| Internal Services | 92,461 | 219,260 | 219,586 | 232,795 | 232,795 | 232,795 |
| Indirect Cost Transfer | 5,213 | ·
 | ·
 | | | · |
| | 5,333,550 | 4,555,976 | 6,214,367 | 7,278,096 | 7,807,548 | 7,876,621 |
| By Division: Administration | | | | | | |
| | 432,164 | 580,347 | 606,870 | 589,939 | 699,497 | 706,117 |
| Legal Advice & Litigation | 4,901,386 | 3,975,629 | 5,607,497 | 6,688,157 | 7,108,051 | 7,170,504 |
| | 5,333,550 | 4,555,976 | 6,214,367 | 7,278,096 | 7,807,548 | 7,876,621 |
| By Fund:
General Fund | | | | | | |
| | 2,181,489 | 2,217,772 | 2,762,048 | 3,434,164 | 4,010,250 | 4,065,279 |
| Public Liability | 3,022,668 | 2,338,204 | 3,310,972 | 3,843,932 | 3,797,298 | 3,811,342 |
| Other | 129,393 | | 143,347 | | | |
| | 5,333,550 | 4,555,976 | 6,216,367 | 7,278,096 | 7,807,548 | 7,876,621 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

The City Attorney's Office has no Strategic Plan Projects and Programs in FY 23 - 24 where it serves as the lead department; however, the office serves as a support department to most projects by providing legal advice, review, and defense.

CHALLENGES

The City Attorney's Office's challenges/opportunities include:

- Increased Need to Support New Policy Initiatives: The City Council created a set of Policy Committees to help navigate new policy initiatives. The City Attorney staffs these meetings routinely and plays a central role in providing legal advice throughout the legislative process. The number and complexity of new ordinances and other policy initiatives by the City Council or by City Boards or Commissions require significant City Attorney staff time to assist with drafting legislation and navigating legal issues. The propensity of the City Council to pursue groundbreaking, innovative legislation requires significant research and analysis prior to the adoption of the legislation, and the City Attorney's Office is also responsible for defending legal challenges to the legislation.
- Increasing Number of Complex Litigation Matters: An evolving legal landscape and the need to support City Council and staff priorities has resulted in an increasing number of complex litigations being handled by the City Attorney's Office. The City is also pursuing a number of initiatives proactively and has filed affirmative lawsuits to protect the City's interests. The prosecution and defense of these lawsuits requires additional resources and time for the legal staff. In addition, City Attorney staff has been heavily involved in navigating the legal issues surrounding the new UC Berkeley Long Range Development Plan.
- Substantially Increased Volume of Public Records Act Requests: The number
 and scope of Public Records Act requests fielded by the City Attorney's Office has
 generally increased over the past seven years, with a substantial uptick in 2021 and
 2022. Responding to these requests increasingly calls for the review and production
 of voluminous electronic records. With the advent of new Police Record Disclosure
 Laws, there is a new body of work that the City Attorney's Office is supporting that
 did not exist previously.

ACCOMPLISHMENTS

Highlights of recent City Attorney's Office accomplishments include:

• Continued to support the City's COVID-19 Response: The City Attorney's Office continued to support the City's wide-ranging efforts to deal with the COVID-19

response, including through implementation of both a vaccine verification requirement for local businesses, and a vaccination mandate for City employees. In addition, the City Attorney's Office remained integrated into the City's Emergency Operation Center and provided daily support for the City's COVID-19 response. The Office drafted Health Officer orders necessary to respond to the COVID-19 emergency, provided legal support for the public health response to serious outbreaks of COVID-19, and supported the Health Officer in issuing timely orders that responded to the changing conditions of the pandemic.

- Supported major projects such as the Bayer Development Agreement and settlement with the University of California over its Long-Range Development Plan: Bayer will contribute \$33 million in community benefits over the course of a 30year development agreement for their West Berkeley facilities. The University will provide \$84 million to defray costs incurred by the City associated with the campus through 2036. The University will also provide significant services for the unhoused population near People's Park.
- Supported the City's Efforts to Reimagine Public Safety: The City Attorney's
 Office partnered with the City Manager's Office, the Police Advisory Board, the
 Reimagining Public Safety Task Force, and others to begin implementing the
 Council's vision of a comprehensive new approach to public safety, including a new
 Use of Force policy.
- Public Records Act Modernization and Accountability: The City Attorney's Office responded directly to over 130 Public Records Act (PRA) requests and provided support and training to City departments on a wide array of PRA issues, including a comprehensive update of the City's Public Records Act policy. The Office supported the migration of the City's PRA response workflow to the NextRequest platform. The Office responded to and provided support to City departments for a variety of complex, high-profile requests, including requests from the Police Department and requests relating to the City's COVID-19 response.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The FY 23 baseline budget increases by \$529,452, or 7.27% over the FY 22 Adopted Budget of \$7.8 million. This is primarily due to an increase of \$503,252 in salaries and benefit costs.

The City Attorney's Office is asking for two new positions to support the City's ongoing and growing legal and administrative work as well as funding for case management software and office modernization.

CITY AUDITOR'S OFFICE

MISSION STATEMENT

The mission of the City Auditor's Office is to promote transparency and accountability in Berkeley government. Integrity, independence, impact, and inclusion are core tenets of our operations. Those values ensure the Office conducts its audits with the interest of the Berkeley community in mind to provide a fair, balanced, and objective opinion on the status of the City operations being audited.

ORGANIZATIONAL CHART



CITY AUDITOR'S OFFICE OVERVIEW

The City Auditor is an elected official who serves the residents of Berkeley. The City Charter and Berkeley Municipal Code provide the City Auditor's Office the authority and responsibility for conducting performance, financial, and compliance audits, and monitoring citywide payroll operations to ensure payroll transactions are processed accurately and timely. The City Auditor's Office plays a vital role in ensuring taxpayer money is spent efficiently, economically, effectively, and equitably, and for examining payroll for compliance with employee compensation policies, laws, and regulations.

The City of Berkeley Auditor's Office is divided into two divisions, performance audit and payroll audit:

Performance Audit Division: The performance audit division focuses on assessing
City activities and making recommendations to the City Council and City Manager on
how to improve program performance. Other services include publicly reporting audit

Page 100 of 410

- results and reporting on management's progress implementing audit recommendations or any hindrances to implementation.
- **Payroll Audit Division**: The payroll audit division coordinates and monitors certain portions of the Citywide payroll operations, including assisting management with compliance on federal, state, and local tax and labor laws. While decisions about pay are not within the purview of this office, consistent review of various parts of the City payroll system helps prevent fraud and address incorrect payments.

Page 101 of 410

CITY AUDITOR'S OFFICE FINANCIAL SUMMARY

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|-----------------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| EXPENDITURES | | | | | | |
| By Type:
Salaries and Benefits | | | | | | |
| | 2,259,727 | 2,240,439 | 2,227,535 | 2,503,968 | 2,796,961 | 2,820,447 |
| Services and Supplies | 62,052 | 60,455 | 68,948 | 70,833 | 72,385 | 72,385 |
| Capital Outlay | | | | 5,603 | 4,051 | 4,051 |
| Internal Services | 94,910 | 226,231 | 229,599 | 225,479 | 227,979 | 227,979 |
| Indirect Cost Transfer | | | | | | , |
| | 2,416,689 | 2,527,125 | 2,526,081 | 2,805,883 | 3,101,376 | 3,124,862 |
| By Division: Administration | | | | | | |
| | 406,905 | 496,512 | 505,804 | 509,508 | 672,904 | 682,754 |
| General Audit | 930,332 | 940,218 | 997,583 | 1,078,198 | 975,422 | 972,747 |
| Payroll Audit | 1,079,453 | 1,090,395 | 1,022,695 | 1,218,177 | 1,453,050 | 1,469,361 |
| | 2,416,689 | 2,527,125 | 2,526,081 | 2,805,883 | 3,101,376 | 3,124,862 |
| By Fund:
General Fund | | | | | | |
| Workers' | 2,266,839 | 2,432,086 | 2,467,028 | 2,705,379 | 3,006,058 | 3,026,481 |
| Compensation | 149,850 | 95,039 | 59,054 | 100,504 | 95,318 | 98,381 |
| | 2,416,689 | 2,527,125 | 2,526,081 | 2,805,883 | 3,101,376 | 3,124,862 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

The City Auditor operates as an independent elected office to fulfill the responsibilities established in the City Charter to conduct performance and financial audits or special studies of any phases of the City of Berkeley government in accordance with government auditing standards. While the performance audit and payroll audit divisions consider the Strategic Plan, the City Auditor creates an independent internal work plan based on risks and input from stakeholders, including community input, in fulfilling its charter mandated responsibilities.

PERFORMANCE MEASURES SUMMARY

The below table summarizes the City Auditor's Office performance measures.

| Measure | Description | Target | Actual | Tracking |
|---|---|----------|--|------------------|
| Reports issued | Count of total reports (i.e., audit, informational, report on follow-ups) | n/a³ | 3 reports | n/a |
| Recommendations issued | Count of all issued recommendations; count of recommendations by type | n/a | 14 recommendations:2 Transparency & Accountability6 Efficiency & Effectiveness6 Internal Controls | n/a |
| Accurate, correct paychecks | Number of accurate and correct paychecks | 99% | 99.3% accuracy with
implementation of new payroll
system | • |
| Corrections made to personnel actions (PAs) | Number of PAs in which Payroll Audit identified and corrected errors | \ | • 97% (calendar year 2021) | n/a ⁴ |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

Not meeting target

³ The number of reports and recommendations issued varies depending on capacity, need and issue being addressed.

⁴ 97% of audited PAs had errors that Payroll Audit identified and corrected. Payroll Audit continues to work with the Human Resources Department to improve the accuracy of PAs submitted to Payroll Audit. Additionally, as described elsewhere, the City Auditor is seeking additional staffing to help with corrections until accuracy improves.

CHALLENGES

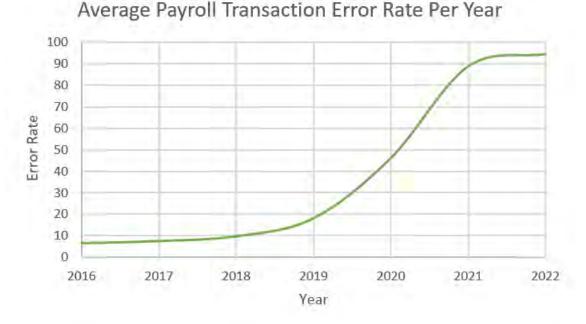
The City Auditor's Office challenges include:

- COVID-19 Pandemic: The Auditor's Office had to shift priorities due to the City's
 focus on the pandemic response. Certain functions were put on hold during the
 pandemic, including following up with City departments on outstanding audit
 recommendations. Challenges in the upcoming budget cycle will include
 reimplementing these functions and working with departments to address overdue
 audit recommendations.
- Employee Self Service and ExecuTime: The Payroll Audit Division will work with City management, including the Information Technology Department and Human Resources (HR) to roll out the Employee Self Service (ESS) portal. Employees will be able to change their tax withholdings and print copies of their paystubs and W-2 forms using this system. Payroll audit will also play a critical role in implementing ExecuTime. The ExecuTime System will improve productivity and efficiency by reducing the risk of erroneous time entries and preventing fraud and improper payments. The payroll audit division may experience challenges managing logistical issues and troubleshooting errors during implementation. Payroll audit will be ready to assist during this process dependent on City management's timeline to ensure a smooth transition.
- **ERMA**⁵ **Implementation**: The Payroll Audit Division has faced continued challenges in managing the transition from FUND\$⁶ to the ERMA system. Payroll Audit has needed to troubleshoot logistical issues and answer user questions. The new system has additionally contributed to higher payroll error rates. While payroll errors from across departments are expected with the implementation of a new system, payroll audit has had to spend more time auditing payroll transactions and correcting errors. Payroll Audit has also increased its time in providing information and assistance to city management in resolving ERMA implementation challenges. Moving forward, Payroll Audit will continue to monitor system implementation and respond to any challenges that arise.
- HR Payroll Transaction Error Rate: The Payroll Audit Division has dealt with an increase in errors from HR payroll transactions. Payroll Audit reviews these HR transactions and corrects any errors to ensure city employees receive accurate payments. The error rate has increased over time, from an average of 6.7 percent in 2016 to 94.5 percent in 2022. Since March 2021, the error rate has been over 85

⁵ The City's new enterprise resource planning (ERP) software, referred to as ERMA (Enterprise Resource Management Application).

⁶ The City's legacy enterprise resource planning (ERP) software, referred to as FUND\$ (Financial Utility Network Data \$ystem).

percent for all transactions. The following graphic demonstrates the yearly change in average error rate across all transactions:



The increase in the error rate places a greater burden on the Payroll Audit Division, and requires more time and resources to catch and correct errors.

ACCOMPLISHMENTS

Highlights of the City Auditor's Office accomplishments include:

- Performance Audit Division: The Performance Audit Division won the 2020
 Exemplary Knighton Award in the Small Shop Category from the Association of Local Government Auditors (ALGA) Awards Program Committee for the audit titled Rocky Road: Berkeley Streets at Risk and Significantly Underfunded. This was awarded on April 8, 2021. Performance Audit has also made strides in increasing the accessibility of its work by translating its report highlights pages into Spanish. The Auditor's Office continues to prioritize the accessibility and transparency of its audits.
- Payroll Audit Division: The Payroll Audit Division assisted in the implementation of ERMA, the new Windows-based payroll system that allows for modernized payroll operations. In 2021, the first year of operation, Payroll Audit devoted many weekly hours to troubleshooting bugs, streamlining processes, and assisting City management in resolving issues. This process will continue as the Division learns more about the new system's functionalities.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The FY 23 baseline budget increases by \$295,493, or 10.53% over the FY 22 Adopted Budget of \$3.1 million. This is primarily due to an increase of \$292,993 in salaries and benefit costs.

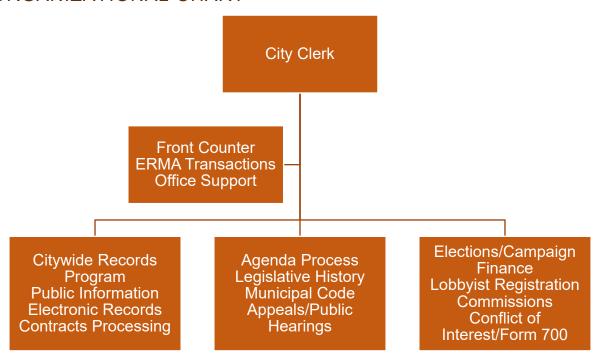
The Auditor's Office is requesting a few primary changes to the departmental budget: one position increase in payroll audit from 50 percent to 75 percent; one temporary Auditor II staff position; and an increase in the overtime budget for the Payroll Audit Division' and a 2-year temporary auditor position to work on ERMA implementation issues. These changes are necessary due to the change from the FUND\$ financial system to the ERMA financial system. The ERMA system requires more data entry into the system than in FUND\$, therefore, it requires more time to audit personnel actions (PAs).

CITY CLERK DEPARTMENT

MISSION STATEMENT

The City Clerk Department provides Citywide oversight for legislative proceedings of the City Council and its committees. As the Elections Official and Filing Officer, the City Clerk administers municipal elections, campaign finance, and conflict of interest regulations. As the Records Manager, the Department administers the Citywide Records Management Program to maintain the integrity of documented actions of the legislative bodies, and accessibility to the public. The Department performs all mandated functions under the United States Constitution, the Constitution of the State of California, State Codes, the Charter of the City of Berkeley, and the Berkeley Municipal Code.

ORGANIZATIONAL CHART



CITY CLERK DEPARTMENT

The City Clerk Department delivers the following services:

 City Council and Commission Support: City Clerk staff prepares the agendas, agenda packets, minutes, and legal notices for the City Council, the Successor Agency to the Redevelopment Agency, and the Joint Powers Financing Authority, and provides for the captioning and indexing of meeting video streams. The City Clerk Department also provides support to all six City Council Policy Committees and completes the necessary arrangements to ensure an effective meeting. The City Clerk administers the commission appointment process, maintains the information regarding the commission rules and regulations, and serves as an advisor for commission secretaries.

- Legislative History: The City Clerk facilitates, manages, and supports the meetings
 of the City Council, the Successor Agency to the Redevelopment Agency, the Joint
 Powers Financing Authority, and Council Policy Committees, and maintains the
 legislative history of the City (i.e., ordinances, resolutions, minutes), including the
 Charter and the Municipal Code.
- Public Information and Records: The Department provides general information
 and services to the public including: 1) administration of the Domestic Partnership
 Registry; 2) codification of the Municipal Code; and 3) access to public information
 and records. Members of the public are welcome to visit the City Clerk Department
 to research and review legislative actions, candidate and ballot measure information,
 campaign and conflict of interest filings, registered lobbyists disclosure statements,
 and other public information. City Clerk staff maintains a broad range of information
 on the City's website at https://berkeleyca.gov/your-government/about-us/departments/city-clerk-department.

The Department also maintains the Records Online public access portal. This portal provides the public with quick and easy access to vital City records such as minutes, ordinances, resolutions, staff reports, election information, and contracts.

- Citywide Records Management: The City Clerk is the Custodian of Records for the
 City and as such, administers the Citywide Records Program, prepares and
 maintains the City's Records Retention Schedule and provides education to
 departments on the principles of records management and industry best practices by
 providing trainings, guidance, and advice as needed. The City Clerk contracts with
 an off-site records storage facility where 11,000 boxes of City records are stored.
 The Department is responsible for managing the storage, retrieval, retention, and
 authorized destruction of all official City records.
- Campaign and Conflict Law: The City Clerk is the local Filing Officer for the State
 of California. The City Clerk maintains regulations and forms under the State's
 Political Reform Act, Berkeley's Election Reform Act and Lobbyist Registration Act,
 and the Berkeley public financing ordinance. All local campaign committees are
 required to file campaign statements with the City Clerk. All designated employees,
 elected officials and appointed commissioners are required to file conflict of interest
 statements with the City Clerk.
- Elections: The City Clerk is the Elections Official and administers the City's regular and special municipal elections in accordance with state and local laws including: 1)

Page 109 of 410

the nomination process for candidates for Mayor, Council, Auditor, Rent Board, and School Board; 2) processing and managing the initiative, referendum, and recall petitions; 3) ballot measure argument filing; 4) coordination with the Alameda County Registrar of Voters for regular and special elections services; and 5) ensuring transparency, accessibility, and equity in the public's engagement with the municipal election process.

The City Clerk is the Charter-designated secretary for the Independent Redistricting Commission, a 13-member commission tasked with redrawing the Council district boundaries after each decennial census.

CITY CLERK DEPARTMENT FINANCIAL SUMMARY

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| EXPENDITURES | | | | | | |
| By Type:
Salaries and Benefits | | | | | | |
| Services and Materials | 1,559,308 | 1,529,902 | 1,672,456 | 1,631,778 | 1,811,749 | 1,877,785 |
| Capital Outlay | 1,001,296 | 351,865
4,097 | 1,340,663 | 1,066,477 | 1,180,477 | 1,180,477 |
| Internal Services | | 4,007 | | 25,390 | 25,390 | 25,390 |
| | 82,882 | 183,877 | 181,085 | 178,094 | 178,094 | 178,094 |
| Indirect Cost Transfer | | | | | | |
| | 2,643,486 | 2,069,740 | 3,194,204 | 2,901,739 | 3,195,710 | 3,261,746 |
| By Division: City Clerk Administration | | 181 | 75 | | | |
| | 124 | 101 | 73 | | | |
| Operations | 1,086,592 | 1,195,180 | 1,242,529 | 1,231,243 | 2,179,090 | 2,242,175 |
| Records Management | 442,543 | 479,525 | 459,841 | 576,543 | 133,600 | 133,600 |
| Elections | 1,114,226 | 394,855 | 1,491,759 | 1,093,953 | 883,020 | 885,971 |
| | 2,643,486 | 2,069,740 | 3,194,204 | 2,901,739 | 3,195,710 | 3,261,746 |
| By Fund: | | | | | | |
| General Fund | 2,643,486 | 2,069,740 | 2,832,552 | 2,396,737 | 2,684,842 | 2,747,927 |
| Fair Elections | | | 361,652 | 505,002 | 510,868 | 513,819 |
| | 2,643,486 | 2,069,740 | 3,194,204 | 2,901,739 | 3,195,710 | 3,261,746 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------------------|---|---|----------------------|--------------------|--------------------------------------|
| Provide an efficient and financially healthy City government | Finance,
Information
Technology | Citywide
Contract
Creation and
Approval
Paperless
Workflow | Implement a new paperless system for the compiling, routing, approval, and retention of city contracts. | 7/22-6/23 | New | \$150,000
(requesting
funding) |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the City Clerk Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|---|--|------------------|-----------|----------|
| Number of City Council legislative items collated, tracked per agenda and minutes | Count of items per meeting (from meeting agenda plus any added items reflected in minutes) | n/a ⁷ | 807 items | n/a |
| Number of Policy Committee
legislative items collated, tracked
per agenda and minutes | Count of items per meeting (from meeting agenda plus any added items reflected in minutes); the same items | n/a | 545 items | n/a |

⁷ There are no "targets" for the City Clerk's Office, as their numbers are directly dependent on the amount of City Council activity in a given year.

Page 112 of 410

| Measure | Description | Target | Actual | Tracking |
|--|--|--------|--|----------|
| | appear on multiple agendas and must
be processed and compiled anew for
each meeting (including amendments
and revised versions) | | | |
| Number of records indexed in the public portal | Count of records indexed to the portal | n/a | 2,570 records | n/a |
| Number of City Council meetings
and Policy Committee meetings
administered | Total count of City Council and Policy
Committee meetings | n/a | 170 meetings | n/a |
| Number of disclosures processed | Count of campaign finance filings, lobbyist disclosures, and Form 700 filings | n/a | 208 campaign finance filings 126 lobbyist disclosures 1,203 Form 700 filings | n/a |
| Number of communications the City Clerk receives | Count of communications | n/a | 4,086 communications | n/a |

CHALLENGES

City Clerk Department challenges include:

- Election Cost Uncertainty: The City relies on the Alameda County Registrar of
 Voters to provide election services to the city for regular election activities as well as
 the additional cost of Ranked-Choice Voting. Election services have seen a steep
 increase since 2018, with the City's first million-dollar election in 2020. It is uncertain
 at this time how recent state mandates and the pandemic will affect election costs on
 an ongoing basis. The billable costs of the November 2022 election should provide a
 more stable baseline for election cost allocations in future years.
- **New Mandated Programs:** Four new mandated programs, the Public Financing Program (2016 & 2021), Lobbyist Registration (2019), City Council Policy Committees (2019), and Redistricting Commission (2020), have added significant demands to the staffing capacity of the City Clerk Department. The added time demands for the mandated programs has resulted in a decreased level of service to customers in the regulated community. For example, the Department is not able to offer the same level of assistance to campaign committee treasurers as was possible in past elections. Instead of being able to work with treasurers to troubleshoot issues and find solutions to inquiries, staff must only direct treasurers to the controlling regulation in order to be able to meet all competing demands. In 2021, the Public Financing Program was expanded to allow candidates for Auditor, Rent Board, and School Board to participate in the public funds matching scheme. This will place additional demands on staff time to review and process paperwork and matching funds requests from the newly added offices. The amount of funds allocated from the Fair Elections Fund is capped in the City Charter, so no new funds can be allocated from the Fund for administrative costs.
- Continuous Demands for Increased Technology Services: The City Clerk
 Department relies heavily on external software to automate processes and also has
 a high demand for service from the Department of Information Technology.

ACCOMPLISHMENTS

Highlights of recent City Clerk Department accomplishments include:

Administration of the 2021-2022 Redistricting Process: The City Clerk
Department was the primary support department for the Independent Redistricting
Commission. The Commission process started in September of 2020 and concluded
in May of 2022. The City Clerk supported all aspects of the Commission - staffing 31
meetings, conducting virtual and in-person outreach activities, assisting with map
drafting, compiling and publishing 80 Community of Interest Forms and 270 written

- communications, coordinating with professional consultants, the City Attorney, IT, and mapping software vendors. The process was completed on-time and within budget during the pandemic and on a compressed timeline to meet the deadline to use the new districts in the 2022 election.
- Development and Testing of Hybrid Meeting Procedures: The City Clerk
 Department has researched, developed, tested, and refined procedures and
 technology needs for the conduct of "hybrid" meetings of legislative bodies. Two
 successful test meetings were conducted at the Berkeley Unified School District
 Boardroom in preparation for the return to in-person meetings later in May 2022.
- Enhancements and Upgrade to Commissioner Tracking Software: City Clerk staff collaborated with the IT Department and outside consultants to significantly upgrade the Commissioner Tracking System (CTS) to replace outdated legacy databases and ensure the continued reliability and accuracy of commissioner data. The CTS database is an essential system that is used every day to track and report on commissioner appointments, resignations, leaves of absences, temporary appointments, mandated filings, and term limits for the City's 300 volunteer commissioners.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

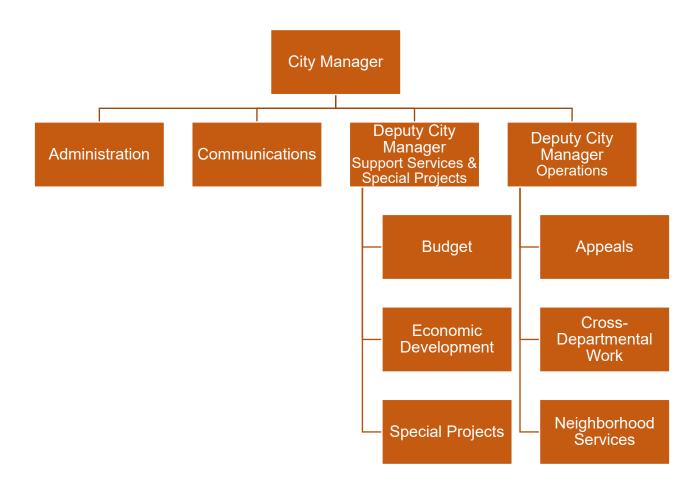
- The FY 23 baseline budget increases by \$293,971, or 10.13% over the FY 22 Adopted Budget of \$2.9 million. This is primarily due to an increase of \$179,971 in salaries and benefit costs.
- The City Clerk Department is requesting funding of \$150,000 for the development and implementation of the paperless contract workflow project.
- There are no anticipated changes to the staffing levels for the City Clerk Department for FY 23 FY 24.

CITY MANAGER'S OFFICE

MISSION STATEMENT

The mission of the City Manager's Office is to build and maintain, through sound management principles and community participation, an effective City government organization; to ensure the effective delivery of services; to provide the management direction and support for the planning, implementation, and evaluation of all City programs; and to ensure coordination and consistency in implementing policies and programs approved by the City Council.

ORGANIZATIONAL CHART



CITY MANAGER'S OFFICE OVERVIEW

As the Chief Executive Officer of the City of Berkeley, the City Manager is responsible for ensuring the overall effectiveness of the city organization, for acting as a conduit between the legislative and executive branches and presenting Council with a balanced budget. Within the City Manager's Office, the City Manager also directly oversees several divisions and major programs that deliver the following services:

- Communications: The Communications division elevates and coordinates the work of every department by using information designed for modern digital tools to efficiently align the public's needs with City services. The division builds and maintains a variety of complex tools that represent the City in the public sphere, most prominently in the overhaul and reinvention of the City's website, engaging use of social media and the management of citywide listservs for all departments. These roles are amplified in emergencies, when the rapid dissemination of coordinated information is critical to building trust and leading people to safety. Communications has led crisis communications efforts that require multi-agency coordination for public safety power shutoffs (PSPS), fire weather, protests, and, most prominently, for COVID-19.
- Office of Budget and Fiscal Management: The Office of Budget and Fiscal Management is primarily responsible for the preparation, development and management of the City's budget. The division provides financial analysis and support to the City Council and the Budget and Finance Policy Committee in particular; reviews Council agenda items and contracts; assists with special projects and processes payroll for the City Manager's Office, the Mayor and Council, the City Attorney's Office, the City Clerk's Office, the Human Resources Department, the Office of Police Accountability, and for the Berkeley Unified School District (BUSD) Board of Education.
- Special Projects Enterprise Resource Planning (ERP): The ERP team leads the Citywide effort to replace the City's decades-old system of integrated applications that manage city operations and many internal functions related to finance, budgeting, technology, services, and human resources. The replacement initiative includes analyzing business processes to leverage the power of technology. Addressing this long-neglected but critical portion of city infrastructure will increase efficiency, reduce unnecessary manual functions and set a foundation for a City government that is more nimble, forward-thinking, and better able to serve each other and our community.
- Neighborhood Services Division: The Neighborhood Services Division brings
 together staff from different City departments and partners in the community to
 address citizen complaints and concerns that affect the quality of life for all who live
 or work in Berkeley. The Division consists of four units:

- Animal Care Services: Animal Care Services provides field services for the cities of Berkeley and Albany, and shelters animals from Berkeley, Albany, Piedmont, and Emeryville. The services include the enforcement of city ordinances related to animals, removal of killed or injured wildlife, impoundment of stray pets, and investigation of animal-related neglect, cruelty, nuisance and bite cases. The City's animal shelter houses domestic animals from the cities of Berkeley, Albany, Emeryville, and Piedmont and provides not only a safe haven for these homeless pets, but also adoption services, advice on animal-related topics, lost and found pet reports, and free or low-cost spay/neuter vouchers for Berkeley residents' dogs and cats. The shelter houses a highly successful adoption program and consistently maintains a live release rate in excess of 90%. Animal Care Services also supports homeless and low-income pet owners by providing free pet food and other pet supplies daily on a walk-in basis. With field services available daily and the shelter open seven days a week, Animal Care Services is easily accessible and user friendly.
- Code Enforcement Unit: The Code Enforcement Unit is responsible for the enforcement of violations of the Berkeley Municipal Code including graffiti, blight, unauthorized signage, and illegal dumping. The Unit works in conjunction with a Planning Code Enforcement Officer to address land use and zoning complaints, such as illegal business, unpermitted living units, and accessory units.
- Special Events: The Special Events Unit coordinates staff from multiple departments to safely and efficiently support a variety of street and park events that make life in Berkeley vibrant and exciting, including the Berkeley Half Marathon, Solano Stroll, Telegraph Holiday Fair, and many more.
- Homeless Response Team: The Homeless Response Team is the interdepartmental team that responds to homeless encampments in Berkeley, performing sustained outreach to move people indoors, while simultaneously reducing the impact of encampments on the City with a variety of interventions that reduce health and safety threats while avoiding citation and arrest.
- Appeals: The Appeals Unit is responsible for administrative hearings. Administrative
 hearings are provided as a venue to appeal various violations or enforcement
 actions issued by the City before a hearing examiner. Although there are numerous
 types of appeals, the most common hearings are conducted for parking citation
 appeals, business license tax appeals, administrative citation appeals, and nuisance
 abatement appeals.

CITY MANAGER'S OFFICE FINANCIAL SUMMARY

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--------------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| EXPENDITURES | | | | | | |
| By Type: Salaries and Benefits | | | | | | |
| Services and Materials | 6,297,159 | 6,490,128 | 6,793,257 | 7,530,022 | 7,896,437 | 8,131,580 |
| | 981,163 | 993,353 | 974,685 | 619,645 | 794,037 | 764,037 |
| Capital Outlay | 53,750 | 14,196 | 30,737 | | | |
| Internal Services | 281,009 | 606,623 | 633,892 | 620,887 | 620,887 | 620,887 |
| Indirect Cost Transfer | 9,514 | 683 | | | | |
| | 7,622,595 | 8,104,983 | 8,432,572 | 8,770,554 | 9,311,361 | 9,516,504 |
| | .,,- | -, , | -,, | -,, | | -,-,-, |
| By Division: Administration | | | | | | |
| Neighborhood Services | 2,766,609 | 3,517,716 | 3,416,609 | 3,345,960 | 3,678,302 | 3,738,007 |
| · · | 3,598,708 | 3,061,108 | 3,497,993 | 3,895,038 | 4,293,740 | 4,398,256 |
| Budget & Fiscal Mgmt. | 864,327 | 994,030 | 875,027 | 1,083,292 | 1,087,659 | 1,121,453 |
| 2020 Vision | 392,951 | 532,130 | 642,829 | 446,264 | 251,660 | 258,788 |
| | 7,622,595 | 8,104,985 | 8,432,459 | 8,770,554 | 9,311,361 | 9,516,504 |
| By Fund: | | | | | | |
| General Fund | | | | | | |
| Animal Shelter Fund | 7,071,344 | 7,573,988 | 7,872,856 | 8,377,168 | 8,899,604 | 9,101,074 |
| Zero Waste Fund | 47,927 | 30,764 | 20,682 | 52,480 | 52,480 | 52,480 |
| | 275 | - | 30,118 | 48,600 | 48,600 | 48,600 |
| Permit Service Center | 82,575 | 5,624 | | | | |
| Other Funds | 420,475 | 494,609 | 508,916 | 292,306 | 310,677 | 314,350 |
| | 7,622,595 | 8,104,984 | 8,432,572 | 8,770,554 | 9,311,361 | 9,516,504 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---|---|---|--------------------------|--------------------|--|
| Champion
and
demonstrate
social and
racial equity | City Manager's Office, Information Technology (IT), Parks Recreation & Waterfront | African American
Holistic Resource
Center | In partnership with many in the community, plan for the development of a holistic African American Resource Center in South Berkeley, which will serve as a place of support and strength for the Berkeley community. | 7/17-To be determined | Continuing | \$7,250,000+
(FY 22
funded) |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | All City
Departments | Annual Survey | Implementing an Annual Survey to better understand the needs of the community. | 7/20-To be
determined | Continuing | \$25,000 (FY
22 funded) |
| Create a resilient, safe, connected, | All City
Departments | COVID-19
Demobilization and
Recovery | COVID vaccine is
universally available.
However, there are
still public health | To be determined | Continuing | Unfunded;
amount to
be
determined |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|---------------------------|---|--------------------------|--------------------|---|
| and prepared city | | | areas to address related to City physical infrastructure and behavioral change in order to open up all of the City's public buildings and services. These changes have yet to be determined and they are not budgeted. | | | |
| Champion
and
demonstrate
social and
racial equity | All City
Departments | Equity Toolkit | Operationalizing equity lens in service delivery and project planning (e.g., toolkit deliverable from Racial Equity Action Plan including things like adding an equity item to agenda reports, requiring an equity checklist as part of project work plans, etc). | 7/19-To be
determined | Continuing | On hold |
| Provide an efficient and financially-healthy City government | All City
Departments | Performance
Management | Implementing results-
based accountability
citywide and provide
a dashboard to better
communicate results. | 1/20-To be determined | Continuing | Staff time
(dashboard
component
unfunded/on
hold) |

Page 121 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---|--|---|--------------------------|--------------------|--|
| Champion
and
demonstrate
social and
racial
accountability | City Attorney,
Fire, Health
Housing &
Community
Services,
Human
Resources,
Police, Public
Works | Police Accountability
Board
Implementation | Establishing the Office of the Director of Police Accountability pursuant to Measure II. | 12/20-6/22 | Continuing | \$45,000
(director
recruitment,
FY 22
funded) +
estimated
\$1,100,000
(department
budget, FY
22 funded) |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | | Public
Communications
Toolkit | Develop a suite of tools, templates, and short training videos to help organization-wide staff more effectively tell their story, inform community members about services and opportunities, and meet operational goals through high quality public communications. | 3/21-To be determined | Continuing | Staff time;
\$25,000
(requesting
funding) |
| Champion
and
demonstrate
social and
racial equity | All City
Departments | Racial Equity Action
Plan | With assistance from
the Government
Alliance on Race and
Equity and
researchers from UC
Berkeley, develop a | 8/18-To be
determined | Continuing | On hold |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|---|--|-----------------------|---------------------------------------|--------------------------------------|
| | · · | | Racial Equity Action Plan designed to integrate equity considerations throughout City operations and services and to influence change within the community. | | | |
| Champion
and
demonstrate
social and
racial equity | City Attorney,
Human
Resources,
Health
Housing &
Community
Services,
Police, Fire,
Public Works | Reimagining Public
Safety | Implementation of July 2020 Omnibus package to develop a new paradigm of public safety (i.e., BerkDOT, Specialized Care Unit, Priority Dispatching, analysis of claims and settlements, and community engagement). | 8/20-6/25 | Continuing | To be determined |
| Champion
and
demonstrate
social and
racial equity | All City
Departments | Accessibility
Training | Monitor website, train staff and enforce guidelines. | 3/22-To be determined | New | \$11,000 (FY
23 funded) |
| Foster a dynamic, sustainable, and locally- | Planning,
Finance, City
Attorney,
Health | Update and
Implementation of
Street Vendor
Ordinance | Update the City's street vendor ordinance to comply | 10/23-7/24 | New (to the
Strategic
Plan, but | \$156,110
(requesting
funding) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|---|---|----------------------|--|---------------------|
| based
economy | Housing &
Community
Services,
Public Works | | with changes in State law (SB 946). | | effort already
underway) | |
| Create affordable housing and housing support services for our most vulnerable community members | Health
Housing &
Community
Services | Referral Responses:
Managing
Recreational Vehicle
(RV) Parking | Transition RV parking
program from
Grayson Street. | 7/22-10/22 | New (to the
Strategic
Plan, but
effort already
underway) | Staff time |
| Create affordable housing and housing support services for our most vulnerable community members | City Attorney,
Health
Housing &
Community
Services,
Parks
Recreation &
Waterfront,
Police, Public
Works | Sidewalk Policy
Amendments | Propose potential amendments/changes to City ordinances to more effectively and humanely manage encampments. This responds to two referrals: (1) City of Berkeley Neighborhood Services and Outreach Program (formerly "Amend April 26, 2018 Referral Regarding Sidewalks") and (2) | 1/23-7/23 | New | Staff time |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---|---|---|----------------------|--------------------|--|
| | | | Non-Criminal Options for Enforcement of Sidewalk Regulations | | | |
| Create affordable housing and housing support services for our most vulnerable community members | City Attorney,
Health
Housing &
Community
Services,
Police, Parks
Recreation &
Waterfront,
Public Works | Resolve Encampment at People's Park and operate Rodeway Inn as noncongregate shelter | Transition individuals currently living in People's Park into safe noncongregate shelter at the Rodeway Inn | 6/23-6/23 | New | \$4,708,015
(requesting
funding) |
| Create affordable housing and housing support services for our most vulnerable community members | City Attorney,
Planning | Group Living Accommodation Ordinance implementation | Update implementation to ensure better records-keeping and regulation of organizations with functionally equivalent exemptions | 1/22-9/22 | New | \$156,110
(requesting
funding) |
| Attract and retain a talented and diverse City government workforce | All City
Departments | Employee Retention
& Morale Building/
Engagement &
Talent Acquisition
(recruitment) | Create programs to
ensure City of
Berkeley as an
employer of choice to
attract and retain a
diverse valued
workforce with | 9/22-6/24 | New | \$350,000
(requesting
funding) |

Page 125 of 410

| Goal | Supporting Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|--------------------------------|---|----------------------|--------------------|-------------------------------------|
| | | | onboarding and orientation, mentorship programs, alternative work schedules, wellness offerings, recognitions, and rewards. | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | | Communications
Request Form | Create a tool that allows departments to more effectively request and submit adequate information for Communications requests | 7/22-6/24 | New | \$25,000
(requesting
funding) |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to | Information
Technology | Photo Library | Create a searchable database of photos for staff to use in external communications | 7/22-6/24 | New | \$25,000
(requesting
funding) |

Page 126 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|-------------------------------|--|----------------------|--------------------|--------------------------------------|
| the community | | | | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | | Develop Branding
Standards | Create a branding document with tools so that staff can communicate at all levels using a consistent look and feel | 7/22-6/24 | New | \$100,000
(requesting
funding) |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the City Manager's Office performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|--|---|-------------------------|--------------------|------------------|
| High live release/low euthanasia | Live release rate | Stay at or
below 10% | • 6% | • |
| Length of stay in shelter | Average days per animal shelter stay | 1 | 8 days | n/a ⁸ |
| Adoption rate | Percentage of animals adopted | <u> </u> | • 22% | n/a |
| Rescue rate | Percentage of animals going to nonprofit rescues | ↑ | • 35% | n/a |
| Return to owner rate | Percentage of animals returned to owners | 1 | • 34% | n/a |
| Disease control for humans and animals | Count of vaccinations | ↑ | 1,974 vaccinations | |
| Number of spays/neuters provided | Count of spayed/neutered animals | 1 | 674 animals | • |
| Total volunteers | Count of volunteers | <u> </u> | 229 volunteers | n/a |
| Number of volunteer hours | Count of volunteer hours | ↑ | • 9,780 hours | • |
| Foster rate | Percentage of volunteers who foster animals | 1 | • 15% | |
| Number of surgeries provided | Count of non-sterilization surgeries provided | <u> </u> | 63 surgeries | • |
| Shelter uptake rate | Percentage of shelter offers that result in a move-in | 1 | • 39% | n/a |

⁸ First year tracking data for length of stay in shelter, adoption rate, rescue rate, return to owner rate, total volunteers, shelter uptake rate, tonnage/pounds of debris, closures.

Page 128 of 410

| Measure | Description | Target | Actual | Tracking |
|--|---|------------------------------------|--|-------------------|
| Tonnage/pounds of debris | Average pounds of debris removed from encampments/month | Maintain at
27,000
lbs/month | • 27,453 lbs/months | n/a |
| Storage provision | Average number of storage notices provided/month | n/a ⁹ | 6 storage notices | n/a |
| Noticings | Average number of violation notices provided/month | n/a | 9 violation notices | n/a |
| Closures | Average number of encampment closures performed/month | Maintain at 3/month | 3 closures | n/a |
| Case response time | Average days to resolve case | Ţ | • 53 days | n/a ¹⁰ |
| Case completion rate | Percent closed/complete/resolved cases (excludes duplicate complaints and invalid complaints) | 1 | • 71% | • |
| Case completion ratio | Ratio of closed/completed/resolved cases to total cases received | 1 | • 303 cases, 235 closed ¹¹ | • |
| Balanced budget | Achieving a balanced budget | Balanced
budget | Balanced | • |
| Government Finance Officers Association (GFOA) Distinguished Budget Presentation | Receiving GFOA award each cycle | Received
award | Did not submit for award | • |
| Reporting on unfunded liabilities | Reporting on unfunded liabilities each cycle | Issued
report | Not applicable, report
is only issued every 2
years. | n/a |
| Achieve healthy reserves | Amounts contributed annually to reserves | Percentage targets per | Ability to fund Workers
Compensation 98% of
target | • |

⁹ Because conditions on the street and at each encampment are fluid, staff cannot provide a useful target for either the storage provision measure or the noticings measure.

10 Starting in 2021, the calculation includes the case queue numbers from all staff in the unit, including the supervisor.

Page 129 of 410

| Measure | Description | Target | Actual | Tracking |
|---|--|-------------------|---|----------|
| | | reserve
policy | General Fund
Reserves 90.9% of
2020 target and 50.6%
of 2027 target | |
| Review Agenda Reports
for fiscal impact and
consistency | Number of agenda reports reviewed | n/a | 726 reports | n/a |
| Review contracts | Number of contracts reviewed | n/a | • 549 contracts | n/a |
| Processing budget adjustments to ensure the City and Departments do not overspend appropriation authority | Number of budget adjustments updated, annually | n/a | 1,113 adjustments | n/a |

- Meeting/exceeding target
- ↑ Target is to increase numbers/percentages

Near target

 $\ \downarrow$ Target is to decrease numbers/percentages

Not meeting target

CHALLENGES

The City Manager's Office challenges include:

Communications

- Staffing: The Communications Unit increases efficiency throughout the organization by reducing direct costs and staff time while increasing the ability for community members to access resources and services by themselves.
 The Communications Unit currently has four people and is understaffed compared to other jurisdictions
- Digital Presence: The Unit has led the effort to create a new digital presence for the City of Berkeley. The existing site had decades of underlying issues that needed to be addressed. This work lays a foundation for all City services. To complete this work, the Communications staff assumed over a dozen roles that were scattered throughout the organization or not done at all. Additionally, the recent launch of berkeleyca.gov transformed virtually every aspect of the City's website operations and addressed a wide range of deficiencies dating back almost thirty years to the birth of the internet. Modernizing the City's digital communications doesn't end on with the launchhelping guide staff toward consistent practices will require considerable work and collaboration citywide.
- o COVID Pandemic and Other Emergency Response: The COVID-19 pandemic created unprecedented demand for information. Berkeley's Communications Unit has developed a deep knowledge and expertise that has helped shape COVID communications throughout the region through close partnerships with other public health agencies. However, the City currently does not have capacity for full communications emergency response for vacations, holidays or after hours. Additionally, there is a still constant churn of information as the virus mutates and the scientific understanding of the virus evolves. An administrative assistant pivotal to pandemic communications has moved on to another position in the City. The Unit is no longer able to keep up with the pace of change
- Consistency: Most media calls are dispersed through departments, leading to inconsistent response. This leads to diminished trust in the public sphere.
- Office of Budget and Fiscal Management: As local revenues continue to rebound from the pandemic, it will be challenging to develop balanced budgets for FY 23 and FY 24 that address critical City needs, unfunded liabilities, and allocated resources to address priorities established by the City Council.
- Neighborhood Services

- Animal Care Services: The opening of businesses and the resumption of normal activities beginning summer 2021 had a major impact on the operations of Animal Services. The robust foster program that existed during 'shelter in place' very quickly diminished as fosters and potential fosters returned to work and school. With the opening of the animal shelter to the public during this same time period, the number of incoming animals began to increase and is now at pre-COVID numbers. However, the number of volunteers has not returned to pre-COVID levels and a number of staff positions remain vacant, placing constraints on field response times.
- O Code Enforcement Unit: At the pandemic's height, the Code Enforcement Supervisor coordinated closely with the Emergency Operations Center (EOC) to enforce all non-food related COVID-19 Health Order Violations in the City of Berkeley. This resulted in an increase in COVID-19 related caseloads above and beyond the Unit's baseline work. Consequently, the Unit's response time has increased and the goal of addressing all complaints within 10 days of receipt has not been met. Although COVID workload has since decreased, the Unit is still addressing a backlog of complaints that are up to two months old. Additionally, the Unit assists and coordinates with the City's Building and Safety inspectors, Health, Housing and Community Services (HHCS) inspectors, and Public Works with investigation and enforcement of reported violations. The 2018 City Auditor's report on the Code Enforcement Unit identified staffing shortages as a constraint to performance, but the Unit's staffing has not grown despite these increased demands.
- Special Events: As vaccination rates in Berkeley rise and case rates fall, those who live in and love Berkeley are excited to experience all the City has to offer once again. As a result, requests for Special Events permits are at record highs. Moreover, events that had to be canceled or postponed during COVID surges in 2021 are now being rescheduled alongside 2022's slate of events. This has resulted in a long queue of events to plan, coordinate, and permit, despite staffing challenges. The special events team consists of one full-time FTE assigned from Neighborhood Services and 8-10 staff from other departments.; Staffing has been challenging in some areas as some staff were reassigned to other duties. Also, there is limited infrastructural support, as some events previously held indoors now seek outdoor accommodations.
- O Homeless Response Team: The Homeless Response Team (HRT) launched in September 2021 and faced a daunting challenge of resuming operations at encampments and recreational vehicle (RV) communities after a year and a half in which encampment enforcement, even for egregious health and safety violations, was paused due to the Centers for Disease Control and Prevention (CDC) encampment guidance. During the first 6

months of operations, in order to mitigate health and safety concerns at encampments that had become deeply entrenched during the pandemic, the HRT had a large number of dangerous encampments to resolve, despite limited housing resources, a shelter system that is still operating at reduced capacity due to COVID, and a legal landscape that has limited the City's ability to intervene.

 Appeals: Many appeals are scheduled by departments outside of the City Manager's Office. Because of this, any delays by these departments due to staff shortages or other reasons, can create a bottleneck effect with appeals.

ACCOMPLISHMENTS

The City Manager's Office accomplishments include:

Communications

- Pandemic Communications: The City's communications staff led the pandemic communications response through the EOC's Joint Information Center (JIC): researching, drafting messages, coordinating internally and externally, and publishing a range of materials. In 2021, the primary focus of the EOC's JIC was to get Berkeley vaccinated by creating clear, simple messaging and instructions that the public could use to find and sign up for first and second vaccine doses. These communications covered virtually every customer-facing aspect of vaccine delivery.
 - Vaccine Messaging: JIC staff worked with public health and other government agencies around the region to coordinate and focus regional messaging around vaccination.
 - Vaccine Notification Strategy: The JIC created and designed a signup form, vaccine notification emails and a messaging plan that emphasized transparency to build trust. The City widely promoted and used a single email notification list to alert people about available vaccine. The City used this list weeks, and sometimes months, before other jurisdictions were able to direct their communities to available vaccine. By June 2021, this vaccine communication strategy generated nearly 4 million points of contact with community members. The JIC repeatedly got emails from members of the public expressing confidence that they would be alerted to available vaccine when it was their turn.
 - Vaccine Second-Dose Customer Support: The five-person JIC team created an onsite and offsite workflow to address customer needs for every aspect of second dose delivery, including:

- A dedicated second dose webpage with clear guidance that became one of the City's most popular web pages of all time.
- Professional, HIPAA¹²-secure emails that were custom coded to individually reach thousands of people for second dose appointments.
- Working with Curative, Inc., to create dedicated second dose website links (a first for the company) and onsite signup for second doses.
- Onsite signage about how to get second doses and business cards that provided links and instructions for any who missed appointments.
- New Website, BerkeleyCA.gov: The recently launched website represents an overhaul of three broad issues: technology, design and content. The Communications Unit improved navigation, created a modern look, and designed every page to prioritize key information for any device. The Unit rewrote every word for accuracy, clarity, and efficient web reading. To continue building trust, the Communications Unit created a process for maintenance to ensure that this is a space where the relationship with the community continues to grow. This monumental effort addressed issues that stretch back nearly thirty years to the birth of the Internet. For the first time, the City will have a managed website showing its unique breadth of services, elevating the work of all City services, and. increasing accessibility for each of those services.

Office of Budget and Fiscal Management

- Budget Development: In tandem with ERP, the Budget Office developed the FY 23 and FY 24 Budget using the budget module of the new ERMA¹³ system.
- Special Projects Enterprise Resource Planning (ERP)
 - Ongoing Successful ERMA¹⁴ Rollout: The City Manager initiative to transform the City's quarter century old enterprise system (FUND\$¹⁵) into a more modern efficient one (ERMA) continues to move forward. To date, the ERP team has launched core financial, general ledger, accounts receivables,

¹² Per the CDC, "The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law that required the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge."

https://www.cdc.gov/phlp/publications/topic/hipaa.html#:~:text=The%20Health%20Insurance%20Portability%20and,the%20patient's%20consent%20or%20knowledge.

¹³ The City's new ERP software, known as ERMA (Enterprise Resource Management Application).

¹⁵ The City's legacy ERP software, known as FUND\$ (Financial Utility Network Data \$ystem).

the budget module, human resources, and payroll modules. Implementing employee self-service and Executime are the next steps for this effort.

Neighborhood Services

- Animal Care Services: In 2021, Animal Care Services maintained its status as a "no-kill" shelter, with a very high live release rate of 94% for all animals and a euthanasia rate of 6%, which primarily reflected animals that sustained life-threatening injuries or displayed insurmountable behavioral issues, Overall, over 50% of cats and over 45% of dogs were adopted or rescued in 2021, despite receiving a larger number of very challenging animals. Animal Care Services was also able to increase vaccines and increase the number of sterilization procedures performed by nearly 70%. Animal Care Services also managed to increase overall foster rates over 2020 even despite a drop in volunteer hours by more than 50% a testament to the Unit's "whatever-it-takes" mentality.
- Code Enforcement Unit: The Code Enforcement Unit weathered the pandemic storm, coordinating closely with the EOC, the Health Officer, and other departments to respond to COVID enforcement issues. The Unit has identified key areas for performance improvement, including reducing response times to addressing cases and improving coordination with other departments. The Unit has also undertaken a comprehensive effort to update and enhance enforcement of the City's Group Living Accommodations ordinance, by revamping the online registry system and updating administrative records.
- Special Events: Despite pandemic restrictions, the Special Events Unit permitted 86 Special Events in 2021, and estimate 125-175 special events for calendar year 2022. Public safety has requested a comprehensive review of barricades used during street closures. Parks, Recreation, and Waterfront staff are reviewing improved signage at parks for special events, including approved events as well as those interested in applying for permits. Additionally, the new city website provides an enhanced and easier experience for members of the public who are seeking to permit events. Despite staffing challenges, this Unit worked tirelessly throughout the year to keep attendees safe and support event organizers with the components of event operations from planning through execution.
- O Homeless Response Team: The Homeless Response Team (HRT) performed at least weekly garbage collection and debris removal from encampments across the City, removing over 151,000 pounds of trash between September 2021 and March 2022. During that time, HRT also performed 16 closures of large and dangerous encampments, resolving conditions that included raw sewage and human waste, loose and scattered

Page 135 of 410

syringes and drug paraphernalia, rodents and other vector hazards, rotting food, and obstruction of sidewalks and vehicular lanes of traffic—all while issuing zero criminal citations and only one arrest. HRT also managed to reduce by roughly 50% the footprint of the vehicular encampment in the Gilman District, overall moving 38 vehicles into the City's safe RV parking program. HRT has made well over 200 shelter offers since November 2021 with an uptake rate of roughly 40%, and has managed to end the unsheltered status of a number of individuals with multiple and complex needs.

- Appeals: The Appeals Unit's made improvements to Parking Management Software, by:
 - Coordinating with the City's contracted parking management vendor to add telephonic hearings as an option for Appellants to contest their citations.
 - Assessing appeal notice inconsistencies and working with the vendor to provide more information for appellants to be properly prepared for their hearings.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

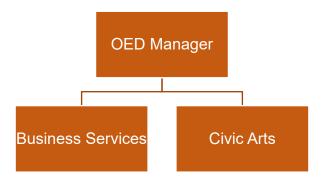
• The FY 23 baseline budget increases by \$378,807, or 4% over the FY 22 Adopted Budget of \$8.8 million. This is primarily due to an increase of \$366,415 in salaries and benefit costs.

OFFICE OF ECONOMIC DEVELOPMENT

MISSION STATEMENT

The mission of the Office of Economic Development (OED) is to assist businesses, entrepreneurs, artists and community organizations to access resources, feel welcome in Berkeley, and thrive.

ORGANIZATIONAL CHART



OFFICE OF ECONOMIC DEVELOPMENT OVERVIEW

OED is a division of the City Manager's Office, comprising two work unites:

- Business Services: This Unit supports Berkeley's commercial sectors, expands
 economic opportunities, and helps maintain a healthy business climate by providing
 the following baseline services:
 - Direct Assistance to Businesses, Property Owners and Community Organizations,
 - Support for Berkeley's approximately 12 Commercial District and Business Associations,
 - o Industry Cluster Programs,
 - Revolving Loan Program and Resiliency Loan Program,
 - o Sustainable Business Practices,
 - Marketing,
 - o Research and Data Analysis, and
 - 3 Commissions (Loan Administration Board, Elmwood Business Improvement District [BID] Advisory Board, Solano BID Advisory Board).

The Business Services team is at its base a customer service department, interacting with individuals, businesses, organizations, council and community members, and other city department departments. The team helps with individual technical assistance, offers resources, and provides economic data and analysis

and support to Berkeley commercial sectors. Staff in this team serve as secretaries to three commissions, two BID boards (Elmwood and Solano) and the Loan Administration Board, and hold board seats in three property-based BIDs (Telegraph, Downtown, and North Shattuck).

- **Civic Arts**: This Unit promotes and furthers arts and cultural activities in Berkeley by providing the following baseline services:
 - o Direct Assistance to Artists and Community Organizations,
 - o Civic Arts Grants,
 - Festival Grants Program,
 - Public Art Collection,
 - Public Art Programs,
 - o City-Managed Galleries, and
 - o Civic Arts Commission.

The Civic Arts Unit provides direct grants to Berkeley's art and cultural organizations, individual artists, and festivals, and manages the City's Public art collection which has over 80 works of art in its care. The Unit also manages the gallery spaces in the city buildings including the Cube Gallery in the Center St Garage. Staff in this Unit serve as secretaries to the Civic Arts Commission, which has four subcommittees (grants, policy, public art, civic center visioning) and a recently submitted work plan that contains 53 items.

The vast majority of OED services are provided directly by its staff, and the strategic use of professional and technical services is vitally important to the efficacy, efficiency, reach, and impact of staff and operations. Notably, OED's professional services allocation is its only resource for professional development opportunities that are specific to economic development and civic arts subject matter. OED also uses it to support commercial district association projects and capacity building; graphic design and other marketing and communications of services; fiscal impact and policy analysis; data purchases; and more.

As the costs of all of these services continue to rise with inflation, the allocations for a few strategic initiatives remain steady, which structurally challenges the team's baseline effectiveness. However, with the restorations from the budget deferrals of FY 20, 21, and 22, particularly with the ARPA funding programed in FY 22 to support small business, the Division will be well supported to implement strategic COVID recovery efforts. In many cases, the funds will leverage outside private investments by partners, community organizations, and other funders.

OFFICE OF ECONOMIC DEVELOPMENT FINANCIAL SUMMARY

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--------------------------------|---------------------|----------------------|----------------------|---------------------|---------------------|---------------------|
| EXPENDITURES | | | | • | · | |
| By Type: | | | | | | |
| Salaries and Benefits | 1,209,475 | 1,306,242 | 1,041,463 | 1,251,800 | 1,691,337 | 1,687,361 |
| Services and Materials | | 7,559,194 | 3,866,180 | | 4,061,429 | 4,061,429 |
| Capital Outlay | 5,102,872 | | 3,000,100 | 3,756,900 | | |
| Internal Services | | 9,373 | | | 72,081 | 72,081 |
| Indirect Cost Transfer | 7,351 | 74,786 | 73,306 | 72,081 | 1,812 | 1,838 |
| | 1,519
6,321,216 | 1,557
8,951,152 | 1,576
4,982,525 | 1,382
5,082,163 | 5,826,659 | 5,822,709 |
| | 0,021,210 | 0,001,102 | 4,002,020 | 0,002,100 | 0,020,000 | 0,022,100 |
| By Division: Administration | | | | | 125,644 | 131,703 |
| Economic Development | 127,249 | 125,088 | 48,970 | 97,817 | 3,602,020 | 3,604,927 |
| Arts Coordination | 4,478,754 | 5,606,761 | 3,155,258 | 3,330,914 | 1,618,198 | 1,595,736 |
| South Berkeley | 1,285,525 | 2,787,152 | 1,491,146 | 1,194,152 | 219,728 | 222,037 |
| Revitalization | 203,549 | 212,852 | 58,427 | 221,669 | | |
| Sustainable
Development | 226,140 | 219,299 | 228,723 | 237,611 | 261,069 | 268,306 |
| | 6,321,216 | 8,951,152 | 4,982,525 | 5,082,163 | 5,826,659 | 5,822,709 |
| By Fund: | | | | | | |
| General Fund | 2,820,609 | 5,855,850 | 2,488,081 | 2,535,186 | 3,011,403 | 3,015,427 |
| Loan Funds | 147,256 | 157,872 | 23,122 | 156,387 | 156,387 | 156,387 |
| Business Improvement Districts | 2,996,566 | 2,343,629 | 2,013,569 | 2,283,073 | 2,382,942 | 2,382,942 |
| Public Art Fund | | | | | 104,775 | 102,691 |
| Zero Waste Fund | 290,626 | 76,205 | 16,406 | 64,367 | 24,292 | 24,745 |
| Measure T1 | 23,871 | 17,119 | 1,772 | 22,504 | | |
| Other Funds | 4,465 | 399,260 | 267,670 | | 146,860 | 140,517 |
| | 37,822
6,321,216 | 101,216
8,951,152 | 155,905
4,966,525 | 20,646
5,082,163 | 5,826,659 | 5,822,709 |
| | 0,021,210 | 0,001,102 | 4,300,323 | 0,002,103 | 3,020,039 | 5,022,109 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|-----------------------------|--|---|-----------------------|--------------------|---------------------|
| Foster a dynamic, sustainable, and locally-based economy | City
Manager's
Office | #Discovered in Berkeley – Berkeley Business Marketing & Communications Project: Continuation | Sustaining and expanding upon work from Berkeley - Business Marketing and Communications Project – (I.e., further development of the "Discovered in Berkeley" stories series highlighting Berkeley businesses based on feedback from businesses featured in earlier campaign phases). | 7/22-6/23 | New | \$50,000
(ARPA) |
| Foster a
dynamic,
sustainable, and
locally-based
economy | Information
Technology | Berkeley
Ventures,
Berkeley Values | Sustaining the "Berkeley Tech, Berkeley Values", program to leverage local tech sector skills, wealth, and other resources to support equitable and inclusive growth. | 7/22-To be determined | New | \$20,000
(ARPA) |

Page 140 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|---|--|-----------------------|--------------------|---------------------|
| Foster a dynamic, sustainable, and locally- based economy | City
Manager's
Office, HHCS | COVID Economic
Response and
Recovery | Multifaceted program responding to COVID-19's impacts on Berkeley's business and arts community, and working towards local economic recovery. | 3/20-To be determined | Continuing | Staff time |
| Provide state-of-
the-art, well-
maintained
infrastructure,
amenities, and
facilities | City Manager's Office, Parks Recreation & Waterfront, Planning, Public Works | Civic Center
Phase II | Next phase of the
Civic Center Vision
Plan (Building
Program and
Design). NOTE: The
scope portion of this
work is being
completed by Public
Works. | 9/21-To be determined | Continuing | Staff time |
| Foster a dynamic, sustainable, and locally-based economy | Planning | Expand and
Modify the
Downtown Arts
District Overlay | Develop recommendations for expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses. | 9/19-12/22 | Continuing | Staff time |
| Be a customer-
focused | Finance,
Information | Interactive Digital
Kiosks – Phase 2 | Facilitate the second round of installation | 7/22-6/24 | New | Staff time |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|-----------------------------|-------|--|----------------------|--------------------|---------------------|
| organization that provides excellent, timely, easily-accessible service and information to the community | Technology,
Public Works | | of interactive digital kiosks (IKE) to share information about civic resources; market local businesses, arts organizations, and commercial districts; and generate revenue for the City of Berkeley in new locations. | | | |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Office of Economic Development's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|--|---|----------|--|----------|
| Arts and culture
grants (Arts
Organizations,
Festivals and
Individual Artists) | Number and total dollar amount
of arts and culture grants
awarded Number of grant applications | ↑ | • 94 grants awarded, totaling \$580,000 in FY 2021 ¹⁶ | |
| Active Revolving
Loan Fund (RLF)
loans | Number of RLF loans executed in a given year | 1 | • 8 loans, FY 2021 | • |

¹⁶ This program for arts organizations, festivals, and individual artists is switching to a two-year grant cycle beginning in the fall of 2022.

Page 142 of 410

| Measure | Description | Target | Actual | Tracking |
|---|--|--------|---|----------|
| Private sector jobs saved | Number of jobs retained through
RLF loans | 1 | • 80 jobs, FY 2021 | |
| Jobs created | Number of new jobs created
through RLF loans | 1 | • 54 jobs, FY 2021 | |
| Total RLF dollars loaned | Dollar amount of active RLF loans | 1 | • \$795,000, FY 2021 | • |
| American Rescue
Plan Act (ARPA)
funding for
impacted sectors | Tourism Arts & Culture Relief Grants (BARG) Number and total dollar amount of arts and culture grants¹⁷ Small Business Resiliency Loan Program (RLP) funded by CARES Act (July 2020) Provided program supports for ~\$800K loan fund for Berkeley businesses | n/a | \$500,000 disbursed to Visit Berkeley (Convention and Visitors Bureau) 70+ Berkeley Arts Relief Grants (BARG) awarded, totaling ~\$2M \$520,000 in 11 RLP business loans executed \$60,000 awarded to Working Solutions for technical assistance for RLP program participants. | n/a |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

↓ Target is to decrease numbers/percentages

Not meeting target

¹⁷ Berkeley Arts Relief Grants for festivals and arts organizations were awarded with equity-centered criteria aligned with American Rescue Plan Act (ARPA) guidelines. 74 grant awards ranging from \$3,000 to \$33,000 (avg. grant size \$20,734) per organization were disbursed in February of 2022, individual artist grants will be disbursed in May 2022.

ACCOMPLISHMENTS

In FY 22 OED has numerous accomplishments including those identified in the Strategic Plan (SP):

- COVID Recovery (SP): As a relatively small Division (8 FTE), located within the City Manager's Office, OED has a unique role in directly assisting some of the most impacted sectors of Berkeley's business, artistic and cultural communities as the city recovers from the sprawling effects of the COVID-19 pandemic. During the past two years (from March 2020, to May 2022) this small Division worked tirelessly responding to the crisis:
 - Keeping businesses and arts organizations appraised of evolving health regulations,
 - Offering access to resources including testing and vaccination opportunities for Berkeley's employers,
 - o Holding numerous roundtables and listening sessions, and
 - Developing a path to permanence for outdoor commerce operations.

OED publishes two frequent resource-rich newsletters (Civic Arts and OED Updates), and is currently three quarters of the way through implementing a suite of recovery programs from a variety of funding sources including the American Rescue Plan Act (ARPA). The work of this highly talented, empathetic, and motivated team is to be commended. This Division has matched the bravery of Berkeley's business and arts groups, and has kept pace with the leadership of this Council in supporting the community during a global pandemic.

- Berkeley Art Works Projects (SP): Grants were provided to 32 artists, performers, and community members to create temporary public art projects throughout Berkeley that bolster collective resilience and recovery from the effects of COVID-19. Grants ranged from \$500 to \$10,000 for larger projects, these projects began to be installed throughout the city in 2021 and will continue through 2022.
- **IKE Kiosk Installations (SP)**: The Interactive Kiosk Experience (IKE) information boards were successfully installed in December 2021.
- **Public Art Projects (SP):** The Measure T1 funded, North Berkeley Senior Center public art project "Song of Trees" was installed, along with "Community Wellness Is..." portrait series at the West Berkeley Service Center.
- **Bayer Health Care Development Agreement**: The City of Berkeley successfully executed a 30-year development agreement with Bayer Health Care in November 2021.
- Outdoor Commerce Path to Permanence: Technical assistance continues to applicants who wish to conduct business operations outdoors in the right of way.

CHALLENGES

OED has an ambitious program of baseline services, (in a normal year) and has taken on a tremendous amount of additional new work leading the recovery from the pandemic. In addition to the continued work responding to COVID, OED has a number of large projects on the horizon. There are other things that come up that will demand attention during the next budget cycle, some known, some unknown, related to commercial real estate opportunities, program and policy proposals from Councilmembers, and other needs and opportunities. The list below includes a variety of one-time projects and priorities for the upcoming budget cycle that go beyond baseline services, but aren't necessarily elevated to the Strategic Plan.

- Large Projects: The demand for OED's leadership on complex projects far outstrips its resources. Below are projects on OED's list that cannot begin until adequate staffing is in place:
 - West Berkeley Opportunity Sites (e.g. Pacific Steel)
 - o Commercial District Revitalization Plan (Solano Ave)
 - Establishing Parking Benefit Districts (Gilman and Lorin)
 - o Bayer Health Care Development Agreement Implementation
 - Developing a Capital funding program for Cultural Arts/Artist space
 - o Civic Center Phase II
 - Diversity Equity and Inclusion Berkeley Ventures Berkeley Values (a Strategic Plan project)
 - IKE Kiosk location selection phase 2
 - Small Business Support Initiatives
 - Succession Planning Worker Owned Cooperatives
 - Outdoor Commerce Support
 - Additional Zoning Ordinance Modifications to Support Small Business
- Balancing New Initiatives & Baseline Services: The challenge for OED going
 forward will be to successfully balance new initiatives and deliver excellent baseline
 services. In FY 22 OED was successful in leveraging special arts funds to get
 talented staff in place in the Civic Arts service line to deploy high quality program
 delivery; including centering equity in grant making activities and accelerating public
 art installation work.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The FY 23 baseline budget increases by \$744,496, or 14.65% over the FY 22 Adopted Budget of \$5.1 million. This is primarily due to an increase of \$439,537 in salaries and benefit costs.

Page 145 of 410

Staff changes included the reallocation of a vacant Assistant Management Analyst position into a Civic Arts Coordinator role to manage the civic arts grant programs, and the addition of a Civic Arts Coordinator to manage the Public Art program.

With the existing high-capacity OED team, and the return of the paid intern program, the group has continued to deliver high quality service to its stakeholders. Consistent staffing has been achieved during FY 22, and by leveraging dedicated art funding, OED has been able to recruit for FTEs with specialized public art and arts grant administration expertise, and create opportunities for growth within the team. These ongoing strategic additions have the potential to reward this hard-working group, and meet the City's strategic plan goal for retaining and challenging dedicated staff. The bulk of OED's budget requests for the FY 23-24 cycle are directed towards bolstering this high-caliber team, with ongoing funding for a newly established "senior economic development project coordinator" classification. Other requests include financial assistance for recasting the Pacific Steel site in West Berkeley, and support for the #DiscoveredinBerkeley local business marketing campaign.

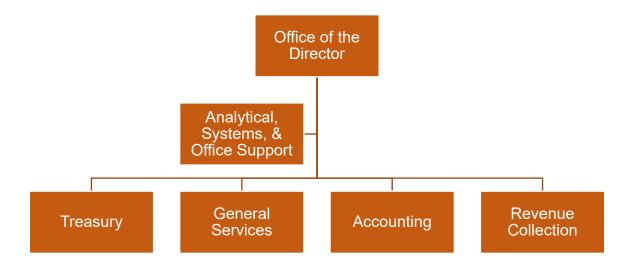
Office of Economic Development is requesting funding for the following items in FY 23 and FY 24 for a Senior Economic Development Project Coordinator (\$274,664), to provide technical assistance and impact analysis for a potential redevelopment site (\$150,000) and funding to extend support to Berkeley businesses as they emerge from the pandemic through the #Discovered in Berkeley Marketing & Communications Campaign (\$50,000).

FINANCE

MISSION STATEMENT

To conduct all of our responsibilities with integrity, warrant and receive the trust of colleagues and constituents, and to positively support the delivery of quality services to fulfill the City's mission and citywide priorities. Within the framework of full disclosure and quality customer service, our principal obligations are to safeguard City assets, maximize revenues, manage the business of City programs, and provide accurate, timely, and complete financial information.

ORGANIZATIONAL CHART



FINANCE OVERVIEW

The Finance Department supports all City departments and provides services for the entire Berkeley community. In addition to the Office of the Director and Finance Administration, the department is organized into four divisions: Treasury, General Services, Accounting, and Revenue Collection.

The Finance Department is organized into five divisions to deliver the following baseline services:

 Office of the Direct and Finance Administration: The Finance Director serves as the City's Chief Financial Officer, Investment Manager, and City Treasurer. The Director's Office provides expert, professional assistance to City management and City Departments on financial, accounting, and related matters; provides business administration and technical assistance to City departments; administers the annual budget and directs day-to-day financial operations; provides revenue and economic forecasting to City policymakers and stakeholders; manages the City and retiree medical plan investment portfolios; designs and implements an automated and integrated financial accounting system; makes presentations of the City's financial status and operations to the City Council and other regulatory agencies; monitors developments related to finance and accounting matters and evaluates their impact on City operations and financial programs; and serves as the lead for citywide Payment Card Industry (PCI) compliance.

- Treasury: The Treasury Division is responsible for receipt recordation, deposits, and investments of City monies. It also assists the Finance Director in investing short-and long-term investments of surplus City funds; maintains fiscal accountability for all City monies; manages the City's banking relationship; and coordinates implementation of the City's online payment programs.
 The Treasury Division acts as the City's centralized cashiering operation and accepts deposits from all City cash acceptance locations and departments. It also acts as the main payment processing center for mail-in payments for Citywide billing and other revenue sources. It is responsible for revenue development, audits, and collection on delinguent accounts.
- General Services: The General Services Division manages a centralized purchasing function. This division identifies equipment, goods, and services that will meet the City's needs; creates cost effective purchasing and maintenance agreements; issues and awards all non-construction bids and Requests for Proposal; and opens all construction bids to obtaining the best competitive pricing for purchases while adhering to the City's purchasing policies. It also enforces compliance of City polices involving the following programs: Living Wage, Contract Compliance, and procurement restrictions. The Division maintains the purchasing information on the City's website and assures that customers and vendors have online access to needed information and forms. General Services is also responsible for mail services.
- Accounting: The Accounting Division serves as advisor, consultant, and an information source to other departments on financial management items and Finance Department policies and procedures. It directs the maintenance of the City's automated accounting system, including the general ledger and all required subsidiary ledgers. The Accounting Division reviews and ensures adequate internal controls throughout the City, performs bank reconciliations, and assists in the development of the Finance Department work plan. It is responsible for the preparation of various financial and accounting reports, including the Annual

Page 148 of 410

Comprehensive Financial Report (ACFR), State Controller's reports, quarterly grants report, sales tax returns, payroll, and the City's indirect cost allocation plans. Accounting has an Accounts Payable unit which controls disbursements made from City funds, excluding those for investments, payroll, payroll liability, and to the workers' compensation administrator. The Accounting Division ensures that all disbursements are timely, accurate, and are made in compliance with all internal controls and established City policies and procedures.

• Revenue Collection: The Revenue Collection Division provides billing services for refuse and most other City services; prepares the City's and Berkeley Unified School District's special property tax rolls for inclusion on the annual property tax bill; processes transfer tax, seismic retrofit, very low-income, and private sewer lateral refunds; prepares and processes annual business licenses and residential parking permits; schedules business license appeals; supports the Customer Service Counter with business license applications; administers and issues street vendor, massage, and food vendor permits; and maintains the City's land management database. It confers with City staff and management in analyzing proposed rate structures of various City revenues.

The Customer Service Counter is a unit within the Revenue Collection Division. It provides counter service to the Berkeley community and processes walk-in/drop-off payments for various Citywide billings, business licenses, residential parking permits, parking citations, copies of birth and death certificates and assists customers in the community service program for Project 22.¹⁸ This unit prepares and submits all payments received from customers to Treasury for posting in the City's financial system. The staff provides support for updating customers' records in the City's parking system, maintains records of community service agreements, and processes tow and boot releases and account maintenance for parking related payment inquiries.

¹⁸ Project 22 is a program for eligible customers to complete community service in exchange for their citation/ticket balance, if they are unable to pay. The program has been on hiatus during the pandemic.

| FINANCE DEPA | FINANCE DEPARTMENT FINANCIAL SUMMARY | | | | | | | | | |
|------------------------|--------------------------------------|-----------|-----------|-----------|------------|------------|--|--|--|--|
| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | | | | |
| | Actual | Actual | Actual | Adopted | Proposed | Proposed | | | | |
| EXPENDITURES | | | | | | | | | | |
| | | | | | | | | | | |
| By Type: | | | | | | | | | | |
| Salaries and Benefits | 5,790,526 | 6,347,845 | 6,492,503 | 7,444,363 | 8,830,759 | 8,999,217 | | | | |
| Services and Materials | 903,606 | 1,034,326 | 688,243 | 985,496 | 985,496 | 985,496 | | | | |
| Capital Outlay | 693 | 5,644 | - | 33 | 33 | 33 | | | | |
| Internal Services | 425,269 | 879,962 | 885,181 | 895,499 | 897,999 | 897,999 | | | | |
| Indirect Cost Transfer | 106,725 | 94,557 | 80,085 | 105,711 | 120,114 | 123,262 | | | | |
| | 7,226,820 | 8,362,334 | 8,146,012 | 9,431,102 | 10,834,401 | 11,006,007 | | | | |
| By Division: | | | | | | | | | | |
| Office of the Director | 850,981 | 1,859,528 | 1,984,585 | 1,264,387 | 2,180,276 | 2,194,753 | | | | |
| Treasury | - | - | 1,427,650 | 2,134,571 | 2,487,514 | 2,494,306 | | | | |
| Accounting | 1,466,467 | 1,539,643 | 1,652,157 | 1,733,392 | 1,917,649 | 1,972,784 | | | | |
| General Services | 1,070,870 | 1,204,365 | 987,569 | 1,422,323 | 1,515,992 | 1,550,288 | | | | |
| Customer Service | 1,147,573 | 1,368,055 | 722,233 | 997,126 | 888,651 | 903,114 | | | | |
| Revenue Collection | 2,690,929 | 2,390,743 | 1,371,818 | 1,879,303 | 1,844,320 | 1,890,762 | | | | |
| | 7,226,820 | 8,362,334 | 8,146,012 | 9,431,102 | 10,834,401 | 11,006,007 | | | | |
| By Fund: | | | | | | | | | | |
| General Fund | 5,474,314 | 6,596,629 | 6,682,935 | 7,041,962 | 8,431,482 | 8,550,063 | | | | |
| U1 - Housing | - | - | 83,327 | 385,442 | 403,212 | 415,512 | | | | |
| Paramedic Assmt Dist | 18,426 | 18,977 | 19,503 | 19,842 | 20,824 | 21,490 | | | | |
| Library | 18,431 | 18,977 | 19,503 | 19,842 | 20,783 | 21,443 | | | | |
| Parks Tax | 18,431 | 18,977 | 19,503 | 19,842 | 20,824 | 21,490 | | | | |
| Street Light Assmt. | 20,582 | 21,181 | 21,712 | 21,749 | 23,326 | 24,017 | | | | |
| Zero Waste Fund | 1,088,186 | 975,253 | 831,212 | 1,247,727 | 1,219,795 | 1,247,768 | | | | |
| Clean Storm Water | 20,583 | 21,179 | 21,711 | 21,750 | 23,326 | 24,017 | | | | |
| Parking Meter | 69,415 | 52,635 | ,
- | 40,000 | 40,000 | 40,000 | | | | |
| Equipment | 157.040 | 206.206 | 166 522 | 167.027 | 176.074 | 101.051 | | | | |
| Replacement | 157,248 | 296,206 | 166,533 | 167,937 | 176,971 | 181,251 | | | | |
| Central Services | | | | | | | | | | |
| 0.1 5 1 | 283,324 | 285,149 | 221,410 | 385,483 | 391,386 | 394,486 | | | | |
| Other Funds | 57,880 | 57,171 | 58,666 | E0 E00 | 60.470 | 64.470 | | | | |
| | | | | 59,526 | 62,472 | 64,470 | | | | |

8,362,334 8,146,012 9,431,102 10,834,401 11,006,007

7,226,820

Page 150 of 410

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|---------------------------------|---------------------|---------------------|-----------|----------------------|------------|----------------------|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| DIVISION/ACTIVITY SUM | MARY | | | | | |
| Office of the Director | | | | | | |
| Administration | 837,967 | 1,813,649 | 1,913,865 | | 1,603,400 | 1,608,183 |
| Customa Cumpant | 12.012 | 45.070 | 70 700 | 1,121,717 | | E00 E70 |
| Systems Support Division Total | 13,013
I 850,981 | 45,879
1,859,528 | 70,720 | 142,670
1,264,387 | | 586,570
2,194,753 |
| DIVISION TOTAL | 050,961 | 1,009,020 | 1,904,505 | 1,204,307 | 2,100,270 | 2,194,733 |
| Accounting | | | | | | |
| Administration | 1,043,676 | 1,257,384 | _ | _ | 221,988 | 214,422 |
| General Accounting | - | - | 1,391,012 | | 1,262,259 | 1,312,816 |
| | | | | 1,329,889 | | |
| Accounts Payable | 422,791 | 282,259 | 261,144 | | | 445,545 |
| Division Tota | 1,466,467 | 1,539,643 | 1,652,157 | 1,733,392 | 1,917,649 | 1,972,784 |
| General Services | | | | | | |
| Gen Svcs - Admin | _ | _ | _ | _ | 260,042 | 268,565 |
| Procurement | 787,546 | 919,216 | 766,160 | | 864,564 | 887,237 |
| r recarement | . 0.,0.0 | 0.10,2.10 | 700,100 | 1,036,840 | | 001,201 |
| Mail Services | 283,324 | 285,149 | 221,410 | 385,483 | 391,386 | 394,486 |
| Division Tota | I 1,070,870 | 1,204,365 | 987,569 | 1,422,323 | 1,515,992 | 1,550,288 |
| _ | | | | | | |
| Treasury | | | | | | |
| Collections | - | - | - | 133,046 | | 46,610 |
| Administration | - | - | 83,327 | , | | - |
| Treasury - Admin | 596,589 | 748,643 | 652,989 | , | | 584,474 |
| Operations | 391,370 | 375,693 | 391,817 | | | 612,911 |
| Revenue Development | 159,614 | 243,718 | 299,517 | | | 1,250,311 |
| Division Tota | 1,147,573 | 1,368,055 | 1,427,650 | 2,134,571 | 2,487,515 | 2,494,306 |
| Bayanya Callagtian | | | | | | |
| Revenue Collection | | | | | 070.677 | 270 502 |
| Rev Coll - Admin | 1 600 650 | 1 EOE 707 | 1 200 047 | - | 270,677 | 279,592 |
| Billing | 1,690,659 | 1,505,707 | 1,299,047 | 1,869,418 | 1,503,702 | 1,601,220 |
| Customer Service | 798,202 | 713,897 | 722,233 | | 888,651 | 903,114 |
| Licensing/Permits | 202,069 | 171,138 | 72,770 | | | 9,950 |
| Division Tota | | 2,390,743 | | 2,876,429 | | 2,793,876 |
| 23611 106 | _,000,020 | _,000,. 10 | _,001,001 | _,5.5,.20 | _,, 0_,011 | _,, 00,070 |
| Department Total | 7,226,820 | 8,362,334 | 8,146,012 | 9,431,102 | 10,834,402 | 11,006,007 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|--------------------------------------|--|----------------------|---|---------------------|
| Foster a dynamic, sustainable, and locally-based economy | City
Manager's
Office | Local Vendor
Preference
Policy | Implement vendor scoring criteria to give preference to vendors located within Berkeley. | 7/22-6/23 | New | Staff time |
| Champion
and
demonstrate
social and
racial equity | Human
Resources | Contracting
Equity Study | Working as part of a City-
wide team to address
results of study. | 12/21-
6/23 | New | Staff time |
| Champion
and
demonstrate
social and
racial equity | City Attorney,
Health
Housing &
Community
Services | Equal Pay
Vendor
Preference | Implement preferential vendor selection process in City contracting. | 7/21-6/23 | Continuing;
Interrupted
by Pandemic | Staff time |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Finance Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|-----------------------------|---|--|--|----------|
| Citywide purchasing | Review requisitions submitted and determine the percentage that are either: • not compliant with purchasing requirements and require returning to the department, or • substantially compliant but require additional review. | 10% or less
noncompliant
0% partially
compliant | oncompliant • approximately 4% noncompliant | |
| Citywide payment processing | Review payment requests submitted and determine the percentage that are either: • not compliant with payment requirements and require returning to the department, or, • substantially compliant but require additional review. | 10% or less
noncompliant | 87,626 invoices totaling \$513,637,408 • approximately 5% noncompliant/ requiring additional review | |
| Citywide investments | Investments meet safety, liquidity, and reasonable return requirements | Meets
requirements | \$660,517,110 total cash
and investments,
.97% pooled and 4.23%
trust rate of return | |

Page 153 of 410

| Measure | Description | Target | Actual | Tracking |
|--------------------------------|--|---|---|----------|
| | | | successfully meeting
safety, liquidity, and
reasonable return
requirements | |
| City
financial
reporting | Meet statutory state submission deadline with no findings by external auditors | Meet
deadline with
no audit
findings | Submitted on-time,
received no audit
findings | • |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

↓ Target is to decrease numbers/percentages

Not meeting target

CHALLENGES

Finance Department challenges include:

- Recruitment and Retention of Qualified Staff: The challenge in recruiting new personnel to replace retiring employees and filling long-vacant specialized positions has led to increased workload and decreased effectiveness.
- Business License Processing: License renewal processing, which brings in \$28 million per year, does not have sufficient core staff resources to manage this operation. Instead, it is carried out in a fragmented fashion, using overtime and outside temporary staffing, which leads to an inefficient process that is not cost-effective. The reliance on staff overtime causes delays in processing and longer wait-times for customers because individual applications and renewals must be processed by several separate functional teams that all have other tasks as their primary responsibility. Additional staffing would allow a team to focus exclusively on processing business license returns and payment, allowing a quicker turnaround and a unified customer support that could assist with all aspects of licensing and renewals.
- Payment Acceptance Process Improvement: Finance adapted to social distancing restrictions
 dictated by the response to the COVID-19 pandemic to provide the public with alternative options
 to pay taxes and fees rather than just in-person at City facilities. The Finance Department
 continues efforts to bring more online options for fee and tax payments, and to increase efficiency
 through automation of processes.
- **ERMA (enterprise resource management application)**: Finance will work on implementing Phase 3 of the City's new financial system (i.e., Accounts Receivable/General Billing modules) in 23. The Department currently has limited staff capacity, and implementing a new revenue and cash receipting system requires near full-time commitment of subject matter experts that are already at capacity with current operations.
- P-Card (Purchasing Card): A Citywide Purchasing Card program will increase the variety of
 items the City can purchase using the convenience of credit cards, but requires setting up a
 purchase approval and expense classification system. New procedures for card use and reporting
 need to be established, staff and program administrators need to be trained, and the existing card
 program needs to be phased out without an interruption to City procurement.
- Parking Management System: The existing Passport System has limitations related to
 performing adequate cashiering reporting and reconciliations, causing an undue burden on staff
 who must do a great deal of additional research to make sure all payments are accurately
 recorded and that City resources are protected.

ACCOMPLISHMENTS

Highlights of recent Finance Department accomplishments include:

- **Business License Taxes**: In 2022, the Revenue Collection Division increased the efficiency of the business license program. With limited resources, the Finance Department was able collect over \$28,000,000 in Business License revenues by:
 - Expanding online renewals and payments,
 - o Implementing a new audit program of non-compliant businesses, and
 - Improving system processes for increased effectiveness.
- Miscellaneous Online Payment Portal: The Treasury Division and Financial Systems Group
 implemented a new payment portal for customers wanting to make donations or other
 miscellaneous payments to the City. This increases convenience for City customers and helps
 protect the City's banking information.
- Revenue Enhancement: For 2022, the Finance Department implemented a new tax on
 Transportation Network Companies, enhanced collection efforts for delinquent Business License
 Taxes, and improved tracking and follow-up on returned checks and credit card chargebacks.
 These efforts combined to produce millions of dollars in additional revenue.
- Implementation of Governmental Accounting Standards Board (GASB) Statements: The
 Accounting Division implemented several interpretations of accounting principles issued by the
 GASB, including Statement No. 84 (identification of fiduciary activities); Statement No. 90
 (reporting on majority equity interests in separate entities); and Statement No. 93 (replacement of
 London Interbank Offer Rate [LIBOR] interest rate benchmark).

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

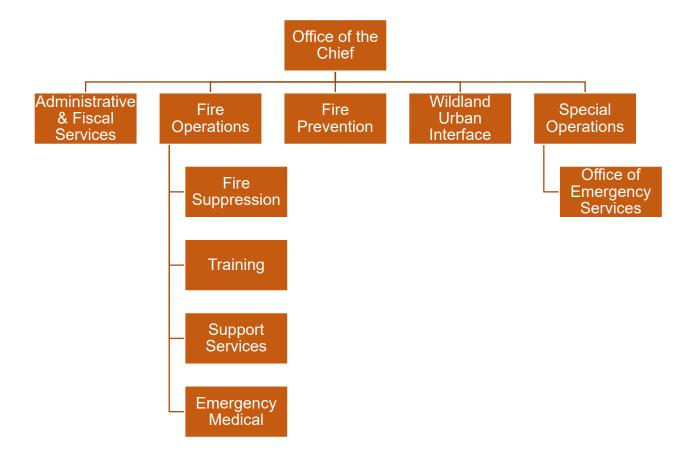
The FY 23 baseline budget increases by \$1,403,299, or 15% over the FY 22 Adopted Budget of \$9,431,102. This is primarily due to an increase in salaries and benefit costs. Finance is requesting funding for additional positions (\$469,120), increased training (\$50,000) and for the one-time cost of replacing the property tax assessment system (\$300,000) and for the replacement of the current business license tax system (\$500,000). If these items are approved for funding, they will create significant changes from the prior year's budget.

FIRE DEPARTMENT

MISSION STATEMENT

The Berkeley Fire Department protects life, property, and the environment through emergency response, prevention, and community preparedness.

ORGANIZATIONAL CHART



FIRE DEPARTMENT OVERVIEW

The Berkeley Fire Department is committed to providing comprehensive fire protection, emergency medical, disaster preparedness, rescue, and other related services in an efficient, effective and caring manner to the diverse Berkeley community.

Page 157 of 410

The Fire Department is organized five divisions which report to the Office of the Fire Chief and deliver the following services:

- Office of the Fire Chief: The Office of the Chief plans, organizes, coordinates, and directs the City's fire prevention, suppression, and emergency medical service programs. The Office also assists City management, fosters cooperative working relationships with community groups and other agencies on fire matters, and maintains the labor and management relationships.
- Administrative and Fiscal Services Division: The Administrative and Fiscal Services Division
 provides services of budget and fiscal policy, payroll, purchasing, administrative systems, record
 retention compliance, employee training and development, and the labor and management
 relationship. The Division also oversees strategic planning, grant writing, public record act request
 responses, performance tracking, and reporting.
- Operations Division: The Operations Division represents four distinct sub-divisions in the Fire Department: Fire Suppression, the Division of Training and Safety, Emergency Medical Services (EMS), and Support Services. In addition, this Division handles departmental logistics, which includes responsibility for radio systems, alerting systems, vehicle specifications, and maintenance. The Division contains these four subdivisions:
 - Fire Suppression conducts all field operations including fire suppression, medical and rescue response, vehicle and pedestrian accident response, natural gas leaks, hazardous materials response, water rescue, fire alarm response, Bay Area Rapid Transit (BART) emergencies, UC Berkeley responses and all other emergency calls. This subdivision also conducts annual fire prevention inspections, public education, and other community emergency training.
 - Training and Safety is focused on providing great training to the members of the Berkeley Fire Department. The subdivision is proud to run a California State Fire Training (SFT) Accredited Local Academy (ALA) where new firefighters attain their SFT Firefighter I and II certifications. The subdivision also provides ongoing training and development to the entire Department. This is accomplished with an Assistant Fire Chief, three sworn members, and one non-sworn member who provides critical administrative support.
 - Support Services coordinates logistical support for emergency and non-emergency operations. This includes design and construction of apparatus; procurement and distribution of tools, equipment, and supplies; and providing subject matter expertise for information technology and radio communications programs.
 - Emergency Medical Services (EMS) oversees the Department's pre-hospital care and treatment program to the Berkeley community. All of Berkeley's seven fire engines, two trucks, and four ambulances are staffed with paramedics. The subdivision also oversees emergency medical services for large events, and may provide standby services or require an event to contract EMS services to minimize the event's impact on the 911 system.
- **Fire Prevention Division**: The Fire Prevention Division plans, organizes, and implements all Fire Department prevention and inspection programs, including fire and arson investigations, vegetation management, hazard abatement, code enforcement, public fire safety education, plan checking, and evaluation and development of codes and ordinances.

Page 158 of 410

- Wildland Urban Interface (WUI) Division: The WUI Division focuses on addressing the wildland fire threat that faces the Berkeley community by performing vegetation management inspections, and delivering education to community groups.
- Special Operations Division: The Special Operations Division includes management of the
 Office of Emergency Services and implements disaster preparedness and response programs,
 outreach and education, and regional collaboration planning. The Special Operations Division also
 manages support for the Department's information technology needs, emergency
 communications, mutual aid coordination with allied agencies and non-governmental
 organizations, hazardous material response oversight, and water rescue response oversight and
 policy.

FIRE DEPARTMENT FINANCIAL SUMMARY

| | EV 2040 | EV 2020 | FY 2021 | EV 2022 | EV 2022 | EV 2024 |
|---|------------|-----------------|-----------------|-------------------------|-------------------------|-------------------------|
| | FY 2019 | FY 2020 | F1 2021 | FY 2022 | FY 2023 | FY 2024 |
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| EXPENDITURES | | | | | | |
| By Type: | | | | | | |
| Salaries and Benefits | 38,479,529 | 40,694,615 | 41,987,522 | 40.000.004 | 40.040.400 | 40.050.000 |
| Services and Materials | 2,121,752 | 3,628,064 | 3,988,425 | 43,808,664 | 49,016,432
8,684,628 | 49,959,699
8,932,110 |
| Capital Outlay | 174,525 | 270,458 | 323,404 | 11,720,242
1,499,500 | 2,209,343 | 1,092,403 |
| Internal Services | 2,209,542 | 3,611,629 | 3,584,021 | 3,313,632 | 3,313,632 | 3,313,632 |
| Indirect Cost Transfer | 7,211 | 9,182 | 8,329 | 9,392 | 9,190 | 9,190 |
| | 42,992,558 | 48,213,947 | 49,891,701 | 60,351,430 | 63,233,225 | 63,307,034 |
| | | | | , , | | ,, |
| By Division: | | | | | | |
| Office of the Fire Chief Fire Administrative Services | 1,142,916 | 2,494,458 | 2,450,217 | 2,687,804 | 3,085,483 | 3,110,061 |
| Fire Operations | 39,801,454 | -
43,298,209 | -
45,431,197 | - | - | - |
| | | | | 55,145,843 | 54,047,349 | 54,081,766 |
| Fire Prevention | 1,070,409 | 1,227,376 | 814,281 | 1,343,794 | 2,760,419 | 2,758,484 |
| Special Operations/OES Wildfire Urban Interface | 977,779 | 1,193,905 | 1,196,006 | 1,173,989 | 1,217,259
2,122,714 | 1,250,920
2,105,802 |
| Wildlife Orbait interface | 42,992,558 | 48,213,948 | 49,891,701 | | 2,122,714 | 2,103,002 |
| | 12,002,000 | | | 60,351,430 | 63,233,225 | 63,307,033 |
| By Fund: | | | | | | |
| General Fund | 34,172,733 | 38,848,003 | 38,988,843 | | | |
| General Fund | 34,172,733 | 30,040,003 | 30,900,043 | 37,021,939 | 41,626,945 | 42,159,998 |
| Paramedic Tax Fund | 3,949,552 | 4,057,997 | 5,018,644 | 4,896,823 | 5,197,371 | 5,246,532 |
| CFD #1 Dis Fire Protect Bond | 129,917 | 474,085 | 699,654 | 2,048,940 | 1,362,705 | 573,904 |
| Measure GG | 4,668,528 | 4,691,411 | 4,949,073 | 4,304,901 | 4,669,122 | 4,698,827 |
| UC Settlement | | | | | 2,883,664 | 2,969,558 |
| Measure FF | | | | | 7,402,075 | 7,565,275 |
| O | | 445.45 | 00-10- | 11,992,075 | 0 | |
| Other Funds | 71,828 | 142,451 | 235,488 | 86,752 | 91,342 | 92,939 |
| | 42,992,558 | 48,213,947 | 49,891,701 | 60,351,430 | 63,233,225 | 63,307,034 |

Page 160 of 410

| | | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|---------------------------|-------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| DIVISION/ACTIVITY SUMMARY | | | | | • | | |
| Office of the Fire Chief | | | | | | | |
| Administration | | 639,973 | 1,938,552 | 1,901,182 | 2,087,550 | 2,282,759 | 2,296,195 |
| Fiscal Services | | 501,788 | 516,472 | 549,675 | 600,254 | 802,724 | 813,866 |
| Professional Star | ndards | 1,155 | 39,433 | (640) | | | |
| Disaster Prepare | dness | | | | | | |
| Divis | sion Total | 1,142,916 | 2,494,458 | 2,450,217 | 2,687,804 | 3,085,483 | 3,110,061 |
| Fire | | | | | | | |
| Operations | | | | | | | |
| Administration | | 843,601 | 918,628 | 807,227 | 854,019 | 2,936,958 | 3,724,213 |
| Suppression/Res | cue/Hazard | | | | | | |
| | | 24,484,495 | 26,387,947 | 28,794,155 | 39,992,896 | 30,503,396 | 29,629,495 |
| Fire Prevention | | | | | | | |
| Fire Training | | 705,277 | 729,352 | 743,792 | 766,059 | 1,581,094 | |
| | | | | | | | 1,610,887 |
| Emergency Medi | cal Service | 40 700 000 | 45.000.004 | 45 000 000 | 40 500 000 | 40.007.004 | 10 007 170 |
| | | 13,768,080 | 15,262,281 | 15,086,023 | 13,532,869 | 18,837,364 | 18,937,476 |
| Support Services | | | | | | 188,537 | 179,695 |
| Divis | sion Total | 39,801,454 | 43,298,209 | 45,431,197 | 55,145,843 | 54,047,349 | 54,081,766 |
| Fire Breeze with an | | 4 070 400 | 4 007 070 | | 4 0 4 0 7 0 4 | 0.700.440 | 0.750.404 |
| Fire Prevention | | 1,070,409 | 1,227,376 | 914 290 00 | 1,343,794 | 2,760,419 | 2,758,484 |
| | | | | 814,280.90 | | | |
| Special Operations/OES | | | 1,193,905 | 1,196,006 | 1,173,989 | 1,217,259 | 1,250,920 |
| opecial operations/ope | • | 977,779 | 1, 190,900 | 1, 190,000 | 1,175,505 | 1,217,239 | 1,200,920 |
| | | 3 , 0 | | | | | |
| Wildfire Urban Interface | | | | | | 2,122,714 | 2,105,802 |
| | | | | | | , | |
| Department Total | | 42,992,558 | 48,213,948 | 49,891,701 | 60,351,430 | 63,233,225 | 63,307,033 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|-----------------------------------|--|----------------------|--------------------|---|
| Create a resilient, safe, connected and prepared City | Human
Resources,
Information
Technology,
Public Works,
Finance | Fire Department
Reorganization | In FY 23-24 the Department will begin a significant re-organization that will result in more services to the community and a workforce that is better prepared and resilient to respond to the challenges the City will face in the coming decades. | 7/22-6/25 | New | (funded,
General
Fund,
Measures
GG & FF,
Paramedic
Tax) |
| Create a resilient, safe, connected and prepared City | Human
Resources,
Finance | Dispatch
Capacity
Building | The Berkeley Emergency Communications Center needs a comprehensive analysis of existing dispatch capabilities and gap analysis to adjust operations to better align with evolving emergency medical response. The goal, per Council direction is to enhance the dispatch center so it is capable of triaging calls, diverting non-emergency calls (including mental health calls) to appropriate resources like the SCU; | 6/22-6/25 | New | \$300,000
(partially
funded,
Measure
FF) |

Page 162 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|---|--|----------------------|--------------------|---|
| | | | providing emergency medical instructions to callers. This will require an adjustment to the staffing model, additional hardware, software and improved training for dispatchers. | | | |
| Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities | Public Works,
Finance | Fire Facilities
Master Plan
(FMP) | Berkeley Fire Department stations are undersized, in poor condition and in need of remodels or replacement. The Department initiated a long-term replacement planning process to better understand infrastructure needs. To feed this plan, Public Works has already conducted an evaluation of fire facilities immediate repair/maintenance needs that will be incorporated in to the FMP. This process will provide City leaders with actionable information ahead of future infrastructure bond measures. | 2/22-9/22 | New | \$300,000
(funded,
Measure
FF) |

Page 163 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|---|---|----------------------|--------------------|---|
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Office of
Energy and
Sustainable
Development | Fire Station
Solar and
Lighting
Transition | The Department is transitioning the stations to use renewable energy sources, have the capacity to function off the grid and begin installation of infrastructure to support the electrification of the fire department's fleet. Goal is to install solar and battery storage onto three fire stations and the fire warehouse. In addition, staff is working to install LED lighting in all facilities. | 1/22-
12/25 | New | No cost
(costs
covered by
existing
utility bills) |
| Attract and retain a talented and diverse City government workforce | Human
Resources | Administration & Fiscal Services Division | Increase Staffing: The Department has an urgent business need to increase staffing within this Division. There is currently no redundancy in knowledge and skill, especially pertaining to payroll processing. | 4/22-
12/22 | New | \$382,003
(funded,
Measure
FF) |
| Attract and retain a talented and diverse City | Finance,
Human
Resources | Employee
Physicals &
Human
Performance | After a multi-year solicitation process, two Contractors have been selected that will provide services that include but | 1/22-
12/22 | New | \$652,354
(funded, UC
Settlement) |

Page 164 of 410

| Goal | Supporting Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|------------------------|---|---|----------------------|--------------------|--|
| government
workforce | | | are not limited to, annual physical examinations, screening for cancer and other chronic diseases associated with the work, one-on-one consultations, managing wellness/fitness initiatives, coordinating awareness and motivational campaigns, mental and health related training, long-term data collection and analysis, and educational seminars. | | | |
| Attract and retain a talented and diverse City government workforce | Human
Resources | Single Function
Recruitment
Process | The Department is working to create a modern recruitment campaign that will attract qualified employees to fill these new and exciting roles within the City. The Department is also working to create an entry level academy curriculum for these new employees that is based on best practices in adult education and equity. | 2/22-6/25 | New | \$50,000
(funded,
Measure
FF) |

Page 165 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|---|--|----------------------|--------------------|--|
| Create a resilient, safe, connected and prepared City | Finance | Regional
Leadership
Academy | The Department was awarded a FEMA Assistance to Firefighters Grant to design and facilitate a class series for current and prospective leaders. Chief Officers, Captains, and Paramedic Supervisors are eligible to attend. These classes are running monthly through August of 23 except for the peak wildland fire season. | 1/22-8/23 | New | \$168,272.73
(funded,
FEMA/AFG
Grant) |
| Create a resilient, safe, connected and prepared City | Human
Resources | Wildfire Safety
and Public
Education
Program | Permanently staff the Wildland Urban Interface Division by staffing with one Assistant Fire Chief, one Office Specialist III and three Sworn Fire Inspectors to provide wildfire safety planning, fuel mitigation, inspection programs and public education. Budget includes code 3 response vehicles, and all overhead costs. | 7/21-9/22 | Continuing | \$3,000,000
(funded,
Measure
FF) |

Page 166 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|--|---|----------------------|--------------------|---|
| Create a resilient, safe, connected and prepared City | Health, Housing and Community Services (YouthWorks), Parks, Recreation, Waterfront (PRW) Recreation, Public Works (PW) | Wildfire
Vegetation
Management/
Seasonal Fire
Crew | Creation of a seasonal wildfire hand crew. Under the direction of the new Fire Captain, this crew would work with PRW and PW to identify excess fuel mitigation needs and handle them on public property. Initially a YouthWorks program with possible expansion. Budget includes a vehicle and all overhead costs. | 7/21-6/22 | Continuing | \$1,000,000
(funded,
Measure
FF) |
| Create a resilient, safe, connected and prepared City | Human
Resources | Evacuation
Zone Outreach | Develop curriculum and hire interns or part-time/temporary personnel to conduct community outreach and education on evacuation plans and routes. | 7/21-6/22 | New | \$25,000
(funded,
Measure
FF) |
| Provide an efficient and financially-healthy City government | Human
Resources | EMS Redesign | Over the next two fiscal years, meet and confer, develop the job classifications, funding sources, and program design to allow for the expansion of EMS operations in a more efficient cost and | 7/21-6/23 | Continuing | \$6,727,077
(funded,
Measure
FF) |

Page 167 of 410

| Goal | Supporting
Departments | Title | itle Description | | New or Continuing? | Estimated
Budget |
|---|--------------------------------|----------------------------------|---|------------|--------------------|---|
| | • | | response model, including Basic Life Support ambulances, Advanced Life Support ambulances, code 3 equipped vehicles, equipment for operations in austere environments and prioritized dispatching. | | | |
| Create a resilient, safe, connected and prepared City | Finance,
Human
Resources | Wildfire Fuel
Mitigation Plan | Hire a consultant to assess and write a fuel management plan for the City of Berkeley. This will include the City and the three remote camps operated by the City. California Environment Quality Act (CEQA) requirements will need to be addressed and the process will be a collaborative science-based approach with community, industry experts, and environmentalists. | 7/21-10/22 | Continuing | \$200,000
(funded,
Measure
FF) |

Page 168 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|--------------------------|---|----------------------|--------------------|---|
| Create a resilient, safe, connected and prepared City | Finance | Water Tenders | These vehicles will allow for an instant water supply during a major disaster and will supplement the Above Ground Water Delivery System funded by Measure Q. | 7/21-7/22 | Continuing | \$950,000
(funded,
Measure Q) |
| Create a resilient, safe, connected and prepared City | | Technical
Rescue Team | Build a technical rescue response team capable of responding and mitigating emergencies involving height, confined space, hazardous atmosphere, and extrication from generally unstable platforms and to a degree the department is not currently capable of addressing at industry standards. This includes recruitment and training of existing personnel, purchasing equipment and on-going costs. | 7/21-7/22 | Continuing | \$150,000
(funded,
Measure
GG) |
| Provide
state-of-the-
art, well-
maintained
infrastructure, | Finance,
Public Works,
Information
Technology | Property
Acquisition | Research, locate and purchase or lease and minimally develop a property that would ideally provide adequate space | 7/21-6/22 | Continuing | \$4,875,000
(funded,
Measure FF |

Page 169 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|--|---|----------------------|--------------------|--|
| amenities,
and facilities | · | | for hands-on and classroom training of public safety personnel and Community Emergency Response Team (CERT) groups, provide space for EMS deployment, EMS offices, warehouse/storage, and a secondary (backup) dispatch center. | | | & UC
Settlement) |
| Create a resilient, safe, connected and prepared City | Finance | Hazardous
Materials
Response Team
Type Rating | Update and expand HazMat equipment and training levels to bring capabilities into alignment with Cal OES Type 2 qualifications and capabilities; better suited for hazards within the City of Berkeley and better able to respond as a regional resource. | 7/21-7/22 | Continuing | \$150,000
(funded,
Measure FF
and UC
Settlement) |
| Be a
customer-
focused
organization
that provides
excellent,
timely, easily- | Finance, IT | Fire Department
Communications | Increase and improve communication to the community by updating the Fire Department web page and creating social media policy and procedures | 1/22-
12/22 | Continuing | \$25,000
(funded,
Measure
FF) |

Page 170 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|---|--|----------------------|--------------------|---|
| accessible
service and
information to
the
community | | | | | | |
| Create a resilient, safe, connected and prepared City | | Training and Equipment to Emergency Responders for Medical Care in Austere Conditions | Develop and implement a program that provides policy, procedures, equipment and training at national standards to Berkeley Firefighters so they can safely and effectively provide lifesaving care during mass casualty events; not limited to but to specifically include active shooter incidents. | 7/19-6/22 | Continuing | \$30,000
(funded,
Measure
FF) |
| Create a resilient, safe, connected, and prepared city | City Manager's Office, Finance, Human Resources, Information Technology, Public Works | Fire Prevention | Increase staffing in the Fire Prevention Division to meet the demand for service. | 7/19-6/22 | Continuing | \$1,500,000
(funded, UC
Settlement) |

Page 171 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|--|--|----------------------|--------------------|---|
| Create a resilient, safe, connected and prepared City | Police
Department,
Public Works | Outdoor
Emergency
Public Alerting
Systems | (part of Rescue and Disaster Response Capabilities Program) Explore and provide options for a system to provide the City instant mass notification of an emergency. This could include sirens, weather ban radios, or other technology. (description updated) | 12/19-
6/22 | Continuing | \$2,000,000
(funded,
Measure
FF) |
| Create a resilient, safe, connected and prepared City | Planning,
Police
Department,
Public Works | Safe Passages | Develop standards, code updates, and enforcement mechanisms to identify narrow streets that need to have parking restrictions and keep clear areas identified and marked. | 7/20-6/22 | Continuing | \$700,000
(funded,
Measure
FF) |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Fire Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|-----------------------------|---|----------|--|----------|
| Call response time | Time from when station receives call to first arriving on scene | ↓ | 5:07 average response time¹⁹ 4:43 median response time | • |
| Fire prevention inspections | Percentage of scheduled inspections completed | 1 | 95% completed | • |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

↓ Target is to decrease numbers/percentages

Not meeting target

¹⁹ This reflects a possible underreported response time. The Department is currently undergoing an in-depth Standard of Coverage analysis and reassessing criteria for response time.

CHALLENGES

The Fire Department's challenges include:

- Increased Demands: The Department's basic structure has stayed the same since the 1980s, but the demand and need for services has greatly increased. It has grown from two services (structure fires and fire prevention) to sixteen:
 - Structure Fire
 - 2. Fire Prevention
 - Emergency Medical
 - 4. Disaster Preparedness
 - 5. Hazardous Materials
 - 6. Wildland Fires
 - 7. Weapons of Mass Destruction
 - 8. Vehicle Extrication
 - 9. Technical Rescue
 - Active Shooter
 - 11. Water Rescue Swimmer
 - 12. Routine Wildland Urban Interface Fires
 - 13. Vocational Education
 - 14. Boat Operations
 - 15. Pandemic Response
 - 16. Community Medicine

There is a further expected increase in relation to expected expansion of services at Berkeley Marina. Also, the impending closure of some of Berkeley's Alta Bates Summit Medical Center services, coupled with the aging of Berkeley's population, will likely translate to the need for an expansion of ambulance transport services. Besides expanded ambulance transport services, the Department also working in partnership with other departments and the community to plan for the future model of care and transport of mental health patients. Another source of increased demand is related to increases in population and density. Taller buildings and added density increase the complexity of the department's emergency response. Increased population, including increased UC Berkeley student population, translates into increased calls for service. Additionally, increased demands translate to a need for additional facilities.

Ongoing Infrastructure and Equipment Needs: Capital infrastructure, including
fire stations, office space, and training grounds are too often in poor condition,
undersized, and in need of significant maintenance or replacement. The Department
has partnered with Public Works to begin work on a landmark Fire Facilities Master
Plan that will provide the leaders of today and tomorrow with a clear needs
assessment and plan for the next 20 years.

- Staffing and Recruitment: The Department is experiencing unprecedented challenges recruiting and retaining qualified firefighter/paramedics. While some of this is related to the pandemic, the Department is re-designing itself to be a more appealing workplace with more opportunities for career advancement and more employee training and education.
- Administrative and Fiscal Staffing: The Administrative and Fiscal Services
 Division is requesting an additional position to help assist with payroll processing.

ACCOMPLISHMENTS

The Fire Department's accomplishments include:

- Maintaining Minimum Staffing: The Department expedited two
 firefighter/paramedics recruitments in FY 22. These recruitments were critical to
 getting back to minimum staffing, which bolsters morale, and curbs employee fatigue
 and burnout associated with the excessive amount of overtime due to the pandemic.
- Implementation of New Programs & Projects: With the passing of Measure FF in November 2020, the Department has worked to begin implementation of the programs and projects outlined to the City Council. This has been a significant challenge as the Department remains critically understaffed due to the lingering impacts of the pandemic and the difficulty in recruiting adequate numbers of entry level employees. Work that has occurred so far includes:
 - Contracts: Staff negotiated contracts for the Community Wildland Protection Plan, Dispatch Analysis, Motorola Radio Lease, Wellness/Human Performance, Annual Physicals and Cancer Detection, and the Fire Facilities Master Plan.
 - EMS Re-Design: Staff worked with the Human Resources Department and labor to create two new classifications, Emergency Medical Technician and Paramedic. These positions will create a more efficient and cost-effective EMS system and will allow the Department to recruit a more diverse pool of applicants.
 - Wildland Urban Interface (WUI) Division: The Department has focused on addressing the wildland fire threat that faces the community and in support of those efforts hired Retired Annuitants temporarily to begin the work that will eventually be transitioned to full time staff. This allowed the Department to build the structure of the Division, perform vegetation management inspections, and deliver education to community groups.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The Department budget increased due to the passing of Measure FF and the UC Settlement funds that will be appropriated in the FY 23-24 budget cycle.

- Measure FF: With the passing of this measure, the Department budget will increase
 to \$7.4 million in FY 23 and to \$7.6 million in FY 24. These funds will support the
 Department's proposed reorganization as well as support the following mandated
 programs, projects, and services that have begun:
 - Creating a WUI Division, including developing a Community Wildfire Protection Plan (CWPP), expanding vegetation inspections to all of Zone 2, expanding Firewise programs, re-starting the Safe Passages Program, and re-building the vegetation inspection and citation programs;
 - Completing an analysis of Fire/EMS dispatching;
 - Creating a single function division to more efficiently run emergency medical calls for service;
 - Creating a Training Division, including developing a sufficient sized and adequately equipped training grounds and re-designing our EMS transport system;
 - o Completing a Standards of Coverage Analysis; and
 - Initiating a Fire Facilities Master Plan (FMP).

The total Measure FF Budget for FY 23 is \$8.1 million in FY 23 and \$8.3 million in FY 24. The remainder of the funds are \$757,925 in each fiscal year and are budgeted in Non-Departmental as a transfer to the Paramedic Tax Fund to help balance the fund in FY 23 & FY 24.

- **UC Settlement**: The Department's budget will increase to \$2.9 million in FY 23 and \$3.0 million in FY 24. These funds will support the Department's proposed reorganization and the following projects/programs:
 - o Employee Physicals and Cancer Prevention/Detection,
 - Employee Wellness/Human Performance Program,
 - Additional Fire Prevention Inspectors,
 - o Ongoing funding for employee training, equipment, and training facilities, and
 - o Miscellaneous apparatus and equipment.

HEALTH, HOUSING AND COMMUNITY SERVICES

MISSION STATEMENT

The Mission of the Health, Housing, and Community Services Department is to enhance community life and support housing, health, and wellness for all.

ORGANIZATIONAL CHART



HEALTH, HOUSING & COMMUNITY SERVICES OVERVIEW

The Department of Health, Housing and Community Services (HHCS) is organized in an Office of the Director and five divisions which support the Department's mission: Aging Services, Housing and Community Services, Environmental Health, Mental Health, and Public Health. Together these divisions provide a wide array of services to the community, including Meals on Wheels for seniors, affordable housing development loans for nonprofit organizations, restaurant health inspections, mental health services for people with high level needs, health services at Berkeley High School, and much more. In addition, the Department currently staffs seven commissions, and also works closely with the Homeless Services Panel of Experts, now staffed in the City Manager's Office. Baseline activities of each division are described in more detail below.

The Health, Housing, and Community Services Department is organized into five divisions and the Office of the Director to deliver the following baseline services:

 Office of the Director: The Office of the Director provides overall leadership, strategic direction, policy development, management, and fiscal oversight that includes budgeting, accounting, payroll, purchasing, and billing external funding agencies. As part of their leadership role, Office of the Director staff work closely with HHCS divisions, community stakeholders, the seven commissions staffed by HHCS as well as the other commissions to prioritize projects that most directly impact the health and well-being of the Berkeley community. The Office of the Director also encompasses the Public Health Officer's Unit, which identifies and responds to community health threats through communicable disease prevention and control, epidemiology, and vital statistics.

- Aging Services: The Aging Services Division enhances the well-being and independence of older adults by offering social connections, activities, and lifelong learning. The Division operates two vibrant senior centers that offer thousands of classes, events, workshops and day trips as well as a nutritious weekday lunch for older community members. The Meals on Wheels program provides nutritious meals to home-bound seniors. Case managers provide consultation, referral, and linkage to community resources. Additionally, Aging Services provides taxi and van trips for older adults and disabled Berkeley residents to improve quality of life and access to community resources.
- Environmental Health: The Environmental Health Division (EH) protects public health and prevents disease by providing education and enforcing state and local health laws at more than 1,200 businesses and facilities across the city. Regulated and permitted programs include all retail food businesses, food service operations at public and private schools, public swimming pools and spas, body art facilities, tobacco retailers, and cannabis dispensaries. Further, EH investigates complaints of unhealthy conditions in buildings and neighborhood environments and eliminates nuisance conditions to prevent the spread of disease in the community. Examples include investigation of foodborne illness, responding to and resolving noise complaints, addressing abandoned automobiles, and providing vector control services.
- Housing and Community Services: The Housing and Community Services
 Division (HCS) produces, preserves, and supports affordable housing by working
 with community partners to help meet the housing needs of Berkeley residents who
 are low-income, homeless, seniors, disabled, or have special needs. HCS also
 provides funding and collaborates with community-based organizations to serve
 chronically unhoused people by providing shelter, coordinated entry to permanent
 housing, food, hygiene services, and other basic needs supports. HCS coordinates
 the City's community agency funding process and administers Berkeley's Shelter +
 Care program.
- Mental Health: The Mental Health Division (MH) provides intensive services to adults, youth, and children who have high level mental health needs and are eligible for Medi-Cal. It is also the "Front Door" to the public mental health system; providing on-demand assessment and linkage to care and comprehensive treatment for lowincome adults, children, and families with major mental health concerns. The Division's Mobile Crisis Team and Crisis Phone Lines respond to mental health

Page 178 of 410

- emergencies and crisis situations. MH also funds and supports a variety of community service providers and projects that result in culturally responsive services that reach a wide range of City residents, such as school age children, seniors, LGBTQI²⁰ individuals, transition age youth, and underserved ethnic groups.
- Public Health: The Public Health Division (PH) strives to achieve health equity in Berkeley by creating environments that optimize health and well-being for all, and through community-based partnerships. PH provides health education and promotion for tobacco cessation, cardiovascular/heart health, childhood health and nutrition, oral health, and adolescent health. The Division oversees and provides adolescent health services at the Berkeley High School and Berkeley Technology Academy Health Centers, and also provides maternal and child health services including prevention programs and targeted case management. The Division also addresses health policy work through the Healthy Berkeley Program and State Tobacco programs to enhance policy, systems, and environment changes to support healthy practices in the community. The Division now operates YouthWorks, a year-round employment and training program for residents aged 14 to 25, and incorporates job training activities with other youth resources in the community.

²⁰ Lesbian, gay, bisexual, transgender, queer/questioning, and intersex.

DEPARTMENT OF HEALTH, HOUSING AND COMMUNITY SERVICES FINANCIAL SUMMARY

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|-----------------------------------|-------------------------|------------|---------------|------------|------------|------------|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| EXPENDITURES | | | | | | |
| By Type: | | | | | | |
| Salaries and Benefits | 28,688,325 | 29,297,601 | 29,612,569 | 38,009,426 | 44,513,584 | 45,265,720 |
| Services and Materials | 18,968,967 | 27,154,559 | | | | 42,713,357 |
| Capital Outlay | 804,105 | 665,935 | 20,652 | 247,062 | 137,062 | 247,062 |
| Internal Services | 1,534,905 | 3,471,744 | 3,380,540 | 3,956,417 | 3,851,576 | 4,001,576 |
| Indirect Cost Transfer | 31,108 | 18,221 | 36,028 | 188,815 | 51,882 | 52,648 |
| | 50,027,411 | 60,608,059 | 81,811,330 | 84,514,926 | 93,368,105 | 92,280,363 |
| D. Di tata | | | | | | |
| By Division: | 0.000.004 | 4 705 040 | 7 4 40 005 | 0 000 540 | 44 040 000 | 44 047 007 |
| Office of the Director | 2,866,391 | 4,785,842 | 7,149,835 | | | 11,317,937 |
| Aging Services | 3,917,656 | 4,019,360 | 3,935,411 | | | |
| Environmental Health | 2,087,480 | 1,804,421 | 1,845,027 | | | |
| Housing & Community Services | 15,228,938 | 19,528,452 | 39,861,365 | 38,447,750 | 39,149,783 | 39,350,464 |
| Mental Health | 13,534,587 | 14,579,581 | 15,441,645 | 19,746,135 | 23,438,326 | 22,821,837 |
| Public Health | 8,386,055 | 7,859,736 | | | | 10,355,619 |
| Community Funding | 4,006,304 | 8,030,668 | 7,027,809 | | , , | , , |
| . • | 50,027,411 | | 81,811,330 | | 93,368,105 | 92,280,363 |
| | | | | | | |
| By Fund: | | | | | | |
| General Fund | 19,186,176 | 27,809,295 | 25,566,360 | 23,455,690 | 25,265,310 | 25,429,537 |
| U1 - Housing | | 1,071 | | | 5,831,330 | |
| Capital Improvement Fund | 109,215 | 74,145 | 80,887 | • | 75,424 | 76,240 |
| Federal Funds | 7,298,491 | 7,877,758 | | 12,422,667 | | 12,388,043 |
| State Funds | 16,222,308 | 14,793,788 | | | | 26,817,359 |
| County Grants | 1,458,832 | 1,845,459 | | | 2,910,438 | |
| Local and Foundation Grants | , , | 4,148,734 | 3,104,535 | 3,275,813 | 3,797,526 | 4,138,539 |
| Rental Housing Safety | 610 | 4 007 700 | 4 0 4 4 0 0 4 | | 4 500 044 | 4 004 000 |
| Measure E Disabled Tax | 1,249,165 | 1,297,768 | 1,341,961 | 1,432,011 | 1,569,911 | 1,601,060 |
| Measure B Paratransit | 383,646 | 455,244 | 527,845 | | 36,797 | 36,797 |
| Measure BB Paratransit | 238,202 | 142,168 | 49,074 | | 934,031 | 940,629 |
| Measure GG Fire Prep Tax | 314,021 | 137,856 | 204,136 | | 256,287 | 260,632 |
| Measure O | 125.057 | 104 404 | 14,923,810 | | 6,445,567 | 6,445,567 |
| Sewer Fund | 135,957 | 184,481 | 343,797 | 437,189 | 503,102 | 509,045 |
| Permit Service Center Other Funds | 1 754 222 | 1,840,293 | 510 700 | 4 656 000 | 5,225,020 | 4,825,622 |
| Outer Fullus | 1,754,222
50,027,411 | 60,608,060 | | | | 92,280,363 |
| | 50,027,411 | 00,000,000 | 01,011,330 | 04,514,820 | 93,300,103 | 92,200,303 |

| Name | | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | | | | |
|--|--------------------|------------|------------|------------|------------|------------|------------|--|--|--|--|
| Diffice of the Direct Diffice of the Olivation of Piscal & 1,736,741 & 3,690,597 & 3,792,938 & 3,421,380 & 4,874,148 & 4,063,566 & Fiscal & 1,126,680 & 10,893,552 & 1,163,556 & 1,483,505 & 1,787,464 & 1,822,239 & 2,836,100 & 2,866,391 & 1,083,584 & 2,193,340 & 3,481,628 & 3,382,213 & 3,431,320 & 2,866,391 & 1,685,842 & 7,149,835 & 8,386,513 & 1,043,830 & 1,317,937 & 2,317,000 & 2,866,391 & 1,697,288 & 956,478 & 2,099,820 & 887,854 & 944,893 & 1,881,881 & 2,88 | | Actual | Actual | Actual | Adopted | Proposed | | | | | |
| Administration 1,739,711 3,690,597 3,792,938 3,421,380 4,874,148 4,063,566 Fiscal & 1,126,680 1,083,552 1,163,556 1,483,505 4,874,148 4,063,566 1,222,239 4,222,239 4,382,218 5,432,132 2,333 3,481,628 4,382,218 5,432,132 3,431,332 3,481,628 4,382,218 5,432,132 3,431,332 3,481,628 4,382,218 5,432,132 3,431,332 3,481,628 4,382,218 5,432,132 3,431,332 3,481,628 4,382,218 5,432,132 3,448,833 3,481,628 4,382,218 5,432,132 3,448,833 1,448,833 1,448,833 1,131,717,737 3,259,832 8,744,833 1,131,748,833 3,481,628 8,878,54 944,893 1,448,933 1,446,274 1,714,987 3,448,833 1,448,933 1,446,274 1,714,987 3,448,833 1,448,933 1,446,274 1,714,987 3,448,833 4,448,933 1,446,274 1,714,987 3,448,833 4,448,933 1,446,274 1,714,987 3,448,833 4,448,933 1,445,937 2,2423,328 2,634,129 | DIVISION/ACTIVI | TY SUMMA | RY | | _ | | | | | | |
| Administration 1,739,711 3,690,597 3,792,938 3,421,380 4,874,148 4,063,566 Fiscal & 1,126,680 1,083,552 1,163,556 1,483,505 4,874,148 4,063,566 1,222,239 4,222,239 4,382,218 5,432,132 2,333 3,481,628 4,382,218 5,432,132 3,431,332 3,481,628 4,382,218 5,432,132 3,431,332 3,481,628 4,382,218 5,432,132 3,431,332 3,481,628 4,382,218 5,432,132 3,431,332 3,481,628 4,382,218 5,432,132 3,448,833 3,481,628 4,382,218 5,432,132 3,448,833 1,448,833 1,448,833 1,131,717,737 3,259,832 8,744,833 1,131,748,833 3,481,628 8,878,54 944,893 1,448,933 1,446,274 1,714,987 3,448,833 1,448,933 1,446,274 1,714,987 3,448,833 1,448,933 1,446,274 1,714,987 3,448,833 4,448,933 1,446,274 1,714,987 3,448,833 4,448,933 1,446,274 1,714,987 3,448,833 4,448,933 1,445,937 2,2423,328 2,634,129 | | | | | | | | | | | |
| Fiscal & 1,126,680 1,083,552 1,163,556 1,483,505 1,787,464 1,822,239 Administration 11,694 2,193,340 3,481,628 4,382,218 5,432,132 Division Total 2,866,391 4,785,842 7,149,835 8,386,513 11,043,830 11,317,937 Environmental Health | Office of the Dire | ctor | | | | | | | | | |
| Administration | Administration | 1,739,711 | 3,690,597 | 3,792,938 | 3,421,380 | 4,874,148 | 4,063,566 | | | | |
| Health Officer Unit | Fiscal & | 1,126,680 | 1,083,552 | 1,163,556 | 1,483,505 | 1,787,464 | 1,822,239 | | | | |
| Division Total 2,866,391 4,785,842 7,149,835 8,386,513 11,043,830 11,317,937 | | | | | | | | | | | |
| Environmental Health Office of the Manager Admin 1,830,680 1,607,288 956,478 2,099,820 887,854 944,893 Health Protection 256,800 196,001 858,707 323,508 1,746,274 1,714,987 Policy Development Abandoned Auto Abatement Vector Control Sewer Emergencies Division Total 2,087,480 1,804,421 1,845,027 2,423,328 2,634,129 2,659,881 | | | | | | | | | | | |
| Office of the Manager Manager Admin 1,830,680 1,607,288 956,478 2,099,820 887,854 944,893 Health Protection Policy Development Abandoned Auto Abandoned Auto Abatement Vector Control Sewer Emergencies 1,132 29,843 1,746,274 1,714,987 Division Total Sewer Emergencies 2,087,480 1,804,421 1,845,027 2,423,328 2,634,129 2,659,881 Mental Health Administration Adult Services 5,038,366 4,833,608 4,820,148 7,343,041 7,017,024 7,137,623 Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth Services 2,355,774 2,396,419 926,332 4,769,438 2,611,707 1,098,405 Services Act Homeles Services Family Youth & Chld Treatment FYC - FSP Tier 1 IST 305,868 1,236,013 1,477,048 1,818,868 Bernily Youth & Chld Treatment FYC - FSP Tier 1 IST 4,579,581 15,441,645 19,746,135 2,348,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 | Division Total | 2,866,391 | 4,785,842 | 7,149,835 | 8,386,513 | 11,043,830 | 11,317,937 | | | | |
| Office of the Manager Manager Admin 1,830,680 1,607,288 956,478 2,099,820 887,854 944,893 Health Protection Policy Development Abandoned Auto Abandoned Auto Abatement Vector Control Sewer Emergencies 1,132 29,843 1,746,274 1,714,987 Division Total Sewer Emergencies 2,087,480 1,804,421 1,845,027 2,423,328 2,634,129 2,659,881 Mental Health Administration Adult Services 5,038,366 4,833,608 4,820,148 7,343,041 7,017,024 7,137,623 Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth Services 2,355,774 2,396,419 926,332 4,769,438 2,611,707 1,098,405 Services Act Homeles Services Family Youth & Chld Treatment FYC - FSP Tier 1 IST 305,868 1,236,013 1,477,048 1,818,868 Bernily Youth & Chld Treatment FYC - FSP Tier 1 IST 4,579,581 15,441,645 19,746,135 2,348,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 | | | | | | | | | | | |
| Manager Admin 1,830,680 1,607,288 956,478 2,099,820 887,854 944,893 Health Protection 256,800 196,001 858,707 323,508 1,746,274 1,714,987 Policy Development Abandoned Auto Abatement Vector Control Sewer Emergencies 1,132 29,843 4 <td></td> <td>ealth</td> <td></td> <td></td> <td></td> <td></td> <td></td> | | ealth | | | | | | | | | |
| Admin | | | | | | | | | | | |
| Health Protection 256,800 196,001 858,707 323,508 1,746,274 1,714,987 Policy Development Abandoned Auto Abatement Vector Control Sewer Emergencies Division Total 2,087,480 1,804,421 1,845,027 2,423,328 2,634,129 2,659,881 Mental Health | • | 1 020 600 | 1 607 200 | 056 479 | 2 000 920 | 007.054 | 044 902 | | | | |
| Policy Development Abandoned Auto Abatement Vector Control Sewer Emergencies | | | | | | | | | | | |
| Abandoned Auto Abatement Vector Control Sewer Emergencies Division Total 2,087,480 1,804,421 1,845,027 2,423,328 2,634,129 2,659,881 Mental Health Administration 1,960,418 2,590,957 2,175,382 2,680,054 2,717,965 2,751,871 7,041 7,017,024 7,137,623 7,041 7,041,024 7,137,623 7,041 7,041,024 7,137,623 7,041 7,041,024 7,137,623 7,041 7,041,024 7,137,623 7,041 7,041,024 7,137,623 7,041 7,041,024 7,137,623 7,041 7,041,024 7,137,623 7,041 7,041,024 7,137,623 7,041 7,041 7,041 7,041,024 7,137,623 7,041 7, | | 230,000 | • | • | 323,300 | 1,740,274 | 1,7 14,907 | | | | |
| Abatement Vector Control Sewer Emergencies Division Total 2,087,480 1,804,421 1,845,027 2,423,328 2,634,129 2,659,881 Mental Health Administration 1,960,418 2,590,957 2,175,382 2,680,054 2,717,965 2,751,871 Adult Services 5,038,366 4,833,608 4,820,148 7,343,041 7,017,024 7,137,623 Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth 63,397 207,236 783,936 97,787 1,067,770 1,098,405 Services Access 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Services Act Homeles Services Family Youth & Chld Treatment FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 3,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | 1,132 | 29,043 | | | | | | | |
| Nental Health | | | | | | | | | | | |
| Division Total 2,087,480 1,804,421 1,845,027 2,423,328 2,634,129 2,659,881 | | | | | | | | | | | |
| Mental Health Administration 1,960,418 2,590,957 2,175,382 2,680,054 2,717,965 2,751,871 Adult Services 5,038,366 4,833,608 4,820,148 7,343,041 7,017,024 7,137,623 Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth 63,397 207,236 783,936 97,787 1,067,770 1,098,405 Services 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Services Act Homeles Services 305,868 1,236,013 1,477,048 1,181,868 Family Youth & Chld Treatment FYC - FSP 1 1 1,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Admi | | | | | | | | | | | |
| Administration 1,960,418 2,590,957 2,175,382 2,680,054 2,717,965 2,751,871 Adult Services 5,038,366 4,833,608 4,820,148 7,343,041 7,017,024 7,137,623 Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth 63,397 207,236 783,936 97,787 1,067,770 1,098,405 Services 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Services Act Homeles Services 305,868 1,236,013 1,477,048 1,181,868 Family Youth & Chld Treatment FYC - FSP Fire 1 IST 23,438,326 22,821,837 Housing & Committy Services Administration 4,123,742 4,786,372 | | 2,087,480 | 1,804,421 | 1,845,027 | 2,423,328 | 2,634,129 | 2,659,881 | | | | |
| Administration 1,960,418 2,590,957 2,175,382 2,680,054 2,717,965 2,751,871 Adult Services 5,038,366 4,833,608 4,820,148 7,343,041 7,017,024 7,137,623 Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth 63,397 207,236 783,936 97,787 1,067,770 1,098,405 Services Access 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,177,048 1,181,868 Family Youth & Chld Treatment FYC - FSP Tier 1 IST | | | · · · · | | | | | | | | |
| Adult Services 5,038,366 4,833,608 4,820,148 7,343,041 7,017,024 7,137,623 Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth 63,397 207,236 783,936 97,787 1,067,770 1,098,405 Services Access 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Services Act Homeles Services Family Youth & Chld Treatment FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | Mental Health | | | | | | | | | | |
| Adult Services 5,038,366 4,833,608 4,820,148 7,343,041 7,017,024 7,137,623 Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth 63,397 207,236 783,936 97,787 1,067,770 1,098,405 Services Access 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Services Act Homeles Services Family Youth & Chld Treatment FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | Administration | 1.960.418 | 2.590.957 | 2.175.382 | 2.680.054 | 2.717.965 | 2.751.871 | | | | |
| Medical 1,256,266 1,113,480 721,094 2,036,694 923,427 934,216 Family And Youth Services 63,397 207,236 783,936 97,787 1,067,770 1,098,405 Services 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health Services Act 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Family Youth & Chld Treatment FYC - FSP 305,868 1,236,013 1,477,048 1,181,868 Family Youth & Chld Treatment FYC - FSP 10ivision Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 | | | | | | | | | | | |
| Family And Youth Services Access 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Services Act Homeles Services Family Youth & Child Treatment FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | Medical | | | | | | | | | | |
| Access 1,244,705 1,370,356 1,131,770 1,583,108 1,451,534 1,625,284 Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Services Act Homeles Services Family Youth & Chld Treatment FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 | Family And Youth | 63,397 | 207,236 | 783,936 | 97,787 | 1,067,770 | 1,098,405 | | | | |
| Crisis Services 2,355,774 2,396,419 926,332 4,769,438 2,610,183 2,611,707 Mental Health 1,615,661 2,067,525 4,577,114 6,173,375 5,480,862 Services Act Homeles Services 305,868 1,236,013 1,477,048 1,181,868 Family Youth & Chld Treatment FYC - FSP FYC - FSP 11ST 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,003 421,451 63,734 123,727 129,955 Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | Services | | | | | | | | | | |
| Mental Health Services Act Homeles Services Act Homeles Services Family Youth & Chld Treatment FYC - FSP Tier 1 IST 305,868 1,236,013 1,477,048 1,181,868 Family Youth & Chld Treatment FYC - FSP Tier 1 IST 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration Community Services 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment Services Housing Development & Rehabilitation Homeless Services 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 | | | | | | | | | | | |
| Services Act Homeles Services South Services Sout | | | | | 4,769,438 | | | | | | |
| Homeles Services Family Youth & Chld Treatment FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | 1,615,661 | 2,067,525 | 4,577,114 | | 6,173,375 | 5,480,862 | | | | |
| Family Youth & Chld Treatment FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | | 205 000 | 4 000 040 | 4 477 040 | 4 404 000 | | | | |
| Treatment FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | | 305,868 | 1,230,013 | 1,477,048 | 1,181,808 | | | | |
| FYC - FSP Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | | | | | | | | | |
| Tier 1 IST Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Rehabilitation 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | | | | | | | | | |
| Division Total 13,534,587 14,579,581 15,441,645 19,746,135 23,438,326 22,821,837 Housing & Community Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment Services 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Rehabilitation 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | | | | | | | | | |
| Housing & Community Services Administration | | 13,534,587 | 14,579,581 | 15,441,645 | 19,746,135 | 23,438,326 | 22,821,837 | | | | |
| Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment Services 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Rehabilitation 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | · · · | | · · · | | | | | | |
| Services Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Rehabilitation 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | Housing & Comn | nunity | | | | | | | | | |
| Administration 4,123,742 4,786,372 8,522,191 6,227,155 6,084,232 6,159,656 Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Rehabilitation 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | • | J | | | | | | | | | |
| Community Services 116,056 112,146 1,306,734 1,245,846 1,280,903 1,286,011 Employment 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Services Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Rehabilitation 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | 4,123,742 | 4,786,372 | 8,522,191 | 6,227,155 | 6,084,232 | 6,159,656 | | | | |
| Employment Services 1,218,695 1,130,033 421,451 63,734 123,727 129,955 Housing Development & Rehabilitation Homeless Services 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 10,010,010 | Community Services | | | , , | | | | | | | |
| Housing 2,102,543 4,248,745 19,855,131 18,016,647 18,786,949 18,849,692 Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | 1,218,695 | 1,130,033 | 421,451 | 63,734 | 123,727 | | | | | |
| Development & Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | | | | | | | | | |
| Rehabilitation Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | 2,102,543 | 4,248,745 | 19,855,131 | 18,016,647 | 18,786,949 | 18,849,692 | | | | |
| Homeless Services 7,667,902 9,251,157 9,755,858 12,894,368 12,873,972 12,931,150 | | | | | | | | | | | |
| | | 7 667 902 | 9 251 157 | 9 755 252 | 12 804 368 | 12 873 972 | 12 931 150 | | | | |
| | Division Total | 15,228,938 | 19,528,452 | 39,861,365 | 38,447,750 | 39,149,783 | 39,356,464 | | | | |

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|---------------------------------------|---------------|------------|-----------|---------------|------------------|------------|
| | Actual | Actual | Adopted | Proposed | Proposed | Actual |
| DIVISION/ACTIV | ITY SUMMA | ARY cont. | _ | | | |
| | | | | | | |
| Aging Services | | | | | | |
| Aging Services | 440,563 | 555,462 | 456,293 | 450,368 | 455,029 | 453,220 |
| Administration | , | 000, . 0 = | .00,200 | .00,000 | .55,525 | .00,0 |
| North Berkeley | 812,828 | 740,300 | 682,381 | 990,399 | 913,211 | 919,455 |
| Senior Center | | | | | | |
| North Berkeley Senior | | • | 698,955 | 1,129,864 | 1,125,731 | 1,129,609 |
| South Berkeley | 526,947 | 411,481 | 396,519 | 471,750 | 534,844 | 547,747 |
| Senior Center | | | | | | |
| West Berkeley | 63,997 | 44,341 | 38,345 | 177,669 | 180,161 | 181,608 |
| Senior Center
West Berkeley Senior | Contor Coo | | 1,024,535 | 1,220,913 | 1,690,341 | 1,734,436 |
| Management | Center - Case | | 1,024,555 | 1,220,913 | 1,090,341 | 1,734,430 |
| West Berkeley | 598,088 | 577,080 | 638,383 | 805,613 | 809,216 | 802,551 |
| Senior Center - | 000,000 | 077,000 | 000,000 | 000,010 | 000,210 | 002,001 |
| Nutrition | | | | | | |
| Division Total | 3,917,656 | 4,019,360 | 3,935,411 | 5,246,576 | 5,708,535 | 5,768,626 |
| | | | | | | |
| Public Health | | | | | | |
| Employment | | | | 1,061,171 | 767,722 | 773,165 |
| Services | | | | .,00., | , | |
| Administration | 2,409,044 | 2,267,878 | 1,423,784 | 3,100,062 | 3,009,996 | 3,036,719 |
| Case Management | 594,392 | 571,611 | 317,847 | 709,806 | 545,220 | 539,308 |
| Preparedness | 384,660 | 275,721 | 773,837 | 463,942 | 575,721 | 537,144 |
| Vital Statistics | 408,014 | 362,492 | 2,190 | | | |
| Health Promotion | 983,024 | 1,067,092 | 1,211,915 | 1,246,016 | 1,360,161 | 1,385,080 |
| Clinical Services - | 771,299 | 535,471 | 859,288 | 884,414 | 1,030,957 | 1,057,726 |
| BHS | | | | | | |
| Clinical Services - | 1,097,523 | 977,135 | 502,513 | 1,110,449 | 1,141,586 | 1,152,082 |
| ACPHC | | | | | | |
| Maternal And Child | 1,201,763 | 1,061,223 | 1,229,166 | 1,471,408 | 2,766,744 | 1,669,207 |
| Health | 402 507 | E06 06E | 15 105 | | | |
| Communicable
Disease | 493,507 | 586,865 | 15,105 | | | |
| Oral Health | 42,828 | 154,248 | 214,594 | 217,356 | 195,396 | 205,187 |
| Division Total | 8,386,055 | 7,859,736 | 6,550,238 | 10,264,624 | 11,393,502 | 10,355,619 |
| Division rotal | 0,000,000 | 7,009,700 | 0,000,200 | 10,204,024 | 11,090,002 | 10,000,019 |
| Community Fund | ina* | | | | | |
| Community Agencies | 3,877,304 | 4,433,876 | 3,463,367 | | | |
| Sugar Sweetened | 0,0,001 | 1,900,000 | 1,887,584 | | | |
| Beverage | | .,000,000 | .,, | | | |
| Affordable Child Care | 129,000 | 1,696,792 | 1,676,858 | | | |
| Division Total | 4,006,304 | 8,030,668 | 7,027,809 | | | |
| *Community Agency | | | | enartmental a | t the start of e | ach fiscal |

^{*}Community Agency Funding transferred to HHCS from Non-Departmental at the start of each fiscal year

| Department | 50,027,411 | 60,608,060 | 81,811,330 | 84,514,926 | 93,368,105 | 92,280,363 |
|------------|------------|------------|------------|------------|------------|------------|
| Total | | | | | | |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|-------------------------------------|--|----------------------|---|---------------------|
| Champion and demonstrate social and racial equity | Planning & Development, Office of Economic Development | Health Equity & Innovation District | Referral to the Planning Commission, the Community Health Commission, the Commission on Aging, and the City Manager to establish a Health Equity & Innovation District (HID). The goal of the HID is to reduce chronic racial health disparities and improve the overall public health strategy of Berkeley by fostering innovations in healthcare delivery, improving resiliency, and strengthening the integration of health services and systems. The HID is intended to draw investment and grant opportunities, as well as to explore the expansion of scope of practice for medical providers. | 2/22-6/24 | New (referral
already in
progress,
adding into
Strategic
Plan) | \$250, |
| Champion
and
demonstrate | | Healthy
Checkout
Ordinance | Refer to the Sugar
Sweetened Beverage
Product Panel of Experts to | 9/20-6/24 | New (referral
already in
progress, | Staff time |

Page 183 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--------------------------------------|---|--|----------------------|--|---------------------|
| social and racial equity | • | | consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement. | | adding into
Strategic
Plan) | |
| Create affordable housing and housing support services for our most vulnerable community members | City
Manager's
Office | First They Came for the Homeless Encampment | To refer Item back to the Homeless Commission with the chart of questions provided by Council and request that the commission develop a more specific policy that is broadly applicable. | 6/18-6/24 | New
(referral,
adding into
Strategic
Plan) | Staff time |
| Champion
and
demonstrate
social and
racial equity | Human
Resources;
City Attorney | Paid Family
Leave
Ordinance | Explore an ordinance that guarantees paid leave for new parents. | 1/20-6/24 | Continuing | Staff time |
| Champion
and
demonstrate
social and
racial equity | City Attorney | Decriminalizing
Entheogenic
Plants | Refer to the Community Health Commission to consider the possibility of de-prioritizing enforcement of laws relating to entheogenic plants and fungi by persons over 21 years of age. Consider | 7/21-6/24 | New
(referral,
adding into
Strategic
Plan) | Staff time |

Page 184 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|----------------------------|---|---|----------------------|---|---------------------|
| | | | potential health and community benefits and concerns, as well as possible policy variations with regard to possession, use, growing/production, and sales; quantities involved; use while driving; use during pregnancy and other possible "special circumstances considerations. | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | Planning; City
Attorney | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F | Direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action. | 6/21-6/24 | New (referral
already in
progress,
adding into
Strategic
Plan) | Staff time |
| Be a customer- | City
Manager's | Companion
Report: Smoke- | 1. Refer to staff to explore expanding the Ordinance to | 6/22-6/24 | New (referral already in | Staff time |

Page 185 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--------------------------------------|--|---|----------------------|--|---------------------|
| focused organization that provides excellent, timely, easily-accessible service and information to the community | Office – Code
Enforcement
Unit | Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications | buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate | | progress,
adding into
Strategic
Plan) | |

Page 186 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--------------------------------------|--|---|----------------------|---|---------------------|
| | | | complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance. | | | |
| Champion
and
demonstrate
social and
racial equity | Finance; City
Manager's
Office | Companion Report: The SSBPPE Commission's Proposed Policy to Refrain from Procuring, Selling, and Serving Sugar- Sweetened Beverages | Request that the City Manager draft an ordinance for consideration by the City Council. Original Commission Recommendation: "adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to | 7/21-
12/22 | New (referral
already in
progress,
adding to
Strategic
Plan) | Staff time |

Page 187 of 410

| Goal | Supporting Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|------------------------|--|---|----------------------|---|---------------------|
| | · | | refrain from: 1. Procuring sugar-sweetened beverages with City funds; 2. Selling sugar-sweetened beverages on City property, including in vending machines; and 3. Serving sugar-sweetened beverages at City meetings and events on City property." | | | |
| Create affordable housing and housing support services for our most vulnerable community members | Planning | Workforce Housing Affordability Plan [Housing Action Plan] | Refer to the City Manager the addition of a new workforce housing option to the inclusionary housing law that raises the percentage of inclusionary units by allowing the production of more subsidized units at a reduced subsidy per unit. Additionally, request that the City Manager return with "affordable by design" suggestions to help address the underproduction of middle-income units in Berkeley. | 7/20-7/23 | New (referral
already in
progress,
adding to
Strategic
Plan) | Staff time |

Page 188 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|-----------------------------|--|--|----------------------|---|---------------------|
| Create affordable housing and housing support services for our most vulnerable community members | Finance | Community
Agency Funding
Information | Develop and publish comprehensive report on outcomes of community agencies funded by City of Berkeley. | 9/22-6/24 | Continuing | Staff time |
| Champion
and
demonstrate
social and
racial equity | Information
Technology | Results-Based
Accountability
Framework for
Health, Housing
& Community
Services
Programs | Implement a results-based accountability performance management framework to better account for and improve the work that the Department of Health, Housing & Community Services undertakes, and to maximize impact. Develop and publish outcomes data on selected programs. | 7/18-6/24 | Continuing | Staff time |
| Create affordable housing and housing support services for our most | City
Manager's
Office | Open Doors
Initiative: City
Worker and
First Time
Affordable
Homebuyer
Program | That the City Council refer
the City Manager and
Housing Advisory
Committee to explore
mechanisms to support
homeownership by City of
Berkeley employees and
further refer to City | 7/20-6/24 | New (referral
already in
progress,
adding into
Strategic
Plan) | Staff time |

Page 189 of 410

| Goal | Supporting Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|----------------------------|--|---|----------------------|---|---------------------|
| vulnerable
community
members | | | Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley. Analysis to include the new Self-Help Housing Program and the provisions of AB 101. | | | |
| Champion
and
demonstrate
social and
racial equity | Information
Technology | Public Health
Strategic Plan
Implementation | Implement a tracking and reporting system for Division program performance measures | 7/19-6/24 | Continuing | Staff time |
| Champion
and
demonstrate
social and
racial equity | Planning; City
Attorney | Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley | Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of | 2/20-6/23 | New (referral
already in
progress,
adding into
Strategic
Plan) | Staff time |

Page 190 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|------|---------------------------|---|--|----------------------|--------------------|---------------------|
| | | Residents of
Color and
African
Americans | Color (POC), including the African American sector of our Berkeley society Develop rules and regulations to halt the loss of People of Color including the African American communities Develop a "right to return" for Berkeleyans, including the African American communities who have been displaced by these economic and social developments, and those who continue to be employed in our City, even after having to relocate beyond our boundaries Solicit expert and lived experience testimonies regarding displacement and gentrification Recommend alternatives to prevent displacement and gentrification of our valued Berkeley residents of color and African Americans. Recommendation includes a request for public workshops. | | | |

Page 191 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|---|---|----------------------|--|---------------------|
| Provide an efficient and financially-healthy City government | Planning | Local Construction Workforce Development Policy | Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals. | 7/23-6/24 | New (referral, adding to Strategic Plan) | Staff time |

Page 192 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|---|--|----------------------|---|---------------------|
| Champion and demonstrate social and racial equity | Planning | Adding Threat of Displacement of a Berkeley Resident to the Current Income Qualification Guidelines Which Would Place an Applicant in Priority Status for BMR (Below Market Rate) Units [Housing Action Plan] | Refer to the City Manager adding to income qualification the status of pending displacement of a Berkeley resident or family, for priority eligibility for BMR units. | 2/20-6/23 | New (referral
already in
progress,
adding into
Strategic
Plan) | Staff time |
| Create affordable housing and housing and housing support services for our most vulnerable community members | Planning | Companion Report: Support for Oregon Park Senior Apartments - [Housing Action Plan] | Refer the Housing Advisory Commission's recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources. Adopted with the following | 6/18-6/24 | New (referral
already in
progress,
adding into
Strategic
Plan) | Staff time |

Page 193 of 410

| Goal | Supporting Departments | Title Description | | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|----------------------------|--|---|----------------------|---|---------------------|
| | | | conditions: 1. Oregon Street Park Apartments will conduct a financial audit. 2. Oregon Street Park Apartments will conduct a full assessment of the structure of the building and the facility needs. 3. Oregon Street Park Apartments will hire a property manager to oversee the financials and the property. 4. The City will commit to holding the fines in abeyance until such time that conditions 1-3 are completed. | | | |
| Champion
and
demonstrate
social and
racial equity | Planning; City
Attorney | Neighborhood Preference in Affordable Housing to Reduce the Impact of Displacement and Ellis Act Evictions [Housing Action Plan] | Refer to the City Manager and Planning Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within ½ mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to | 2/20-6/23 | New (referral
already in
progress,
adding into
Strategic
Plan) | Staff time |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|------|---------------------------|-------|--|----------------------|--------------------|---------------------|
| | | | include certain tenants
displaced through an
Owner Move-In or
(Measure Y) eviction. | | | _ |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Health, Housing and Community Service Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|--|--|------------------------------|--|----------|
| Meals provided by Aging Services | Count of meals, combining congregate and Meals on Wheels | n/a ²¹ | 134,491 meals: 47,720 congregate meals 86,771 Meals on Wheels | n/a |
| Information and assistance sessions provided by Aging Services Division | Count of sessions | n/a | • 5,345 sessions | n/a |
| Reduction in days in psychiatric hospital among clients in our Full Service Partnership program over the age of 18 | 1 st year in Full
Service
Partnership
program versus
prior year | 75% or greater ²² | 78% reduction | • |
| Number of vector service requests received by Environmental Health Division | Total calls received | n/a | • 366 calls | n/a |

²¹ All performance measures in this table capture the level of activity and effort in their respective areas. For a few, the direction of a trend (e.g., upward or downward) can be in response to both positive and negative influences, making it difficult to establish a desired target.

²² Initially, staff identified increasing the percentage year over year as a fitting target, similar to targets explored by colleagues in other divisions. After more consideration, staff identified meeting a floor of 75 percent.

Page 195 of 410

| Measure | Description | Target | Actual | Tracking |
|--|---|----------|------------------------|----------|
| Percentage of COVID-19 cases with outreach initiated | Number of cases
with outreach
initiated/all eligible
cases | ↑ | • 100% (December 2021) | • |
| Percentage of COVID-19 contacts with outreach initiated | Number of contacts with outreach initiated/all eligible contacts | 90% | • 99% (December 2021) | |
| Percentage of STAIR ²³ clients that exit to permanent housing | Number that exit to permanent housing | ↑ | • 64% | • |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

↓ Target is to decrease numbers/percentages

Not meeting target

²³ STAIR (stability, navigation, and respite) is Berkeley's housing navigation center.

CHALLENGES

The Health, Housing and Community Services (HHCS) Department's challenges include:

- Responding to the COVID-19 Pandemic: The pandemic is entering its third year and continues to create unprecedented challenges through HHCS and the community. With responsibilities for public health safety, HHCS faced unique challenges. The Public Health Officer's Unit had a key role in the City's response. Many HHCS staff members from throughout the Department were assigned to the Emergency Operations Center (EOC) for most of the year; in many cases with expanded scopes of work as they maintained many baseline services. Multiple HHCS programs, such as those in Mental Health, Public Health, and Aging Services, continued to face practical challenges in their efforts to reach and serve the community; which necessitated major shifts in service delivery such as the change to telehealth. The City is fortunate to have received more than \$20 million in COVID-19 relief funds through HHCS, primarily for health and homeless activities, which while beneficial to our community, added additional administrative and fiscal responsibilities to HHCS's already full grants management workload.
- Staffing Vacancies: HHCS had many vacant staff positions (about 25%) going into the pandemic. City departments and HHCS have not been immune to the "great resignation" seen throughout the labor market nationally, and positions have continued to turn over. In addition, it is very difficult to attract qualified applicants, particularly in some health and mental health related classifications. Since many of HHCS's program and projects are of high priority to the Council and community, and the departmental budget has increased by about a third during the pandemic, it is difficult to impossible to scale back workload expectations regardless of staffing levels. This has led to the department exploring options to enhance recruitment and retention, which is needed to prevent staff overwork, low morale, and increased risk for errors.
- Implementation of California Advancing and Innovating Medi-Cal (CalAIM): CalAIM is a multi-year initiative led by the California Department of Health Care Services (DHCS) to improve the quality of life and health outcomes of individuals by instituting systemic changes to Medi-Cal. The goals of CalAIM are to (1) Identify and manage comprehensive needs through whole person care approaches and social drivers of health; (2) Improve quality outcomes, reduce health disparities, and transform the delivery system through value-based initiatives, modernization, and payment reform; and (3) Make Medi-Cal a more consistent and seamless system for enrollees to navigate by reducing complexity and increasing flexibility. CalAIM will

- require changes to the City's relationships with the County and other healthcare providers, to the services provided, and to the way services are funded.
- Configuring Staffing in the Housing and Community Services (HCS) Division to Support City Housing and Homeless Priorities: The number and variety of housing and homeless activities staffed in HCS have expanded significantly in recent years due to Council's commitment to addressing these issues. In the Housing Services unit, for example, staff are now working on 17 development projects, the largest number the City has ever funded at one time, among many other responsibilities. Recruiting staff with the relatively high level of related experience and technical skills needed for these programs is difficult due to competition with many other housing organizations. In FY 23 HHCS will work with a consultant to review the current staffing structure and make recommendations to align with the workload.

ACCOMPLISHMENTS

Highlights of recent HHCS accomplishments include:

- COVID-19 Pandemic Response and Related Service Changes: The COVID-19 pandemic response and related service changes have been a major focus of work in HHCS over the past two years. HHCS staff efforts in the Emergency Operations Center have helped support testing and immunization efforts, contact tracing and investigation, community outreach and education and more. HHCS efforts have prioritized services for the most vulnerable, including within the Mental Health Division and the Aging Services Division that have continuously adapted their service delivery models throughout the pandemic to ensure continuity of services for vulnerable residents.
- Affordable Housing Development Financing: Affordable Housing Development financing, supported by sources including Measures U1, O and P, has reached an all-time high for the City, as has the diversity and complexity of projects being supported. Financing affordable housing requires years of work on each development. Staff involvement starts with predevelopment funding and evaluation of proposals and leads to complicated contracts and monitoring during construction and for decades into operation. HHCS is currently working with 17 developments in the predevelopment and construction phases, which include 915 affordable units and \$119 million in City fund reservations and commitments. This includes 308 units in construction now, with the Berkeley Way and Jordan Court developments nearing occupancy.
- New Service Implementation to Address Inequitable Outcomes: Implementation
 of new services to address inequitable outcomes that are an indirect impact of the
 COVID-19 pandemic, including shifting from congregate meals to a meal delivery

service and increasing Meals on Wheels capacity 1 ½ times by the Aging Services Division, implementing a Homeless Full Services Partnership that provides intensive case management services to mentally ill and unhoused community members by the Mental Health Division, implementing community crisis response services to expand community outreach services for individuals experiencing or on the verge of crisis, and implementing COVID-19 and flu vaccinations, as well as referrals to other core services, for community members who are homebound due to a disability (and their attendants) by the Public Health Division.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

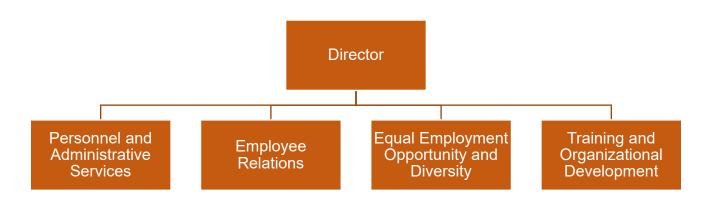
- \$300,000 from the California Department of Public Heath (CDPH)'s California Equitable Recovery Initiative (CERI) awarded in FY 22. These CERI funds will be implemented to enhance the structures and systems of HHCS to bridge the gap of health inequities in the City of Berkeley. Funding will be used primarily for personnel costs who will support this department-wide initiative by supporting community engagement, data gathering, and collaboration across HHCS to support the creation of an HHCS Strategic Plan for Health Equity. The application of the CERI funds will coincide with the 2018 Council Referral to fund \$250,000 to establish a Health Equity Innovation District through community engagement work.
- \$1,000,000 from the state Department of Health Care Services (DHCS) Crisis Care Mobile Units (CCMU) program awarded in FY 22. Funds will support the implementation of the Specialized Care Unit.
- \$2,500,000 from the Mental Health Services Oversight and Accountability
 Commission's Mental Health Student Services Act (MHSSA) program awarded in FY
 22. MHSA funds will support program planning and implementation to increase
 access to mental health and wellness services for Berkeley Unified School District
 students.
- The General Fund Baseline Budget of \$25.3 million includes approximately \$15 million for salary and benefits costs, which is nearly \$2.0 million, or a 15.1%, increase over the FY 22 Adopted Budget. In addition, the baseline budget increases by an additional \$150,000 to help absorb the cost of salaries for certain grant-funded positions and for facility maintenance costs to support the move of the expanded Health Officer Unit to 1011 University and the Vital Statistics program to the Ground floor of 1947 Center Street to ensure public access. HHSC is requesting funding for two additional positions to support BART site housing development and to manage the implementation of Project RoomKey and other grants.

HUMAN RESOURCES

MISSION STATEMENT

Partner with all City departments to hire and retain a diverse and highly qualified workforce that support the mission of the City of Berkeley. The Human Resources Department is committed to delivering excellent customer service, responding to and facilitating staff access to needed resources and tools. Working together in a spirit of continuous improvement and collaboration, the Human Resources team contributes to a progressive, productive, and safe work environment that meets the needs of our diverse community.

ORGANIZATIONAL CHART



HUMAN RESOURCES OVERVIEW

The Human Resources team serves the Berkeley community's need for a well-qualified high performing workforce by attracting and retaining a talented and diverse City government workforce. The role of the Human Resources Department is to serve as a strategic business partner to its internal and external customers and provide leadership, expertise, support and guidance to other City Departments in the areas of recruitment and selection for employment, occupational health and safety, employee benefits, workers' compensation, employee development and training, employee relations and equal employment opportunity programs and Classification and Compensation.

The Human Resources Department delivers the following baseline services:

 Office of the Director: The Office of the Director provides overall leadership and administrative direction for all Human Resources Department activities. The Director

- of Human Resources acts as the City Manager's representative for all disciplinary and grievance appeals, serves as Secretary and provides staff support to the Personnel Board as established by Section 119 of the City Charter, and serves as Lead Strategist/Chief Negotiator with all employee groups.
- Personnel and Administrative Services: The Personnel and Administrative Services Division conducts all merit-based recruitment and examination activities in accordance with the City's Personnel Rules and Regulations, federal and state laws, and other Ordinances and Resolutions adopted by City Council. Recruitment and examination activities include: developing examination plans, creating job announcements, conducting advertisement campaigns, reviewing applications, coordinating rater panels, administering exams, conducting statistical analyses of tests, and conducting new hire orientations and processing related paperwork. This Division also administers the classification and compensation plans; conducts organizational and compensation studies, job analysis and desk audits; processes all changes of employment status; and establishes and maintains all personnel records and tracks employee benefits.
- Employee and Labor Relations: The Employee and Labor Relations Division conducts all labor relations activities with the City's seven labor organizations and represents the City Manager on employee relations matters; advises department staff on labor contract interpretations, federal and state employment laws, and human resources policies and procedures; and manages and reviews grievances and disciplinary issues. The Division also administers and assists departments with the City's benefits, Workers' Compensation, and Occupational Health and Safety programs. The City's benefits plan includes: medical, dental, vision, and life insurance; Supplemental Retirement Income Plans; Deferred Compensation plans; CalPERS and PARS retirement plans; the Employee Assistance Program; long term disability, and other voluntary plans.
- Training and Organizational Development: The Training and Organizational
 Development Division administers and oversees the Citywide Training Program,
 which is designed to provide ongoing training and development to employees in
 skills that are fundamental to successfully achieving the City's mission. The Citywide
 Training Program builds employee capacity in the "Three C's" Customer Service,
 One City Team, and Continuous Learning. In addition, the unit also oversees the
 Leadership Development, Management Skills, and Tuition Reimbursement
 programs, and provides organizational development services.
- Equal Employment Opportunity (EEO) and Diversity: The EEO and Diversity
 Division administers, implements, and coordinates the City's EEO matters; ensures
 compliance with EEO provisions; enforces diversity efforts pertaining to recruitment
 and retention; administers the City's Harassment Prevention Policy and
 discrimination complaint process; conducts internal investigations of complaints filed,

Page 201 of 410

- and assesses reasonable accommodation requests in compliance with the provisions of the Americans with Disabilities Act (ADA) and the CA Fair Employment and Housing Act (FEHA).
- Benefits Administration: The Benefits Administration Division administers
 competitive insured and self-insured employee benefit plans that best meets the
 needs of employees, retirees, their dependents and the City, and assists participants
 in effectively utilizing their plans. Administration and oversight of this program area
 includes benefit contract management, management of the annual open enrollment
 event, COBRA administration, legal compliance, and daily support for constituents.
- Workers Compensation and Safety: The Workers Compensation and Safety
 Division administers the job-injury insurance program paid for by the City for the care
 of injured employees who have suffered a work-related injury or illness. The benefits
 include both medical care and disability benefits to help cover lost wage through a
 no-fault system and at no cost to the injured worker.

| HUMAN RESOUR | HUMAN RESOURCES DEPARTMENT FINANCIAL SUMMARY | | | | | | | |
|---|--|----------------------|----------------------|----------------------|----------------------|----------------------|--|--|
| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | | |
| | Actual | Actual | Actual | Adopted | Proposed | Proposed | | |
| EXPENDITURES | | | | | | | | |
| By Type: Salaries and Benefits | | | | | | | | |
| | 2,988,727 | 3,005,735 | 3,131,801 | 3,707,315 | 4,037,482 | 4,143,179 | | |
| Services and Materials | 732,020 | 492,664 | 520,275 | 300,260 | 598,260 | 598,260 | | |
| Capital Outlay
Internal Services | 353
199,854 | (48)
398,483 | 131
397,973 | 406,841 | 406,841 | 406,841 | | |
| Indirect Cost Transfer | 18,294 | 27,854 | 27,911 | 23,637 | 29,540 | 29,836 | | |
| | | | | | 20,0.0 | | | |
| | 3,939,247 | 3,924,687 | 4,078,091 | 4,438,053 | 5,072,123 | 5,178,116 | | |
| | | | | | | | | |
| By Division: | | | | | | | | |
| Administration | 555,027 | 805,401 | 801,030 | 834,891 | 833,063 | 828,460 | | |
| Training & | 545,798 | 585,097 | 510,229 | 462,648 | 629,665 | 647,287 | | |
| Organizational Development | | | | | | | | |
| Personnel & | | | 959,378 | | | | | |
| Administrative Services
Employee Relations | 1,019,685 | 1,100,820 | | 1,560,286 | 1,587,057 | 1,631,511 | | |
| | 1,640,653 | 1,215,162 | 1,624,704 | 1,396,098 | 1,791,749 | 1,825,578 | | |
| Equal Employment Opportunity & Diversity | 178,085 | 217,791 | 182,750 | 184,130 | 230,589 | 245,280 | | |
| Safety | | 416 | | | | | | |
| | 3,939,247 | 3,924,687 | 4,078,091 | 4,438,053 | 5,072,123 | 5,178,116 | | |
| By Fund: | | | | | | | | |
| General Fund | 0.045.000 | 0.070.050 | 0.040.000 | 0 407 704 | 0.440.440 | 0.400.504 | | |
| Employee Training Fund | 2,045,393
568 397 | 2,270,953
595,376 | 2,318,029
555,538 | 2,407,724
618,930 | 3,112,412
646,573 | 3,166,581
663,875 | | |
| Workers' Compensation | 000,007 | 799,902 | 802,103 | 010,000 | 040,070 | 000,070 | | |
| · | 1,142,560 | , | | 1,161,080 | 1,012,381 | 1,039,255 | | |
| FUND\$ Replacement | | | 145,200 | | | | | |
| Permit Service Center | 182,897 | 258,456 | 257,221 | 250,319 | 300,757 | 308,405 | | |
| | 3,939,247 | 3,924,687 | 4,078,091 | 4,438,053 | 5,072,123 | 5,178,116 | | |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|-------------------------------|--|----------------------|--------------------|---------------------------|
| Attract and retain a talented and diverse City government workforce | City Attorney,
City Clerk,
City
Manager's
Office | Skilled
Workers
Academy | Providing training with intent to increase "pass outcomes" for entry level/other classifications into higher classifications and building a collaborative and engaged dialogue to provide On the Job Training to support "pass" outcomes Developing alternative pipelines for career development for existing city staff leveraging internal & external resources Enhancing and incentivizing Bachelor's degree completion | 7/20-6/24 | Continuing | \$15,000/year
(funded) |
| Attract and retain a talented and diverse City government workforce | City Attorney,
City Clerk,
City
Manager's
Office | Paid Family
Leave Policy | Supplemental California Paid
Sick Leave Program. That the
City Council adopt this policy
and refer to the City Manager
and City Attorney to amend
the proposed ordinance
based on the | 7/21-6/24 | Continuing | To be
determined |

Page 204 of 410

| Goal | Supporting Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|------------------------|---|--|----------------------|--------------------|-------------------------------------|
| | | | recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements. This is a Council and Budget referral: Ben Bartlett, Sophie Hahn, Kate Harrison, Cheryl Davila. | | | |
| Create a resilient, safe, connected, and prepared city | All City departments | Citywide
Safety
Programs
Plan for All
Departments | There is a need to identify gaps and update our current City Safety plan. The review should include the CalOSHA mandatory Injury and Illness Prevention Program (IIPP), expanded safety training, revamping the required safety committee program, developing an up-to-date workplace violence prevention plan, and developing guidelines on early identification and mitigation for work place hazards. In our continued management of the different variants with COVID, this division needs resources to implement what is needed to address worker safety. | 7/19-
12/24 | Continuing | \$50,000
(requesting
funding) |

Page 205 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|---|---|----------------------|--------------------|--|
| Attract and retain a talented and diverse City government workforce | City Attorney,
City
Manager's
Office | Revision of
Personnel
Rules and
Regulations | Update and revise Rules and Regulations to comply with current federal and state laws; reflect best practices; and ensure the established rules are comprehensive and consistent. (formerly "Revision of Personnel Rules and Regulations and the Employer-Employee Relations Resolution, now split into 2 distinct projects). | 6/19-6/24 | Continuing | \$20,000/year
(requesting
funding) |
| Attract and retain a talented and diverse City government workforce | City Attorney,
City
Manager's
Office | Revision of
the Employer-
Employee
Relations
Resolution | Update and revise Resolution to comply with current federal and state laws; reflect best practices; and ensure the established rules are comprehensive and consistent. (formerly "Revision of Personnel Rules and Regulations and the Employer-Employee Relations Resolution, now split into 2 distinct projects). | 6/19-6/24 | Continuing | To be determined |
| Provide an efficient and financially-healthy City government | All City
departments | Succession
Planning | In advance of a large amount of expected retirements in fiscal year 2018, develop and provide guidance to all City departments to improve succession planning and | 6/18-7/23 | Continuing | Staff time |

Page 206 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|------|---------------------------|-------|---------------------------------|----------------------|--------------------|---------------------|
| | • | | minimize disruption to the City | | | |
| | | | government and the | | | |
| | | | community it serves. | | | |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the HR Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|---|---|-------------------|---|----------|
| City demographics/
diversity mirrors
County
demographics/
diversity | Identify/address disparities based on race/ethnicity categories in City workforce | Parity | 1,213 non-white employees
in City's workforce
population (85% of Alameda
County) | • |
| Reduction in the time it takes to address and close an EEO complaint | Average days to close an EEO complaint | ↓ | • 30 days | |
| Reduction in EEO complaints | Number of EEO complaints | \ | 5 complaints | |
| Training attendance | Number of employees attending
EEO-facilitated harassment trainings Number of citywide training available Number of people requesting tuition
reimbursements | 1 | 677 employees attending
EEO-facilitated trainings 134 citywide trainings
available 4 tuition reimbursement
requests | |
| Appointments for
Labor Relations
Coordinating
Committee (LRCC)
counseling, advice,
etc | Number of LRCC appointments | n/a ²⁴ | 161 appointments | n/a |
| Reduction in LRCC grievances and cases | Number of LRCC grievances and cases | ↓ | 8 grievances opened, 3 grievances closed | |

²⁴ The reasons supervisors/managers choose to schedule one, several, or no appointments are outside the control of Employee Relations.

Page 208 of 410

| Measure | Description | Target | Actual | Tracking |
|--------------|--|----------|------------------------------------|----------|
| | | | 161 cases opened, 161 cases closed | |
| Time to hire | Average number of days from requisition approval to hired status | 1 | • 242 days | • |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

↓ Target is to decrease numbers/percentages

Not meeting target

CHALLENGES

Human Resources challenges include:

- Human Resources staffing.
- Recruiting and retention issues as a result of the "great resignation" creative solutions.
- Providing ongoing testing options for COVID-19 testing.
- Ongoing challenges with ERMA/Transactions i.e. obtaining audit manual for payroll
- Labor Relations impacted by COVID-19: Negotiating the City's seven Memorandum
 of Understanding (MOU) with the City's bargaining partners and implementing the 76
 resulting provisions. Meet and confer process with the Unions on the Vaccination
 policy's, workplace safety, and vaccination exemption process.
- Technology: Due to COVID-19, the NeoGov Onboarding and Performance Learning Management software full implementation which is critical to the organization for tracking and processing employees continues to be delayed. The NeoGov Performance and Learning Management module has been delayed pending the implementation of the Performance Learning module.

ACCOMPLISHMENTS

Highlights of recent Human Resources Department accomplishments include:

Personnel Administrative Services

- Virtual Onboarding Process: The Personnel and Administrative Services Division streamlined new hire processes and training, including collecting paperwork through virtual conference meetings with new hires and deploying the NeoGov Onboard Module, designed with self-service, document repository, and interactive dashboard functions to achieve increased consistency, efficiency and effectiveness.
- o Implemented Hiring Freeze Exception Process: In response to the citywide hiring freeze and minimizing staffing impact to departments, the Personnel and Administrative Services Division developed a procedure allowing departments to request hiring exceptions. In addition, the team enhanced the existing NeoGov system to support and report exceptions tracking.
- Business Process Improvements: Staff identified and supported the implementation and development of several business process improvements in the development of Personnel Action (PA) workflows.

 ERMA Personnel Action Workflow Training: Staff served as subject matter experts for material development and training of payroll clerks on ERMA Personnel Action Workflows.

• Employee and Labor Relations

 Negotiation of Successor Union Contracts: The Employee and Labor Relations Division negotiated 7 MOUs and implemented 76 MOU provisions.

Training

- New Employee Orientation Training: Due to the pandemic redesign New Employee and New Supervisor Orientations to a digital structure of 8 hours (versus 24 hour in person).
- Restructure of Training for Citywide services Return to Work: The
 Training Division launched an urgent Needs Assessment to evaluate the next
 iteration of training to support staff resilience. This included analyzing the
 efficacy, present day and future forward relevance of mandated training,
 delivery modality and access constraints in anticipation of the post shelter-in place era.
- Reinstatement of the Supplemental Retirement Income Plan (SRIP) Investment Plan Committee: The plan is administered by a committee of nine employees that adopt rules and regulations for the supervision of the SRIP plans.

• Equal Employment Opportunity

 Equity Committee: The EEO Division expanded the membership and adopted rules and procedures to make recommendations on the Mason Tillman report.

• Benefits Administration

 City of Berkeley Benefits Plan: The Benefits Administration Division updated new benefit rates and negotiated a new contract to manage retiree benefits, and managed the annual open enrollment event online, and provide daily support for current employees, as well as retired constituents.

Workers Comp and Safety Program

- COVID-19 Response: This Division implemented mandatory COVID-19 vaccination policy and updated policy developed for Administrative Regulations and CalOSHA required COVID prevention Plan and Managers and Supervisors COVID-19 package. Contracted with onsite vender for COVID-19 testing.
- Workers Compensation Claims Revenue Recovery: This Division reduced the Total Estimated Future Liability on the entire program during this period by 2% (or \$475,315), resulting in successful recovery of \$13,805.95 from the City's excess carriers and successful resolution of 16 claims.

Page 211 of 410

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The FY 23 baseline budget increases by \$634,070, or 14% over the FY 22 Adopted Budget of \$4.4. This is primarily due to an increase of \$330,167 in salaries and benefit costs.

Human Resources is requesting funding for the Citywide Safety Program (\$50,000) and the Revision of Personnel Rules (\$40,000) in FY 23 and FY 24.

INFORMATION TECHNOLOGY

MISSION STATEMENT

The Department of Information Technology's vision is to provide excellent customer service through innovative and intuitive solutions with a diverse workforce to enable City operations, and to connect and deliver quality solutions for the community.

ORGANIZATIONAL CHART



DEPARTMENT OF INFORMATION TECHNOLOGY OVERVIEW

The Department of Information Technology (IT) provides cost-effective smart technology solutions to its business partners and community with integrity and commitment to excellence. IT is comprised of five operational divisions, as outlined below:

- Office of the Director: The Office of the Director oversees digital strategic planning, technology governance, policy and procedures, budget, technology procurement and contracts, vendor management, Council reports, performance metrics, leadership and team-building, project portfolio management, and performance management.
- 311 Customer Service: 311 is the centralized customer service experience for the
 community and businesses, answering request for services for Public Works,
 Finance Business License, Residential Parking Permits, Citations, Refuse services
 & payments, general City service requests and more. To support this objective,
 Berkeley's 311 uses a Customer Relationship Management (CRM) software
 application to manage, track, and categorize customer service requests.

- Enterprise Services: Enterprise Services provides systems administration support, business analysis, and project management services to departments and the City for enterprise software applications across a variety of technology platforms.
- Project Management and Analytics: The Project Management and Analytics
 Division provides implementation services for new technology projects and support
 for existing technologies. Specifically, project management, programming, and
 business analysis services are provided to each department's technology portfolio to
 maximize interdepartmental workflow efficiencies.
- Infrastructure, Security, and Operations: The Infrastructure, Security and Operations Division provides technology operations support to the City. Services include Helpdesk, Network Engineering, and Cyber Security. This Division also provides 24x7 support for mission-critical systems, including 911 Computer Aided Dispatch (CAD), and Police/Fire Mobile Data Computers (MDCs).

The Helpdesk provides the first point of contact for City staff with computer hardware, software, or network connectivity issues. The Network Engineering and Security team provides infrastructure support for the City of Berkeley network, including servers, storage, Database Administration, Local Area Network (LAN), Wide Area Network (WAN), fiber, Internet, wireless, and desk phone services. The Cyber Security team plans and deploys initiatives around cyber security and works closely with departments to maintain compliance with data standards and applicable laws around data privacy and security.

IT DEPARTMENT FINANCIAL SUMMARY

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|-----------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| EXPENDITURES | | | | | | |
| By Type: | | | | | | |
| Salaries and
Benefits | 7,384,040 | 8,214,212 | 8,474,262 | 9,006,426 | 9,095,430 | 9,347,596 |
| Services and
Materials | 5,432,993 | 6,616,883 | 7,136,408 | 9,573,160 | 10,912,371 | 10,868,713 |
| Capital Outlay | 160,859 | 25,068 | - | 920,649 | 920,649 | 920,649 |
| Internal Services | 254,671 | 624,609 | 925,968 | 910,297 | 910,297 | 910,297 |
| Indirect Cost
Transfer | 7,073 | 15,133 | 15,493 | 13,356 | - | - |
| | 13,239,636 | 15,495,905 | 16,552,132 | 20,423,888 | 21,838,747 | 22,047,255 |
| By Division: | | | | | | |
| Office of IT Director | 2,151,259 | 2,301,933 | 2,423,011 | 2,476,330 | 2,462,740 | 2,498,030 |
| Project | 7,399,520 | 6,966,107 | 6,364,829 | 12,098,829 | 7,776,573 | 7,887,553 |
| Management & Analytics | | | | | | |
| Infrastructure, Security | y & Operations | 6 | 5,942,015 | 3,969,775 | 9,225,734 | 9,397,009 |
| Customer Service
311 | 1,599,655 | 1,710,116 | 1,822,277 | 1,878,954 | 2,373,700 | 2,264,663 |
| | 13,239,636 | 15,495,905 | 16,552,132 | 20,423,888 | 21,838,747 | 22,047,255 |
| By Fund: | | | | | | |
| General Fund | 1,525,916 | 1,396,627 | 1,330,730 | 1,526,760 | 1,526,760 | 1,526,760 |
| IT Cost Allocation | 8,024,374 | 11,104,138 | 12,006,689 | 14,673,515 | 16,610,868 | 16,795,282 |
| Employee Training | 165,944 | 157,257 | 160,712 | 188,374 | 188,374 | 188,374 |
| Phone System Replacement | - | - | 82,521 | 449,408 | 449,408 | 449,408 |
| FUND\$
Replacement | 2,158,374 | 2,101,361 | 2,508,754 | 3,292,694 | 2,924,340 | 2,948,434 |
| Capital
Improvement Fund | 638,384 | 5,360 | - | - | - | - |
| Zero Waste Fund | 105,806 | 155,040 | 172,295 | 162,140 | 8,000 | 8,000 |
| Sanitary Sewer
Fund | 9,053 | - | 18,025 | - | - | - |
| Permit Service
Center | 269,700 | 231,086 | 238,570 | - | - | - |
| PEG Access
Facilities | - | - | - | 100,000 | 100,000 | 100,000 |
| Computer Replacement Fund | 227,560 | 114,000 | - | - | - | - |
| Other Funds | 114,525 | 231,037 | 33,835 | 30,997 | 30,997 | 30,997 |
| | 13,239,636 | 15,495,905 | 16,552,132 | 20,423,888 | 21,838,747 | 22,047,255 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|---|--|----------------------|--------------------|---------------------|
| Provide an efficient and financially-healthy City government | Planning,
Finance, Public
Works, Fire | Upgrade Accela
Environments | Upgrade Accela environments to ensure all are running a stable and supported version. | 9/21-6/24 | Continuing | \$200,000 |
| Provide an efficient and financially-healthy City government | All City
departments | Upgrade Analytics
Now FUND\$ Web-
based Reporting
Tool | Upgrade the Analytics Now to version 11.1.x that is both supported by Central Square and provides enhancements over the current version. | 2/21-3/23 | Continuing | \$200,000 |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | All City
departments | Enterprise
Architecture | Document the current architecture and implement ways to standardize. This would include documenting the As-Is architecture, implementing Source Control, creating document taxonomy etc. | 7/20-6/24 | Continuing | \$250,000 |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | All City
departments | Enterprise Data
Integration | Develop plan/tool to integrate and manages data exchange across all connected systems in and out of the enterprise in a standard and efficient way. | 6/20-6/24 | Continuing | \$500,000 |

Page 216 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|--|---|----------------------|--------------------|---------------------|
| Provide an efficient and financially-healthy City government | All City
departments | SQL Server 2008
Upgrade/Migration
Citywide | Upgrade to a Microsoft-
supported version of SQL
Server, continued
support, improved
security. | 4/19-6/24 | Continuing | \$150,000 |
| Provide an efficient and financially-healthy City government | All City
departments (led
by City
Manager's
Office:
Communications) | New City of
Berkeley Website
Phase 2 | For FY 23, there will be some production management support and security enhancements and fixes for User Design / Interface issues. | 3/19-6/22 | New | \$200,000 |
| Provide an efficient and financially-healthy City government | Health, Housing and Community Services | Alameda County
Community Health
Record Access for
Public Health | Provide authorized City users with access to the Alameda County Community Health Record. Gather initial access information upon City Attorney approval. | 8/21-6/24 | Continuing | \$100,000 |
| Provide an efficient and financially-healthy City government | Public Works | Accela Workflow
Enhancements and
Online Payments
for Public Works | Accela workflow and functionality enhancements to provide online access to community members for payments for Public Works permits. | 5/21-6/24 | Continuing | \$35,000 |
| Be a customer-focused organization | Finance | Accela Citizen Access – Expansion of Online Business | Currently only "Rental for
Real Property" business
licenses can renew their
licenses online on web | 5/21-6/24 | Continuing | \$50,000 |

Page 217 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|--|---|----------------------|--------------------|---------------------|
| that provides excellent, timely, easily-accessible service and information to the community | | Licensing Renewal
to all Business
Types | portal. Agency has requested this feature to be extended to other 19 Business Licensing types issued by City of Berkeley. | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | Planning | Accela: Building
Permit Online
Application for
Planning | Request to create a new functionality that would allow the public to apply for, pay for, and receive permits online and check on status of permits. | 2/21-6/24 | Continuing | \$100,000 |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to | Finance | FUND\$: Modify
Zero Waste Billing
Customer Charges
for Official
Payments | Modify the Utility Billing and Accounts Receivables scripts that send Customer Charges to Official Payments so that the scripts operate in production only (or Test as needed). | 2/21-2/23 | Continuing | \$150,000 |

Page 218 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|---|---|----------------------|--------------------|---------------------|
| the community | | | | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | Finance | Accela:
Enhancement/Fixes
to Existing Accela
Financial Reports | Provide enhancements requested by department on reports and fix issues reported by users. | 1/21-6/24 | Continuing | \$50,000 |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | Finance | Accela Refund
Bridge
Overpayment and
Refunds | Process overpayments and refunds checks and provide reporting of same data. | 1/21-6/24 | Continuing | \$100,000 |
| Be a customer-focused organization | City Auditor | Mission Mark Audit
Software | Using the Mission Mark
Audit Platform to aid the
City Auditor in managing
and tracking ongoing | 9/19-6/24 | Continuing | \$24,000 |

Page 219 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|--|--|----------------------|--------------------|---------------------|
| that provides excellent, timely, easily-accessible service and information to the community | | | audits recommendations,
and publishing
recommendations to the
public website. | | | |
| Provide an efficient and financially-healthy City government | Police | Police Form filing
system: Guardian
Tracking | Digitize all of the papers that need signatures. | 1/22-6/24 | Continuing | \$50,000 |
| Provide an efficient and financially-healthy City government | Fire | Prioritized Dispatch for Fire | Fire dispatch application software. | 1/22-12/22 | Continuing | \$100,000 |
| Create a resilient, safe, connected, and prepared city | Police | Next Generation
911 (NG 911) | Regional project to update 911 service infrastructure to enable the public to transmit text, images, video and data to 911 center. | 3/20-6/24 | Continuing | \$100,000 |
| Create a resilient, safe, connected, | Police | Open Data Project – Berkeley PD (Audit Response) | Collecting police data
from various sources,
including Stop Data, Call
For Service, and Use of
Force. Transforming and | 6/19-6/24 | Continuing | \$50,000 |

Page 220 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|---|--|----------------------|--------------------|---------------------|
| and prepared city | | | making this data available to the public. | | | |
| Create a resilient, safe, connected, and prepared city | Police | Migrate Evidence
data from legacy
system to current
Evidence.com
system | Migrate evidence data from Veripic (legacy system) to evidence.com (current system from Axon). | 4/19-6/24 | Continuing | \$100,000 |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Police | Time Management
Application for
Police | Time Management Application for Police shift and time scheduling and tracking. | 3/19-6/24 | Continuing | \$50,000 |
| Create a resilient, safe, connected, and prepared city | Police | Crime forum transition to new vendor | Migrate police crime forum to new software where various agencies share crime data. | 1/19-6/24 | Continuing | \$100,000 |
| Provide an efficient and financially-healthy City government | Police | Microfiche
Digitizing for
Berkeley Police
Department | Digitize remaining Police Department microfiche data to improve data management and accessibility. | 1/19-6/24 | Continuing | \$150,000 |
| Provide an efficient and financially- | Police | Migrate Legacy
Police Records to | Convert very old data from 80s and 90s to Microsoft SQL server. | 1/19-6/24 | Continuing | \$200,000 |

Page 221 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|--|---|----------------------|--------------------|---------------------|
| healthy City government | | supportable platform | | | | |
| Create a resilient, safe, connected, and prepared city | Fire | Fire Aside software and mobile application | Provide a vegetation inspection software solution with phone application. | 5/22-5/24 | New | \$60,000 |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | PW, Fire, Police,
PRW | New 311 Customer
Relationship
Management
System | Replace CRM System and integrate with other systems in the City such as AssetWorks. | 5/22-6/24 | New | \$500,000 |
| Provide state-of-the- art, well- maintained infrastructure, amenities, and facilities | All Departments | Microsoft
SharePoint,
OneDrive and
Teams Citywide
deployment | This is a project to redefine SharePoint and Teams functionality and launch intranet. | 4/22-4/23 | Continuing | \$100,000 |
| Provide state-of-the- | All Departments | Smart Conference
Rooms | This is a project to upgrade conference | 7/22-12/22 | New | \$80,000 |

Page 222 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|----------------------------|---|--|----------------------|--------------------|---------------------|
| art, well-
maintained
infrastructure,
amenities,
and facilities | | | rooms and provide new technology for hybrid remote / onsite meetings and presentations. | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | Planning,
Finance, Fire | Master Address /
Parcel Database | Produce a Master
Address / Parcel
database with continually
updated information. | 9/22-9/23 | New | \$300,000 |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | Planning,
Finance | Publish GIS data to
Open Data Portal
on City Web Site | Set up new data Hub for
GIS data for internal and
external use. Allows us to
get rid of duplicated
software. | To be determined | New | \$150,000 |

Page 223 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|----------------------------------|--|---|----------------------|--------------------|---------------------|
| Provide an efficient and financially-healthy City government | Finance | FUND\$ upgrade
Phase 2 from v7.3
to v7.4 | Upgrade to more recent version to be compliant with maintenance agreement and upgrade Rocket LMi Source Control software. | 12/22-9/23 | Continuing | \$200,000 |
| Provide an efficient and financially-healthy City government | Planning | Accela Electronic
Document
Management
System | Replaces system out of compliance. | 6/22-12/22 | New | \$200,000 |
| Create a resilient, safe, connected, and prepared city | All Departments | Business Impact
Analysis | Provide Disaster
Recovery of critical and
non-critical systems in the
City government. | 1/19-5/24 | Continuing | \$100,000 |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | HR | Human Resources systems for learning management, performance management and employee onboarding (NeoGov) | Add modules for staff onboarding, classes for staff, and performance management. | 7/22-12/23 | Continuing | \$71,000 |
| Provide
state-of-the-
art, well- | City Manager's
Office, Animal | Animal Services
License System | Provide on-line services for Animal Shelter. | 8/22-11/22 | Continuing | \$14,000 |

Page 224 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------------|--|---|----------------------|--------------------|---------------------|
| maintained infrastructure, amenities, and facilities | Services,
Finance | (Online Dog
Licensing) | | | | |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Public Works | FUND\$ Replacement: Zero Waste Management and Billing System | Implement software to manage operations and billing for Zero Waste. | 1/21-6/23 | New | \$500,000 |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Public Works | FUND\$ Replacement: Fleet Management | Implement software to manage City fleet of vehicles. | 7/21-12/22 | New | \$500,000 |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Public Works | Capital
Improvement
Projects software | Implement capital improvements project and financial management software. | To be determined | New | \$2,100,000 |
| Provide an efficient and financially- | Planning, Public
Works, Fire | Digital Permit
software
Replacement | Replace existing software. | To be
determined | New | \$3,600,000 |

Page 225 of 410

| Goal | oal Supporting Title Description Departments | | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|--|--|----------------------|--------------------|---------------------|
| healthy City government | | | | | | |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | City Attorney | Case Management
and Practice
Management
Software | Case management software for Legal; RFP being reviewed. | To be determined | New | \$112,500 |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | City Attorney | Scheduling
Software | Software to manage charges / schedules for Legal. | 7/22-12/22 | New | \$25,000 |
| Provide an efficient and financially-healthy City government | Finance | FUND\$ Upgrade
NetIQ Security
Software | Upgrade security for FUND\$ financial software. | 12/22-6/23 | Continuing | \$50,000 |
| Provide an efficient and financially-healthy City government | Human
Resources | ERMA: AR/GB
(Accounts
Receivable /
General Billing) | Enable accounts receivable and general functionality in ERMA (Tyler Munis) software. | To be
determined | Continuing | \$350,000 |
| Provide an efficient and financially- | Human
Resources | ERMA: ESS
(Employee Self
Service) | Enable employees to view own time off, pay stub, W2 information in ERMA. | To be determined | Continuing | \$96,000 |

Page 226 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|---|--|----------------------|--------------------|---------------------|
| healthy City government | | | | | | |
| Provide an efficient and financially-healthy City government | Finance | Automation of BL
Delinquent Report
(fixes to existing
Accela Finance
Reports) | Add reporting for delinquent payments. | To be determined | Continuing | \$50,000 |
| Provide an efficient and financially-healthy City government | Finance | Accela Refund
Bridge
Overpayment and
Refunds | Code to track overpayments and refunds per permit. | 1/19-8/22 | Continuing | \$50,000 |
| Provide an efficient and financially-healthy City government | Payroll Audit | ERMA/Time and attendance system (Executime) | Software to allow staff to input own time sheets and for approvals to be automated and electronic. | To be
determined | Continuing | \$235,000 |
| Create a resilient, safe, connected, and prepared city | Parks,
Recreation and
Waterfront | New Security Gate
System @
Waterfront | Security gate for Berkeley
Marina. | 2/22-8/22 | New | \$92,000 |
| Provide an efficient and financially-healthy City government | Finance | Business licensing software replacement | New software for business licenses . | To be determined | Continuing | \$500,000 |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the IT Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|--------------------------------|--|--------|---|----------|
| First call resolution | Number of queries answered on the first call by: • 311 Customer Service (external) • Helpdesk (internal) | 1 | 84% first call resolution, 311 Customer Service 45% first call resolution, Help Desk | • |
| Percent
abandonment
rate | Abandoned calls divided by total number of inbound calls received by 311 Customer Service (external) | ↓ ↓ | 20% abandon rate, 311 Customer
Service | • |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

Not meeting target

CHALLENGES

In 311, total service requests increased 2% in FY 2021 while the staffing budget remained flat. 311 maintained a hybrid staffing model throughout the COVID pandemic using Direct Line Services to cover meetings, lunch hour, and day end payment balancing. A recent Community Survey confirmed that community and businesses reach out more often to 311 customer service for assistance by phone, website, and email.

Customer calls for service and payment by phone remained strong during the pandemic and remain so today. The focus of 311 is to utilize staffing to maintain the highest level of service to the community.

In FY 23, 311 will publish a request for proposals (RFP) for a new customer relationship management (CRM) software application that will allow 311 to expand services through the website, mobile application and other technology features to allow customers to self-service.

Other IT challenges include:

- Resources and Stability: Operations and core technologies require investment, resources and stabilization.
- Balancing Projects and Core Services: The IT Department has an extensive, ambitious project portfolio which diverts resources from core IT service delivery.
- Employee Retention and Recruitment: The technology team has a 22% vacancy rate stemming from the "great resignation", retirements, and a hot job market for tech. To address employee retention, the IT Department will focus on has a need for professional development opportunities and success planning.
- **Work Space**: The IT Department has very a tight office space. These office space limitations impact service levels.
- Standards: There is a lack of technology standards and adoption of redundant technologies. This is when multiple tools are deployed in different parts of the City, serving the same need (e.g., Zoom, Microsoft Teams, and Skype) or multiple tools serving the same employee (e.g., a desktop and laptop per employee instead of a laptop and a docking station). The lack of standards, together with redundant technologies, cause inefficiencies and excessive costs.
- **COVID-19 Technology Response**: IT continues to receive requests for immediate software and hardware solutions to assist with remote work. Full staffing will assist with response time to our internal departments.

ACCOMPLISHMENTS

The IT Department completed many innovative projects and achieved operational success while struggling with challenges related to staffing and pandemic response. Accomplishments include the following:

- COVID/Remote Work Response
- Website Reinvention Project
- ERMA Payroll System and Budget Module launch
- New Recruiting System (NeoGov)
- Racial and Identity Profiling Act (RIPA) Reporting
- Internal Crime Mapping Dashboard
- Council Redistricting Mapping
- Interactive Kiosk Deployment (IKE)
- New Irrigation System for Parks
- Public Works Work Order System (NexGen)
- Public Records Act System
- City's Phone System Upgrade
- Server & Storage Replacement
- Data Backup Replacement
- Cybersecurity Projects: 60% of Cyber Resiliency Plan projects are completed.
- COVID-19 Information Services: 311 was an essential service to the community in terms of responding to COVID-19 requests for information. In calendar year 2020, in a 7-month Period, 311 responded to over 7,000 emails. In calendar year 2021 there were many changes to the Public Health Orders and masking mandate and 311 processed over 16,000 emails, including requests for information on where to get vaccinated and how to find testing locations in Berkeley. Calendar year 2022 has started off with far less inquiries, with most of the current inquiries pertaining to testing and vaccine information.
- 311 Customer Service: The 311 Customer Service Center remained fully staffed
 offering the community a consistent contact for services, resulting in increased
 requests via website and mobile applications. 311 staff working at home focus on
 service requests received through the website, mobile cases, Direct Line coverage
 cases, email, and voicemail. Responses for these case types improved from two
 days service level to same day response.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

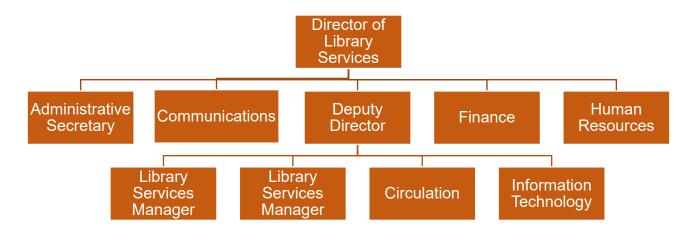
The FY 23 baseline budget increases by \$1,414,859, or 7%, over the FY 22 Adopted Budget. This is primarily due to an increase in salaries and benefit costs, technical services, and software maintenance. Information Technology is requesting funding in the amount of \$770,000 for the IT Department move to 1947 Center Street.

BERKELEY PUBLIC LIBRARY

MISSION STATEMENT

We believe free, universal access to information is fundamental to a healthy democracy and that reading and learning are key to a well-lived life. The Berkeley Public Library is a trusted hub of reading, learning, and community engagement.

ORGANIZATIONAL CHART



BERKELEY PUBLIC LIBRARY OVERVIEW

Berkeley Public Library (Library) provides access to collections of physical and electronic books, music, articles, and films; offers cultural and learning experiences for community members; provides access to spaces for studying and meeting with others; and develops opportunities for community engagement and skill sharing. The Library offers five facilities: the Central Library in downtown Berkeley and four neighborhood branches: Claremont, North, Tarea Hall Pittman South, and West. The Tarea Hall Pittman South facility includes the Tool Lending Library that provides access to a wide range collection of borrowable household tools. The Berkeley Public Library contains the following divisions:

- Branch and Central Library Services: These subdivisions provide direct services
 to community members in the form of programming for all ages; technology support;
 access to tools; readers' advisory; outreach to community events; and information
 and referral services. Subdivisions include the following:
 - Central Adult Services,
 - Central Children's Services,

- o Central Support Services,
- Claremont Branch,
- North Branch,
- Tarea Hall Pittman South Branch,
- o Tool Lending Library, and
- West Branch.
- Collections Services: The Collection Services subdivision develops collections of physical and electronic resources that meet the reading and cultural interests of Berkeley's diverse community. Collections Services is responsible for the acquisition, selection, cataloging, processing, and ongoing evaluation of library materials and resources.
- Facilities Management: The Facilities Management subdivision maintains the mechanical systems and physical plant of the five Berkeley Public Library facilities. This subdivision's practices emphasize environmentally sound and cost-effective solutions.
- **Information Technology**: The Library Information Technology subdivision manages the Library's networks, servers, computers, and enterprise applications. The subdivision also provides computer hardware and software support and training.
- Circulation Services: The Circulation Services subdivision oversees the check-out, check-in, and shelving of Library materials. The subdivision creates and maintains the Library's database of patron accounts; handles patron fees; coordinates patron holds and interlibrary reserves; performs physical delivery of materials to and from the branches; and offers Books-by-Mail services to patrons for reasons of mobility.
- Literacy Services: The Literacy Services subdivision, known as BerkeleyREADS, provides tutoring and literacy support services for clients aged 16 years and older. This subdivision coordinates family literacy outreach that includes story times, the distribution of free books, and parent literacy workshops at partner sites that serve disadvantaged families.
- Library Administration Finance, Communications and Human Resources: The
 Finance and Human Resources subdivisions oversee personnel records, accounting
 and payroll functions, financial measurements and reports, and oversight of
 business contracts and purchasing, in addition to management of the Library Tax
 Fund, the BPL Foundation Fund, the Friends and Gift Fund, and all other Library
 revenue and expenditure sources. Communications supports effective internal and
 external messaging to all stakeholders.

Services the Library provides include the following:

- Access to a collection of over 400,000 physical books.
- Access to 739,000 electronic books.
- Access to over 68,000 films (DVDs and streaming).

Page 233 of 410

- Access to over 400,000 audiobooks and music (CDs and streaming).
- Access to millions of additional book, DVD, and CD titles through the Link+ consortium of public and academic libraries.
- Access to five facilities that are open a total of 13,624 hours annually.
- Approximately over 300 cultural and educational programs annually, including literacy programs, story times, lectures, discussions, intergenerational programs, musical programs, and more. Programming is offered in a variety of formats, including virtually, outdoors, and in-person.
- 500 reader seats across the five facilities.
- An adult literacy program offering one-on-one tutoring and group programs for adults wishing to improve their practical reading skills.
- Access to free and discounted museum passes through the Library's Discover & Go program.
- Delivery of materials to and from each branch providing community members full access to the entire Library collection regardless of their location in the City.

| LIBRARY FINA | NCIAL S | UMMARY |
|--------------|---------|---------|
| | FY 2019 | FY 2020 |
| | Actual | Actual |

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| | Actual | Actual | Actual | Adopted | Порозси | Порозси |
| EXPENDITURES | | | | | | |
| By Type: | | | | | | |
| Salaries and | 13,911,888 | 13,413,608 | 13,019,367 | 15,965,123 | 17,494,475 | 17,455,698 |
| Benefits
Services and
Materials | 4,332,638 | 4,452,402 | 4,475,423 | 5,900,330 | 6,173,760 | 6,173,760 |
| Capital Outlay | 256,610 | 792,955 | 2,566,172 | 3,504,000 | 949,000 | 1,249,000 |
| Internal Services
Indirect Cost
Transfer | 219,840 | 206,499 | 194,281 | 196,888 | 196,888 | 196,888 |
| | 18,720,976 | 18,865,464 | 20,255,244 | 25,566,341 | 24,814,123 | 25,075,346 |
| | | | | | | |
| By Division: Library Administration | 1,789,035 | 2,367,869 | 4,879,186 | 5,883,762 | 3,438,536 | 3,746,057 |
| Operations | 16,931,941 | 16,497,595 | 15,376,057 | 19,682,579 | 21,375,587 | 21,329,289 |
| Central Library Branch Libraries | - | - | - | - | - | - |
| Technical Services | - | - | - | - | - | - |
| | 18,720,976 | 18,865,464 | 20,255,244 | 25,566,341 | 24,814,123 | 25,075,346 |
| | | | | | | |
| By Fund:
Library Fund | 18,374,387 | 18,698,465 | 19,524,604 | 25,001,452 | 24,397,794 | 24,657,820 |
| Direct Loan/Inter | 14,735 | 10,030,403 | 13,324,004 | 25,001,452 | 24,001,104 | 24,037,020 |
| Library Loan | 68,839 | 38,841 | 87,844 | 64,889 | 66,330 | 67 506 |
| Library - Grants
Library Friends & | 106,205 | 30,041
64,117 | 65,428 | 150,000 | 150,000 | 67,526
150,000 |
| Gift Fund | | | | | | |
| Library Foundation
Measure FF - | 156,810 | 64,041 | 577,368 | 350,000 | 200,000 | 200,000 |
| Branch Renovations | r | | | | | |
| | 18,720,976 | 18,865,464 | 20,255,244 | 25,566,341 | 24,814,123 | 25,075,346 |

Page 235 of 410

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|---|------------|------------|------------|------------|------------|------------|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| DIVISION/ACTIVI | TY SUMMA | ARY | | | | |
| Library
Administration | | | | | | |
| Administration | | | | | | |
| Director Library Information Systems Facilities | 1,739,903 | 1,663,905 | 2,197,326 | 2,633,762 | 2,838,536 | 2,846,057 |
| Capital Projects | 49,132 | 703,964 | 2,681,861 | 3,250,000 | 600,000 | 900,000 |
| Division Total | 1,789,035 | 2,367,869 | 4,879,186 | 5,883,762 | 3,438,536 | 3,746,057 |
| | | | | | | |
| Operations | | | | | | |
| Deputy Director | | 5,754 | 689 | | | |
| Information | 1,746,128 | 1,903,119 | 1,792,138 | 2,026,454 | 2,110,624 | 2,136,885 |
| Systems | | | | | | |
| Facilities | 1,627,052 | 1,401,515 | 1,221,508 | 1,771,685 | 1,815,254 | 1,823,693 |
| Circulation | 2,798,142 | 2,539,767 | 2,220,412 | 3,049,652 | 3,322,840 | 3,357,616 |
| Services
Central Children's | 907,726 | 907,409 | 827,554 | 1,060,955 | 1,216,458 | 1,217,734 |
| Services | 901,120 | 907,409 | 021,554 | 1,000,933 | 1,210,430 | 1,217,734 |
| Central Art And | 466,448 | 278,001 | 250,498 | 480,700 | 650,134 | 568,030 |
| Music | 100, 110 | 2.0,00. | 200, 100 | 100,100 | 333,131 | 000,000 |
| Central Reference | 1,128,754 | 883,291 | 889,463 | 1,198,724 | 1,473,504 | 1,447,818 |
| Central Support | 58,258 | 351,024 | 387,595 | 962,941 | 996,111 | 977,182 |
| North Branch | 1,124,488 | 1,175,138 | 1,170,370 | 1,336,112 | 1,439,488 | 1,426,555 |
| South Branch | 1,113,318 | 1,134,267 | 973,428 | 1,240,124 | 1,306,143 | 1,323,071 |
| West Branch | 1,136,713 | 1,088,655 | 952,253 | 1,203,597 | 1,374,025 | 1,374,007 |
| Claremont Branch | 1,141,761 | 1,091,399 | 942,429 | 1,266,421 | 1,363,898 | 1,353,332 |
| Collections | 2,876,957 | 2,927,292 | 2,920,958 | 3,215,052 | 3,410,072 | 3,414,475 |
| Tool Library | 396,092 | 422,018 | 380,071 | 429,508 | 447,510 | 446,275 |
| Literacy Programs | 410,103 | 388,946 | 446,691 | 440,654 | 449,526 | 462,618 |
| Division Total | 16,931,941 | 16,497,595 | 15,376,057 | 19,682,579 | 21,375,587 | 21,329,289 |
| | | | | | | |
| Department
Total | 18,720,976 | 18,865,464 | 20,255,244 | 25,566,341 | 24,814,123 | 25,075,346 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

The Berkeley Public Library supports the City of Berkeley Strategic Plan and has identified three key goals that significantly relate to the Library's mission:

- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- Champion and demonstrate social and racial equity.
- Provide excellent, timely, easily-accessible service and information to the community.

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|--|---|----------------------|--------------------|------------------------------------|
| Champion
and
demonstrate
social and
racial equity | Berkeley Public Library staff, CA State Library, CALIFA, GARE (Government Alliance on Race and Equity) | Equity,
Diversity and
Inclusion
Initiatives | Berkeley Public Library
staff team, the Library
Racial Justice Advisory
Group (RJAG), drafting a
racial equity action plan for
the Library; EDI and
trauma-informed service
trainings for Library staff | 3/21-
Ongoing | Continuing | \$20,000
(Library Tax
Fund) |
| Provide excellent, timely, easily-accessible service and information to the community | Health, Housing and Community Services (for best practices), local agencies serving people experiencing housing insecurity | Community
outreach and
resourcing | The Library serves patrons who experience mental health needs as well as housing insecurity. Many public libraries have identified a need for a social worker to provide services and build capacity amongst staff in working with these community members. | 7/21-
Ongoing | New | \$142,117
(Library Tax
Fund) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|---|---|----------------------|--------------------|--|
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Public Works | Address
Deferred
Maintenance | Redesign and replacement of Bancroft Wing exterior stucco and windows. Address replacement needs for air conditional units and roof of Central Library. | 12/21-
12/22 | Continuing | \$2 million
(Library Tax
Fund) |
| Create a resilient, safe, connected, and prepared City | Berkeley Public Library staff, administration, Foundation, Friends, City partners such as the Office of Economic Development, Berkeley Unified School District (BUSD) and the Chamber of Commerce | COVID-19
Pandemic
Response | Support community resilience and growth through offering programs and awareness of or access to information and Library materials that respond to the community's changing needs during the pandemic. | 7/21-
Ongoing | Continuing | \$20,000
(Friends of
the
Berkeley
Public
Library) |
| Provide
excellent,
timely, easily-
accessible
service and
information to | Information
Technology,
Berkeley
Public Library
staff | Online User
Experience
Improvements | Improve web-based access to Library's online catalog for the public to improve search experience; restore meeting room booking, events management, and registration. | 5/22-6/24 | New | \$150,000
(Library Tax
Fund) |

Page 238 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|-----------|---------------------------|-------|-------------|----------------------|--------------------|---------------------|
| the | | | | | | |
| community | | | | | | |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Berkeley Public Library's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|---|--|--------|---|----------|
| Circulation of books and electronic materials | Count of electronic and physical items that circulated in a given year | 1 | 935,152 electronic items\$1,873,090 physical items | • |
| Access to books and materials | Number of registered users as a percentage of service population | 1 | 144,041 registered users | • |
| Provision of information services | Count of reference transactions | 1 | 10,000 transactions | • |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

↓ Target is to decrease numbers/percentages

Not meeting target

CHALLENGES

Berkeley Public Library's current challenges include:

- Staff vacancies at approximately 28% (departures, retirements); recruitment during citywide hiring freeze,
- Aging physical plant and equipment deferred projects at the Central Library, including stucco replacement, air conditioning units, and roof replacement,
- Transitioning programming and service back to in-person settings, centering patron and staff safety, while continuing to navigate stages and surges of the global pandemic, and
- Addressing social equity and community wellness inside and outside Library facilities.

With respect to future challenges, concerns related to balancing collection needs and increasing costs will persist, along with support of information technology (IT) infrastructure:

- The cost of licensing e-books and e-audiobooks remains high as demand continues
 to increase and there is need for replenishment of the physical collection at the
 same time. There are also pay-per use licensing costs for streaming media.
- Along with an aging physical plant, the Library will need to plan for needed maintenance and enhancements to IT infrastructure.

ACCOMPLISHMENTS

Highlights of recent Berkeley Public Library accomplishments include:

- Central Library Improvement Project: The Central Library Improvement Project, made possible through the support and partnership of the Berkeley Public Library Foundation, successfully completed its first phase. This included creating safer spaces, interior renovations, a new Teen Room, and a new Mystery Room, reopened to the public in June 2021.
- Library Reopening: The Central Library and all branch libraries reopened for outdoor services by June 2020 and indoor services by June 2021. In terms of programming, virtual programming began in summer 2020, followed by outdoor programming in summer 2021, and the reintroduction of limited indoor programming this winter.
- Racial Justice Advisory Group: The Berkeley Public Library was accepted into the year one cohort of California Libraries Cultivating Race, Equity and Inclusion

Initiative (CREI). An internal change team (Racial Justice Advisory Group [RJAG]) was formed and participated in training with the Government Alliance on Race and Equity (GARE). RJAG's work continues and is expanding, despite the state CREI initiative not being funded for a year two.

- **Increase in Electronic Holdings**: The Berkeley Public Library substantially increased its e-collections and e-resource holdings to match the increase in patron use during the pandemic.
- Programming Pivots: To continue to deliver the same level and quality of services in a pandemic environment, the Berkeley Public Library pivoted to develop and provide robust virtual programming for all ages as well as introducing a significant amount of outdoor, in-person programming.
- Supporting Patrons Remotely: Throughout the pandemic, when library buildings
 were closed to the public, questions continued to pour into the Reference Desk. Staff
 provided patrons support over the phone and through e-mail, answering information
 questions, such as where to register to vote, or queries asking for ideas about good
 books to read.
- Ensuring Equity Access and Service: During the pandemic, Berkeley Public Library identified a variety of methods to ensure everyone in the community especially vulnerable populations could continue to access library services. This included expanding the books-by-mail program, developing laptop and wifi hotspot lending programs, and developing and promoting outdoor service models.
- **Strengthening Partnerships**: Berkeley Public Library strengthened its partnerships with City departments, Berkeley Unified School District, and community organizations while working together on the Emergency Operations Center, outreach and crisis communications, and providing the community with resources.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The FY 23-24 proposed budget includes funding for the following items in the Berkeley Public Library:

- Conversion of one non-benefited, non-career Library Aide position to a .5 FTE benefited Library Aide
- Library Materials to >\$2M: Library Tax Fund, increase maintained from last year
- Physical Plant and Infrastructure Deferred and Ongoing Maintenance: Library Tax Fund, \$2 million budgeted
- Enhancements to the Library's information technology platforms for the public including meeting room booking and catalog access
- Funding to support key projects such as strategic planning and system-wide Equity,
 Diversity and Inclusion (EDI) training
- Library Tax Fund Reserves adjusted to 6% percent of adopted revenues

MAYOR & COUNCIL

The Berkeley City Council consists of a Mayor and eight (8) Councilmembers. The City is divided into eight Council districts, which are used for the election of Councilmembers. The Mayor is elected citywide. The Mayor is the President of the Council and votes as an individual ninth member.

Following is a list of the current Council and office contact information.

Mayor Jesse Arreguín, (510) 981-7100

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

District 2 - Councilmember Terry Taplin, (510) 981-7120

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

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

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

District 6 - Councilmember Susan Wengraf, (510) 981-7160

District 7 - Councilmember Rigel Robinson, (510) 981-7170

District 8 - Councilmember Lori Droste, (510) 981-7180

Page 243 of 410

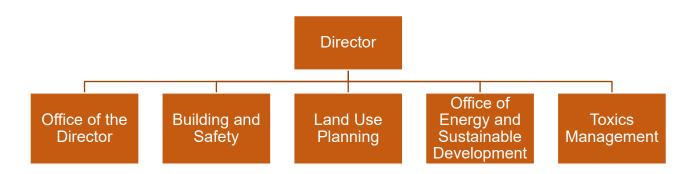
| MAYOR & COUN | CIL FINA | NCIAL S | SUMMAR | Υ | | |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
| EXPENDITURES | | | | | | |
| By Type: Salaries and Benefits | | | | | | |
| Services and Materials | 1,917,751 | 2,041,868 | 2,220,692 | 2,723,468 | 3,652,040 | 3,701,702 |
| Capital Outlay | 82,540
65 | 127,547 | 126,194 | 113,526 | 113,526 | 113,526 |
| Internal Services Indirect Cost Transfer | 81,181 | 356,505 | 361,958 | 259,565 | 259,565 | 259,565 |
| | 2,081,536 | 2,525,920 | 2,708,844 | 3,096,559 | 4,025,131 | 4,074,793 |
| By Division: Mayor's Office | | | | | | |
| Council Offices | 649,348 | 688,527 | 689,572 | 1,118,408 | 1,321,961 | 1,337,529 |
| Council Offices | 1,432,188 | 1,837,392 | 2,019,272 | 1,978,151 | 2,703,170 | 2,737,264 |
| | 2,081,536 | 2,525,920 | 2,708,844 | 3,096,559 | 4,025,131 | 4,074,793 |
| By Fund:
General Fund | | | | | | |
| Constant und | 2,081,536 | 2,525,920 | 2,708,844 | 3,096,559 | 4,025,131 | 4,074,793 |
| | 2,081,536 | 2,525,920 | 2,708,844 | 3,096,559 | 4,025,131 | 4,074,793 |

PLANNING

MISSION STATEMENT

The Planning and Development Department's mission is to enhance safety, livability and resilience in the built environment and to work with the community to promote and protect Berkeley's distinctive neighborhoods, vibrant commercial areas, unique character and natural resources for current and future generations.

ORGANIZATIONAL CHART



PLANNING AND DEVELOPMENT DEPARTMENT OVERVIEW

The Planning and Development Department consists of approximately 100 career fulland part-time staff, and is organized into five divisions, including the Office of the Director, which all work together to plan, implement, and monitor the physical environment of Berkeley. The Department provides the following services:

- Office of the Director: The Office of the Director provides department-wide leadership, management oversight, and policy direction for overall operations and implementation. The Office oversees information technology projects, special projects and research, budget and fiscal oversight, regulatory compliance and reporting, and purchasing, and payroll and accounting services for the Department.
- Building and Safety Division (B&S): The Building and Safety Division reviews
 proposed construction documents for conformance to the building code and other
 applicable codes; approves building, plumbing, mechanical and electrical permits;
 inspects construction projects to ensure conformance with the approved plans and
 code provisions; investigates work done without permits; provides code information

Page 245 of 410

- and interpretation to the public and other city agencies; ensures the safety of Berkeley's rental housing stock; and manages programs to mitigate seismic risk in existing buildings.
- Land Use Planning Division (LUP): The Land Use Planning Division is responsible for researching and implementing land use policy and regulations for the City of Berkeley. The land use policy section prepares amendments to the Zoning Ordinance, the General Plan, area plans, and other long-range planning policies that guide future development and preservation in Berkeley. The development projects section reviews proposed projects for conformance with the Zoning Ordinance, the General Plan, and other applicable plans, policies and regulations.
- Office of Energy and Sustainable Development (OESD): The Office of Energy
 and Sustainable Development Division develops policies and implements programs
 to promote resilience and sustainable practices, and to reduce energy and water use
 and the associated greenhouse gas emissions in both City operations and the
 Berkeley community.
- Toxics Management Division (TMD): The Toxics Management Division is the
 City's regulatory agency and a State-Certified Unified Program Agency (CUPA),
 responsible for implementing, inspecting and enforcing California Environmental
 Protection Agency and hazardous materials codes associated with the Governor's
 Office of Emergency Services and State Fire Marshall within the City of Berkeley.
 TMD also responds to community complaints, assists the City with toxicological
 concerns, and inspects industrial sites for storm water pollution prevention.

| PLANNING DEPARTMENT FINANCIAL SUMMARY | | | | | | | | | |
|---------------------------------------|------------|------------------------|------------------------|------------|------------------------|------------------------|--|--|--|
| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | | | |
| | Actual | Actual | Actual | Adopted | Proposed | Proposed | | | |
| EXPENDITURES | | | | | | | | | |
| Ву Туре: | | | | | | | | | |
| Salaries and
Benefits | 13,532,855 | 15,122,379 | 15,370,250 | 17,985,711 | 19,165,156 | 19,714,137 | | | |
| Services and
Materials | 2,454,117 | 3,218,242 | 3,052,302 | 3,876,712 | 4,042,425 | 4,012,225 | | | |
| Capital Outlay | 51,028 | - | - | 58,000 | 34,500 | - | | | |
| Internal Services Indirect Cost | 914,898 | 1,745,416
1,509,391 | 1,764,326
1,500,812 | 1,789,024 | 1,841,874
1,925,166 | 1,841,874
1,959,694 | | | |
| Transfer | 1,372,597 | 1,509,391 | 1,500,812 | 1,543,282 | 1,925,100 | 1,959,694 | | | |
| | 18,325,495 | 21,595,429 | 21,687,691 | 25,252,729 | 27,009,121 | 27,527,930 | | | |
| | | | | | | | | | |
| By Division: | | | | | | | | | |
| Office of the Director | 1,702,649 | 2,680,738 | 2,385,602 | 2,997,712 | 3,740,965 | 3,777,728 | | | |
| Toxics Management | 906,434 | 1,131,212 | 1,252,026 | 1,415,697 | 1,493,004 | 1,520,605 | | | |
| Energy & Sustainability | 1,084,197 | 1,400,369 | 1,248,890 | 1,566,545 | 1,917,861 | 1,939,650 | | | |
| Land Use | 4,990,859 | 5,783,493 | 6,231,031 | 6,317,163 | 6,776,719 | 6,833,605 | | | |
| Building & Safety | 9,641,356 | 10,599,617 | 10,570,142 | 12,955,612 | 13,080,572 | 13,456,342 | | | |
| g, | 18,325,495 | 21,595,429 | 21,687,691 | 25,252,729 | 27,009,121 | 27,527,930 | | | |
| By Fund: | | | | | | | | | |
| General Fund | 1,885,755 | 2,540,320 | 2,567,473 | 2,325,367 | 3,209,174 | 3,212,698 | | | |
| Capital | 16,195 | 19,779 | 21,364 | 26,537 | 27,760 | 28,354 | | | |
| Improvement Fund | , | , | • | , | , | , | | | |
| Rental Housing
Safety | 1,098,310 | 1,325,597 | 1,399,404 | 2,230,164 | 1,902,671 | 2,033,208 | | | |
| Parks Tax | 34,585 | 38,612 | 41,038 | 40,566 | 43,399 | 46,819 | | | |
| Zero Waste | 25,797 | 41,653 | 43,574 | 49,500 | 108,182 | 105,882 | | | |
| Sewer | 38,991 | 43,444 | 46,105 | 44,923 | 48,397 | 52,164 | | | |
| Clean Storm Water | 84,202 | 117,946 | 163,524 | 179,238 | 184,870 | 188,010 | | | |
| Permit Service
Center | 13,917,286 | 16,092,915 | 15,638,895 | 18,762,608 | 19,670,708 | 20,040,162 | | | |

Unified Program

(CUPA) Other Funds 518,367

706,008

18,325,495

688,743

686,419

21,595,429

671,925

1,094,388

21,687,691

803,266

790,560

25,252,729

859,340

954,621

27,009,121

867,113

953,520

27,527,930

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|---------------------------------|----------------------|-----------------------|-----------------------|--------------------|--------------------|-----------------------|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| DIVISION/ACTIVI | TY SUMMA | RY | | | | |
| Office of the | | | | | | |
| Director | | | | | | |
| Administration | 1,702,649 | 2,680,738 | 2,385,602 | 2,997,712 | 3,740,965 | 3,777,728 |
| Division Total | 1,702,649 | 2,680,738 | 2,385,602 | 2,997,712 | 3,740,965 | 3,777,728 |
| Tarrian | | | | | | |
| Toxics | | | | | | |
| Management
Toxics - CUPA | 472 272 | 627 700 | 644.042 | 700 000 | 700 000 | 705 075 |
| Toxics - COPA Toxics - Non-CUPA | 473,373
433,062 | 627,709
503,504 | 644,912
607,113 | 729,282
686,415 | 780,892
712,112 | 785,075
735,530 |
| Division Total | 906,434 | 1,131,212 | 1,252,026 | 1,415,697 | 1,493,004 | 1,520,605 |
| Bivioloff Total | 000,101 | 1,101,212 | 1,202,020 | 1,110,007 | 1,100,001 | 1,020,000 |
| Energy & | | | | | | |
| Sustainability | | | | | | |
| ESD - Green | 1,084,197 | 1,400,369 | 1,248,890 | 1,566,545 | 1,917,861 | 1,939,650 |
| Building | 1,001,107 | 1,100,000 | 1,210,000 | 1,000,010 | 1,011,001 | 1,000,000 |
| Division Total | 1,084,197 | 1,400,369 | 1,248,890 | 1,566,545 | 1,917,861 | 1,939,650 |
| | | | | | | |
| Land Use | | | | | | |
| ESD - Green | | 32,725 | | | | |
| Building | 070 070 | 100.015 | 105.004 | 000 007 | 040 405 | 500.007 |
| Land Use Plan
Admin | 370,073 | 408,215 | 405,921 | 308,097 | 612,105 | 599,667 |
| Land Use | 4,620,786 | 5,342,553 | 5,825,111 | 6,009,066 | 6,164,614 | 6,233,938 |
| Division Total | 4,990,859 | 5,783,493 | 6,231,031 | 6,317,163 | 6,776,719 | 6,833,605 |
| | , , | | | | | .,, |
| Building & | | | | | | |
| Safety | | | | | | |
| Bldg Safety | 321,531 | 331,136 | 335,298 | 331,820 | 340,447 | 346,094 |
| Administration | | | | | | |
| Permit Center | 1,547,701 | 1,490,812 | 1,579,096 | 1,810,541 | 2,153,280 | 2,168,094 |
| Building Inspection | 5,956,287 | 6,866,285 | 6,515,254 | 8,058,373 | 7,888,140 | 8,022,109 |
| Housing Inspection | 1,007,774 | 1,082,494 | 1,248,786 | 1,981,233 | 1,737,609 | 1,863,560 |
| PW Engineering
Fire Permits | 442,943 | 412,350 | 299,082 | 246,809 | 471,836 | 499,133 |
| Division Total | 365,121
9,641,356 | 416,540
10,599,617 | 592,626
10,570,142 | 526,836 | 489,260 | 557,352
13,456,342 |
| DIVISION TOTAL | 9,041,330 | 10,599,617 | 10,570,142 | 12,955,612 | 13,080,572 | 13,430,342 |
| Donartmont | 18,325,495 | 21,595,429 | 21,687,691 | 25,252,729 | 27,009,121 | 27,527,930 |
| Department | .0,020,700 | _1,000,720 | _ 1,007,001 | _0,_0_,, _0 | _1,000,121 | _1,0_1,000 |
| Total | | | | | | |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|--|---|----------------------|--------------------|--|
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | Information
Technology,
Public Works | Residential EV
Charging Pilot
Program, Next
Generation | Develop equitable solutions for residential charging access such as the development of DC Fast Charging hubs. | 6/17-6/24 | New | Staff time only (Note a corresponding budget referral adopted by Council on 2/8/22.) |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | Information
Technology
and Public
Works | Municipal Building
Energy Policy
(/New Municipal
Building Energy
Policy) | Update Municipal Building Energy/Green Building Policy and energy and water use data management system to assure efficient use of resources and reductions in greenhouse gas emissions and utility costs. | 7/19-6/24 | Continuing | \$50,000
(\$20,000
funded,
\$30,000
requesting
funding) |
| Be a global
leader in
addressing
climate
change,
advancing | | Climate Equity
Fund | Implement Climate Equity Fund Pilot Programs in building and mobility electrification and equitable community | 7/22-6/24 | New | \$600,000
(funded) |

Page 249 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---|--|--|----------------------|--------------------|-----------------------|
| environmental justice, and protecting the environment | | | engagement with low-
income communities | | | |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | | Climate Adaptation
Planning
(/Climate Adaption
Work) | Participate in regional coordination and grant-funded study of geographic impacts of ground water and sea level rise. | 7/19-6/23 | Continuing | Staff time only |
| Create affordable housing and support services for our most vulnerable community members | City Attorney,
HHCS | 23-2031 Housing
Element Update | Update the Housing Element of the General Plan, with corresponding updates to the Zoning Ordinance, to accommodate Regional Housing Needs Allocation and increase access to housing. | 5/21-5/23 | Continuing | \$540,000
(funded) |
| Create a resilient, safe, connected, and prepared city | Public Works,
City Manager,
City Attorney | Solar + Storage in
Municipal Facilities
(/Energy
Assurance) | Participate with East
Bay Community
Energy (EBCE) in a
facility assessment for
solar plus battery | 7/20-6/23 | Continuing | Staff time only |

| Goal | Supporting Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|-----------------------------|---|---|----------------------|--------------------|-----------------------|
| | | | storage at critical facilities and participate in a procurement process for a third party Power Purchase Provider. | | | |
| Create affordable housing and support services for our most vulnerable community members | City Attorney | Objective Development Standards (/Development/ Density Standards Project) | Establish objective standards for density to bring the zoning ordinance in better alignment with state laws, streamline project review, and provide predictable outcomes. | 7/19-6/23 | Continuing | \$250,000
(funded) |
| Create affordable housing and support services for our most vulnerable community members | City Attorney | Southside Zoning
Modifications
(/Increased
Student Housing) | Modify development standards in the Southside to accommodate additional housing units, including a variety of housing types. | 1/20-6/23 | Continuing | \$192,000
(funded) |
| Create affordable housing and support services for our most | City Attorney,
HHCS, RSB | Demolition
Ordinance
(/Demolition Ord
and Affordable
Housing) | Update the Demolition ordinance and associated fees. | 3/20-1/23 | Continuing | Staff time only |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|--|--|----------------------|--------------------|--------------------------------------|
| vulnerable
community
members | | | | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | City Attorney | Sign Policy | Evaluate and update processes and policies pertaining to signs. | 7/19-6/23 | Continuing | Staff time only |
| Provide an efficient and financially-healthy City government | Public Works,
Finance, City
Attorney | Transportation
Impact Fee
Analysis | Analyze the feasibility of and appropriate rate for a Transportation Impact Fee. | 7/22-6/24 | New | \$100,000
(requesting
funding) |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | Information
Technology | Building Emissions
Savings Ordinance
Mandatory
Requirements | Implement amendments to ordinance to focus on building electrification to reduce emissions in addition to improving energy efficiency. Expand the program by proposing mandatory | 7/15-6/23 | Continuing | \$68,000
(funded) |

| Goal | Supporting Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|------------------------|---|---|----------------------|--------------------|-----------------------|
| | | | requirements for emissions reductions improvements in existing buildings. | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | Finance, IT | Land Use
Applications
Payment Process
Improvements | Modernize, streamline and improve land use application payment processes. This project will align the land use portion of the permitting payment process with the building portion by enabling existing software to accept land use application payments online. It will also create a mechanism for collecting housing data. | 7/22-6/23 | New | \$150,000
(funded) |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and | IT | Land Use
Applications
Submittal Process
Improvements | Modernize, streamline and improve land use submittal processes. This project will align the land use portion of the permitting submittal process with the building portion by enabling existing | 7/22-
12/23 | New | \$50,000
(funded) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---|---|---|----------------------|--------------------|---|
| information to the community | | | software to accept submittal of land use applications online. | | | |
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | City Attorney | Land Use
procedures and
policy
interpretations | Compile and organize existing reference materials, and develop new materials, to advance consistency of interpretations by staff and guidelines for customers to use prior to project submittals (description clarified, spring 2022) | 7/19-6/23 | Continuing | Staff time only |
| Create a resilient, safe, connected, and prepared city | City
Manager's
Office, City
Attorney | Permit Conditions
Enforcement,
Phase II | Update procedures and standards for monitoring and enforcing agreed-to conditions on Land Use permits. | 7/22-6/23 | New | Staff time only |
| Create affordable housing and housing support services for our most vulnerable | Human
Resources | Expanded and
streamlined rental
housing safety
program | Expand and streamline the Rental Housing Safety Program to enable proactive inspections and other actions to maintain Berkeley's aging rental housing stock. | 7/19-6/23 | Continuing | Staff time only
(enterprise
funded) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|--|--|----------------------|--------------------|---|
| community
members | | | | | | |
| Create a resilient, safe, connected, and prepared City | None | Seismic safety
programs, Phase
III | Using third FEMA Hazard Mitigation Grant, accepted in spring 2022, provide new phase of design and construction grants to owners of the most seismically vulnerable buildings in Berkeley. Phase I began in 2017, Phase 2 began in 2020. | 7/22-6/23 | New | \$4.5 million
(funded) |
| Create affordable housing and support services for our most vulnerable community members Create a resilient, safe, connected, and prepared City | None | San Pablo Avenue
Specific Plan | Prepare a specific plan. Zoning and General Plan amendments and appropriate CEQA document for the San Pablo Avenue Area. | 7/22-4/25 | New | \$900,000
(\$750,000
grant funded,
\$150,000
requested) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|--|---|----------------------|--------------------|--|
| Create affordable housing and support services for our most vulnerable community members | City Attorney,
HHCS | Ashby & North
Berkeley BART
Stations Area
Planning
(/BART Stations
Area Plan) | Implementation of Transit-Oriented Development at the Ashby and North Berkeley BART Station areas, including developer selection process, strategy for affordable housing, infrastructure and other desired community benefits. | 7/22-6/25 | New | \$300,000
(requesting
funding) |
| Create a resilient, safe, connected, and prepared City | City Attorney's
Office,
Berkeley Fire
Department,
HHCS | Land Use, Safety
& Environmental
Justice Updates | Element updates required to meet State regulations; in addition, Environmental Justice Element is required to be adopted by close of 24, per SB1000. | 7/22-6/25 | New | \$600,000
(\$300,000
funded,
requesting
\$300,000) |
| Provide an efficient and financially-healthy City government | None | Economic
Feasibility Analysis | Conduct economic feasibility analysis for Affordable Housing mitigation fee and other value capture programs. | 6/23-6/25 | New | \$150,000
(requesting
funding) |
| Be a customer-focused | None | Objective
Development | Objective Standards to streamline/standardize development review | 6/23-6/25 | New | \$350,000
(requesting
funding) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|--|--|----------------------|--------------------|---|
| organization that provides excellent, timely, easily- accessible service and information to the community | | Standards / ZORP
Phase II Revisions | and refinements to
zoning code for clarity
and consistency of
allowed uses and
permit processes
across all districts. | | | |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | Information
Technology,
Public Works | Residential EV
Charging Pilot
Program, Next
Generation | Develop equitable solutions for residential charging access such as the development of DC Fast Charging hubs. | 6/17-6/24 | New | Staff time only
(Note a
corresponding
budget
referral
adopted by
Council on
2/8/22.) |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | Information
Technology
and Public
Works | Municipal Building
Energy Policy
(/New Municipal
Building Energy
Policy) | Update Municipal Building Energy/Green Building Policy and energy and water use data management system to assure efficient use of resources and reductions in greenhouse gas | 7/19-6/24 | Continuing | \$50,000
(\$20,000
funded,
\$30,000
requesting
funding) |

| Goal | Supporting
Departments | Title | · | | New or Continuing? | Estimated
Budget |
|--|---------------------------|---|--|----------------|--------------------|-----------------------|
| | | | emissions and utility costs. | | | |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | | Climate Equity
Fund | Implement Climate Equity Fund Pilot Programs in building and mobility electrification and equitable community engagement with low- income communities. | 7/22-6/24 | New | \$600,000
(funded) |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | | Climate Adaptation
Planning
(/Climate Adaption
Work) | Participate in regional coordination and grant-funded study of geographic impacts of ground water and sea level rise. | 7/19 -
6/23 | Continuing | Staff time only |
| Create affordable housing and support services for our most vulnerable | City Attorney,
HHCS | 23-2031 Housing
Element Update | Update the Housing Element of the General Plan, with corresponding updates to the Zoning Ordinance, to accommodate Regional Housing | 5/21-5/23 | Continuing | \$540,000
(funded) |

Page 258 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|-----------|---------------------------|-------|----------------------|----------------------|--------------------|---------------------|
| community | | | Needs Allocation and | | | |
| members | | | increase access to | | | |
| | | | housing. | | | |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Planning and Development Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|--|---|----------|--|----------|
| Percent
customer
satisfaction | Percent of respondents who visited the City website prior to visiting the Permit Service Center (PSC) Percent who felt the website adequately prepared them for visit Percent who felt they received professional and courteous service | ↑ | 83% visit website 64% felt adequately prepared 83% received courteous service | |
| Turnaround time:
Land Use
Permits | Administrative Use Permits (AUPs), complex, medium, or simple: Total time to get from application to completion to staff approval; and Percent that get from completion to staff approval in under two months | ↓ | Complex AUPs: 1.87 months 63% in less than 2 months Medium-complexity AUPs: 2 months 50% in less than 2 months Simple AUPs 1.61 months 66% in less than 2 months | |
| Turnaround time:
Building Permit
Plan Check
Process | For building permit plan checks, the total amount of time for staff to process, on average, regardless of complexity or need for multiple resubmittals | ↓ | • 22.76 days | • |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

↓ Target is to decrease numbers/percentages

Not meeting target

CHALLENGES

The Planning and Development Department faces the following challenges:

- Ongoing Pandemic Impacts: The COVID-19 pandemic has continued to have a range of impacts on Department staff and operations. At the onset of the pandemic, the Department's core functions and services were shifted to function online and remotely. The Permit Service Center successfully restored in-person services in June 2021; however, the Department's online services still remain in high demand. The maintenance of parallel systems of service has resulted in a net increase in workload, at least in the near term. The Department will continue to evolve systems and deploy staff as efficiently as possible to meet the needs of clients.
- Staffing: The Department's overall vacancy rate increased by roughly half over the
 past year, from 13% to 19%. Staff turnover has been significant, particularly in the
 Land Use Planning Division, with consequences including increased workload for
 remaining staff, increased time spent on recruitment and training rather than core
 functions and special projects, decreased institutional knowledge (and related
 impacts on efficiency), and low morale.
- **Ineffective Permitting Software**. Existing permitting software is not effectively meeting department needs and is creating significant customer service and efficiency challenges, including turnaround times for permit applications.
- Ongoing Resource Need to Support Climate Action Goals: There is an ongoing need for additional resources to support the City's climate action goals, including electric vehicle infrastructure development for the City fleet and the community, planning for climate change adaptation, funding to accelerate energy efficiency and electrification in homes for low- and moderate-income community members, and a utility usage management system to track municipal energy and water use.
- Addressing Increase in Public Records Act (PRA) Requests: PRA requests are increasing in volume and requiring greater commitment of staff resources to address.
- Staff Resources for Software Replacement/Upgrade Projects: The Department is partnering with IT to advance projects during the upcoming budget cycle to replace or upgrade multiple software systems that are not currently meeting the needs of the Department and its clients (EnvisionConnect, Accela Digital Permitting System). These projects will require the dedication of significant staff resources from the Department, consultant partners, and IT staff.

ACCOMPLISHMENTS

Following are some of the highlights from the Planning and Development Department's numerous accomplishments during the past year:

- Mitigated seismic risks and improved housing safety. The Retrofit Grants program disbursed five grants for a total of \$191,888 to Berkeley property owners in the 2nd half of FY 21. The City also continued enforcement of the soft story ordinance: in FY 22 (July-December), eight buildings completed retrofits and were removed from the inventory of potentially hazardous buildings, and three additional properties were added to the inventory. The Rental Housing Safety Program expanded the Housing Inspector series to include three additional classifications and drafted a comprehensive Housing Inspector Training Manual. The team began the second cycle of enforcement for the Exterior Elevated Elements Inspection Program.
- Advanced Solar + Storage at municipal facilities. Completed site assessments at
 eight critical municipal facilities to determine suitability for solar energy generation
 plus energy storage. Selected sites will be capable of maintaining critical energy
 loads when grid power is unavailable. The systems will be financed through a Power
 Purchase Agreement (PPA) managed by East Bay Community Energy (EBCE).
- Completed the Building Electrification Strategy. In November 2021 City Council adopted a groundbreaking plan to transition existing buildings in Berkeley from gas appliances to all-electric clean energy alternatives in a way that benefits all residents, especially members of historically marginalized communities.
- Launched the Climate Equity Fund Pilot Program. Projects that provide climate
 and resilience benefits to low-income residents in Berkeley were selected in early
 2022. Programs will support building and transportation electrification, providing
 community access to resilience measures, and electrification engagement with
 historically marginalized communities.
- Maintained Essential Services. Staff continued to process permit applications, land
 use entitlements, plan check services, inspections, and other essential services
 throughout the pandemic, even as application volume remained high. In-person
 services at the Permit Service Center were restored in June 2021. Staff in the Toxics
 Management Division were able to resume and conduct in-person inspections at
 pre-pandemic levels.
- **Secured grant funding**. OESD was awarded \$50,000 from East Bay Community Energy for kitchen electrification at North and South Berkeley Senior Centers.
- Adoption of Citywide Residential Off-street Parking Reform. In January 2021, the Land Use Planning Division (LUP) advanced new parking policy to City Council for adoption, including establishing parking maximums, eliminating parking minimums, and establishing new transportation demand management requirements.

- Adoption of the new Baseline Zoning Ordinance. In October 2021, LUP completed Phase I of the Zoning Ordinance Revision Project (ZORP) which was initiated to improve customer service by rewriting, reformatting, and re-organizing Title 23 of the Berkeley Municipal Code.
- Successful Grant Awards. Two competitive grants were awarded through the
 Association of Bay Area Governments (ABAG): the Regional Early Action Planning
 Grant (\$75,000) to identify opportunities for missing middle housing in the 6th Cycle
 Housing Element Update and a Priority Development Area (PDA) Planning Grant
 (\$750,000) to initiate the San Pablo Avenue Specific Area Plan.
- Affordable Housing Preliminary Funding. Staff secured provisional reservation of \$53 million in City affordable housing funds towards the Ashby and North Berkeley BART stations as prescribed in City-BART Memorandum of Understanding.
- Affordable Housing Efforts. Staff worked with Health, Housing and Community Services, and the City Attorney's Office to develop a consolidated framework for citywide affordable housing requirements that respond to Council referrals and recent changes in State Law. Proposals were presented to the Planning Commission and at a Council Work session in May 2021. A draft ordinance and resolution are anticipated to go to the Planning Commission and Housing Advisory Commission in March and City Council in spring 2022.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The FY 23 baseline budget increases by \$1,756,392, or 7%, over the FY 22 Adopted Budget of \$22,252,729. This is primarily due to an increase of \$1,179,445 in salaries and benefit costs, and an increase of \$381,884 in indirect cost charges due to a rate adjustment.

There is one technology capital project proposed to start in FY 23. The Digital Permitting Software Replacement (with an estimated total project cost of \$4.5 million [through FY 26], funded by the Permit Service Center Fund). The Department is partnering with IT, Finance, and other relevant departments to plan for its upgrade or replacement.

Planning is requesting funding for the following items in FY 23 and FY 24. If these items are approved for funding, they will create significant changes from prior year's budget:

- Objective Development Standards / ZORP Phase II Revisions (\$350,000, General Fund).
- Ashby & North Berkeley BART Stations Area Planning (\$300,000, General Fund).
- Affordable Housing & Other Value Capture Programs (Economic) Feasibility Analysis (\$150,000, General Fund).

- Transportation Impact Fee (\$100,000, General Fund).
- Equitable Community Engagement for Climate Action (\$20,000, General Fund).
- Racial Equity in Planning Services and Staffing (\$75,000, General Fund).
- CEQA Review for Rezoning Referrals (\$100,000, General Fund).

In addition to the above requests, there are several requests for funding on projects where other sources of partial funding has already been secured:

- Land Use, Disaster Preparedness & Safety, and Environmental Justice
 Updates (\$300,000, General Fund). The total budget for this project is estimated at
 \$600,000, with \$300,000 funded by the Permit Service Center/Community Planning
 Fee. The amount of necessary General Funds could be reduced if the City secures
 grant funds to support this work.
- Municipal Building Energy Policy (\$30,000, General Fund). The total budget for this project is \$50,000; of that, \$20,000 is funded by a grant from East Bay Energy Watch.
- San Pablo Avenue Specific Plan (\$150,000, General Fund). The total budget for this project is \$900,000; of that, \$750,000 is funded by a grant from the Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG).

The Department proposes the following personnel changes in order to pursue Strategic Plan priority projects and maintain essential services. These positions are requesting partial General Fund allocations. Positions are proposed to be permanent, except where indicated otherwise.

- Principal Planner, Projects (\$60,351, General Fund). The total cost is with 25% General Fund (GF) and 75%, \$181,519, Permit Service Center (PSC) Fund). This position would supervise staff working on large development project applications, oversee historic preservation and design review, and serve as a resource and clearinghouse for CEQA documents for City-led projects.
- Associate Planner, Long Range & Policy (\$138,633, General Fund). The total cost is \$184,844, 75% GF and 25%, \$46,211, PSC Fund. This position would support the General Plan Update (including the Disaster Preparedness & Safety Element, Land Use Element, and Environmental Justice Element), the San Pablo Specific Plan, and other long-range planning projects.
- Accounting Office Specialist (AOS) Supervisor (\$76,145 General Fund). The
 total cost is \$152,290, 50% GF, and 50% PSC Fund. This position is necessary to
 plan and oversee the daily duties of the administrative support team in the Land Use
 Planning Division, which have increased over the past three years, including
 mandated and timely responses to public records act requests, CEQA filings and
 other official records, and overall support activities of the staff who support several
 commissions, issue permits, and other operations of the division.

Assistant Planner/GIS Specialist: Temporary, 2-year term (\$73,544 General Fund). The total cost is \$147,088, 50% GF and 50% PSC Fund. This temporary, project-based position would establish a Geographic Information Systems (GIS) Analyst for the Department. There is a growing need to improve the coordination, communication, and integrity of data that is used by staff, clients, and other stakeholders. This position will support policy development, project application processing, customer services, and other critical functions of the Department.

The following positions are proposed to be funded solely by enterprise funds (i.e., PSC Fund, Rental Housing Safety Program Fund):

- Associate Planner, Current Projects: Temporary, 3-year term. This position
 would process permit applications for moderate and large development projects
 (which have increased in volume during the current budget cycle), and support the
 Landmarks Preservation Commission and the Design Review Committee.
- Planning Technician, Temporary, 3-year term. This position would provide support services including maintaining website content, data mapping and analysis, internal systems quality control, and software updates. At present this specific role is unfilled and is required to maintain the customer service and data management functions of the Land Use Planning division.
- Community Services Specialist I. This existing position in the Office of Energy and Sustainable Development is funded at 75% in the Department's baseline budget, and was temporarily increased to 100% by reallocating a portion of a vacant position. The Department proposes to make the increase to 100% time permanent, using Permit Service Center funds.
- Rental Housing Safety Program positions. The Department proposes to add two
 Housing Inspector positions and an AOSII to facilitate the expansion of the
 Rental Housing Safety Program per council referrals.

POLICE

MISSION STATEMENT

Our mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

ORGANIZATIONAL CHART



POLICE DEPARTMENT OVERVIEW

The Police Department maintains law and order in the City, including laws of the United States, the state of California, and all City ordinances. There are limited exceptions when such enforcement is by law, ordinance, or the City Charter made the responsibility of another officer, department, or the responsibility of a state or federal agency. Additionally, the Police Department administers the City jail and the care, custody, and control of prisoners. The work of this department at times includes the performance of such other functions as may be assigned by the City Manager or prescribed by ordinance of the Council or by applicable state law.

The Police Department is organized into five divisions to deliver the following baseline services:

- Office of the Chief: The Office of the Chief provides overall leadership and administrative oversight for the Police Department. The Office includes the Chief of Police, the Internal Affairs Bureau, and the Fiscal Services Unit.
- Operations Division: The Operations Division supports the department's mission
 by responding to calls for service, conducting initial criminal investigations, making
 arrests, issuing citations, and providing crime prevention services and proactive
 problem-solving efforts, all focused on safeguarding the community. The Operations

- Division includes Patrol Teams, Bicycle Officers, Community Services Bureau (i.e., the Area Coordinators, Public Information Officer, Police Reserve Program, Special Events Coordinator, and Crisis Intervention Training Coordinator), the Special Response Team, and the Explosive Ordinance Disposal Team. Bicycle Officers supplement the beat officers in some of the city's most heavily populated areas, including downtown and south campus business districts, but also provide data-driven focused enforcement throughout the city.
- **Investigations Division**: The Investigations Division supports the Department's mission through the work of several Bureaus and Units. The Detective Bureau conducts follow-up investigations on felony crimes, including homicides, felony assaults, robberies, sexual assaults, domestic violence assaults, sexual assaults on children and minors, residential and commercial burglaries, identity theft, fraud, forgery, and elder abuse, among other offenses. The Traffic and Parking Enforcement Bureau consists of two Units: The Traffic Unit's Motorcycle Officers focus on community safety through enforcement of traffic laws, investigation of serious injury traffic collisions including fatalities, driving under the influence (DUI) enforcement, and coordinating grant-funded focused enforcement efforts. The Parking Unit's Parking Enforcement Officers (PEO) enforce applicable state and local codes which regulate parking in the City of Berkeley, and further provide traffic control and support as needed for other Department Divisions (e.g., through working on planned Special Events, or in assisting with major incident scene management). The Crime Analysis Unit provides Department personnel with relevant data and analysis skills to inform enforcement and problem-solving efforts. The Crime Scene Unit is responsible for properly identifying, seizing, and documenting forensic crime scene evidence.
- Professional Standards Division: The Professional Standards Division supports the Department's mission through the administration of its hiring and training efforts, policy review and maintenance, and systems review, auditing, and project coordination. The Division includes the Personnel and Training Bureau, Policy Sergeant, and Audit Sergeant, as well as professional administrative staff. The Professional Standards Division, through Personnel and Training, facilitates and coordinates all training needs for sworn and non-sworn staff. This includes training that is mandated by law as well as training required for employee development.
- Support Services Division: The Support Services Division supports the
 Department's mission through a variety of essential operational and administrative
 activities. The Support Services Division comprises the Public Safety
 Communications Center (which receives and dispatches calls for Police, Fire, and
 Medical services), the Berkeley City Jail, Records, and Front Counter Units, the
 Property and Evidence Unit, Public Safety Technology System Unit, Warrant Unit

Page 267 of 410

and Court Liaison Officer. The Division provides fundamental structural support across all Department Divisions.

| POLICE DEPARTMENT FINANCIAL SUMMARY | | | | | | |
|-------------------------------------|----------------------|----------------------|---------------------|----------------------|----------------------|----------------------|
| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| EXPENDITURES | | | | | | |
| By Type: | | | | | | |
| Salaries and
Benefits | 63,465,165 | 71,461,933 | 71,508,798 | 69,511,973 | 76,814,793 | 78,401,763 |
| Services and
Materials | 3,212,616 | 3,181,080 | 2,807,889 | 2,945,661 | 2,991,271 | 2,991,271 |
| Capital Outlay
Internal Services | 361,371
2,527,951 | 111,713
5,007,986 | 70,374
5,008,571 | 444,817
4,904,992 | 895,361
4,896,342 | 895,361
4,896,342 |
| Indirect Cost Transfer | 2,327,931 | 5,007,960 | 5,006,571 | 4,904,992 | 4,090,342 | 4,090,342 |
| | 69,567,103 | 79,762,713 | 79,395,632 | 77,807,443 | 85,597,767 | 87,184,737 |
| By Division: | | | | | | |
| Office of the Police
Chief | 1,265,065 | 3,977,025 | 4,091,603 | 2,672,028 | 4,851,533 | 4,887,432 |
| Professional
Standards | 4,207,385 | 4,242,994 | 3,533,953 | 3,566,942 | 3,937,958 | 4,001,502 |
| Support Services | 14,108,242 | 14,949,574 | 15,689,620 | 15,470,096 | 16,228,992 | 16,463,531 |
| Police Operations | 36,284,878 | 41,810,086 | 40,517,577 | 38,651,691 | 43,197,765 | 44,046,051 |
| Police Investigations | 13,701,533 | 14,783,035 | 15,562,879 | 17,446,686 | 17,381,519 | 17,786,221 |
| | 69,567,103 | 79,762,713 | 79,395,632 | 77,807,443 | 85,597,767 | 87,184,737 |
| By Fund: | | | | | | |
| General Fund | 65,493,664 | 75,754,210 | 77,270,053 | 73,228,172 | 80,870,183 | 82,371,991 |
| Asset Forefeiture | 93,522 | 69,751 | 23,650 | 201,000 | 201,000 | 201,000 |
| Federal Grants | 138,758 | 170,214 | 148,504 | 182,000 | 192,710 | 192,710 |
| State/County Grants | 811,635 | 702,352 | 1,945,073 | 738,221 | 752,505 | 763,318 |
| Parking Funds | 3,029,523 | 3,066,185 | <u>-</u> | 3,458,050 | 3,581,369 | 3,655,717 |
| Other Funds | | | 8,352 | | | |
| | 69,567,103 | 79,762,713 | 79,395,632 | 77,807,443 | 85,597,767 | 87,184,737 |

Page 269 of 410

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | | | |
|--|---------------------------|------------|------------|------------|------------|------------|--|--|--|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed | | | |
| DIVISION/ACTIVI | DIVISION/ACTIVITY SUMMARY | | | | | | | | |
| Office of the | | | | | | | | | |
| Police Chief Admin & Fiscal Services | 688,543 | 3,104,765 | 3,265,141 | 1,811,562 | 3,698,841 | 3,713,353 | | | |
| Internal Affairs | 576,523 | 872,260 | 826,462 | 860,466 | 1,152,692 | 1,174,079 | | | |
| Division Total | 1,265,065 | 3,977,025 | 4,091,603 | 2,672,028 | 4,851,533 | 4,887,432 | | | |
| Professional
Standards
Policy And Audits | 773,813 | 827,189 | 849,036 | 844,867 | 1,156,081 | 1,175,764 | | | |
| Personnel and
Training | 3,433,573 | 3,415,805 | 2,684,917 | 2,722,075 | 2,781,877 | 2,825,738 | | | |
| Division Total | 4,207,385 | 4,242,994 | 3,533,953 | 3,566,942 | 3,937,958 | 4,001,502 | | | |
| Support
Services
Support Services | 5,720,776 | 5,830,279 | 6,224,829 | 5,875,783 | 6,210,864 | 6,237,783 | | | |
| Admin Communications | 5,799,782 | 6,132,583 | 6,426,964 | 6,243,982 | 6,532,460 | 6,671,553 | | | |
| Center
Jail | 2,587,684 | 2,986,712 | 3,037,828 | 3,350,331 | 3,485,668 | 3,554,194 | | | |
| Division Total | 14,108,242 | 14,949,574 | 15,689,620 | 15,470,096 | 16,228,992 | 16,463,531 | | | |
| Police
Operations
Patrol | 36,115,508 | 41,757,984 | 40,481,945 | 38,427,710 | 43,140,551 | 43,988,837 | | | |
| Community
Services | 169,370 | 52,102 | 35,633 | 223,981 | 57,214 | 57,214 | | | |
| Division Total | 36,284,878 | 41,810,086 | 40,517,577 | 38,651,691 | 43,197,765 | 44,046,051 | | | |
| Police
Investigations | 7 422 272 | 9 776 009 | 0 491 559 | 10 010 060 | 0.416.027 | 0 654 119 | | | |
| Detectives -
SEU/CSU | 7,432,272 | 8,776,998 | 9,481,558 | 10,019,960 | 9,416,937 | 9,654,118 | | | |
| Traffic And Parking | 6,269,260 | 6,006,037 | 6,081,321 | 7,426,726 | 7,964,583 | 8,132,103 | | | |
| Division Total | 13,701,533 | 14,783,035 | 15,562,879 | 17,446,686 | 17,381,519 | 17,786,221 | | | |
| Department
Total | 69,567,103 | 79,762,713 | 79,395,632 | 77,807,443 | 85,597,767 | 87,184,737 | | | |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or
Continuing? | Estimated
Budget |
|---|--|--|--|----------------------|-----------------------|---|
| Create a resilient, safe, connected, and prepared city | City Attorney,
City
Manager's
Office,
Information
Technology,
Fire | Community Safety
During
Demonstrations | Increase Police Department capacity, resources, tools and training, including training a bike-officer response unit, to effectively protect and facilitate free speech and maintain community safety when demonstrations and protests occur. | 6/15-6/24 | Continuing | Reflected in
Reimagining
Public Safety
Proposals:
(10) Police
Officers,
approximately
\$2,900,000
(requesting
funding) |
| Create a resilient, safe, connected, and prepared city | City Attorney,
City
Manager's
Office,
Information
Technology | Comprehensive
Police Department
Policy Review | Fully implement and update Police Department policies to Lexipol format, ensuring full compliance with current law, case law, and incorporate best practices. | 1/16-6/24 | Continuing | Staff time |
| Attract and retain a talented and diverse City government workforce | | Develop resources
and programs for
employee resiliency | Expand Police
employee wellness
and resiliency
programs, including
mental health, | 7/19-6/24 | Continuing | \$50,000
(requesting
funding) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|-------------------------------------|--|---|----------------------|--------------------|---|
| | | | fitness, and nutrition resources. | | | |
| Attract and retain a talented and diverse City government workforce | City Manager,
Human
Resources | Retaining and
Recruiting
Personnel | In order to continue to provide excellent service to the community, this project employs a focus on maintaining a relationship with a recruiting firm and partnering with Human Resources to expedite processing, to achieve a "break even" status vis-a-vis attrition. | 7/19-6/24 | Continuing | Varies based
on the
quantity and
classifications
needed |
| Champion
and
demonstrate
social and
racial equity | City Manager | Officer Development
Training Programs | Ongoing update and new trainings to be developed /completed in the areas of Fair and Impartial Policing, Procedural Justice, Implicit Bias, and Hate Crimes. | 7/21-6/24 | Continuing | \$100,000
(requesting
funding) |
| Create a resilient, safe, | Fire
Department,
Public Works | Portable Radio
Replacement | Current portable radios are no longer supported by | 7/21-6/24 | Continuing | \$487,504 ²⁵
(funded) |

⁻

 $^{^{\}rm 25}$ The cost each year is approximately \$487,504 over a seven-year lease.

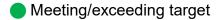
Page 272 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---------------|---------------------------|-------|-------------------------|----------------------|--------------------|---------------------|
| connected, | | | manufacturer, and do | | | |
| and | | | not have the current | | | |
| prepared city | | | mandated encryption | | | |
| | | | levels. The entire | | | |
| | | | fleet of portables will | | | |
| | | | need to be replaced. | | | |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Police Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|--|--|----------|---|-----------------|
| Safer streets through reduction in deaths and accidents relating to vehicles/ bicycles | Number of deaths relating
to vehicles/bicycles Number of accidents
relating to vehicles/
bicycles | ↓ | 8 deaths (8 vehicle, 0 bicycle) 722 accidents (625 vehicle, 97 bicycle) | |
| Demographics reflective of the overall community | Department demographic information compared to community information | Parity | The department is within 10% of parity for race, but not for gender: 84.0% male, 16.0% female 14.1% Black, 10.7% Hispanic, 60.4% White | • |
| Incidents of use of force | Number of uses of force; in comparison to calls for service, and, in comparison to arrests | ↓ | The reporting standard for Use of F substantively changed. Data for both the old and new standavailable in the Performance Meast appendix to this document, under the goal. | dard is
ures |
| External personnel complaints | Number of external personnel complaints made against the Department, compared to number of Calls for Service | ↓ | 23 complaints; 60,393 calls for service | • |
| Commendations | Number of commendations the Department receives | 1 | 137 commendations | |



↑ Target is to increase numbers/percentages

Near target

↓ Target is to decrease numbers/percentages

Not meeting target

CHALLENGES

The Police Department's challenges include:

- Staffing and Recruitment: Staffing and recruitment continues to be a challenge. There is a tight labor market for police recruits. Additionally, the City of Berkeley has high eligibility requirements and both the background process and academy training take considerable time. The length of time from recruitment to someone working as a solo officer can translate to vacancies remaining open for over six months. Finding and hiring suitable qualified candidates in the highly competitive hiring atmosphere has presented a challenge for the Department.
- Officer Development Training Programs: The nature of policing is rapidly transforming. To ensure Berkeley stays in step with the community, the Department must continue to analyze data to understand the nature and extent of disparities, in order to ensure existing training is adequate and develop or complete new trainings in the areas of Fair and Impartial Policing, Procedural Justice, Implicit Bias, and Hate Crimes. Finding or developing expanded training can create a challenge, as does having limited staff to backfill absences so that officers can attend trainings. This important work requires \$100,000 in funding to support the training costs for both course instruction and staff attendance.
- **Portable Radio Replacement**: The Department's new portable radios require setting up the new system and installing the hardware in each vehicle, handhelds, dispatch consoles, and the network for implementing over-the-air upgrades.

ACCOMPLISHMENTS

Highlights of recent Police Department accomplishments include:

- Transparency Hub: In May 2022, the Department will launch a new Transparency Hub, created to share information with the Berkeley community. Over the past several years the Department has placed an increased emphasis on expanding its data and analysis capacity, recognizing that data transparency is a foundational piece to a police department's trust and legitimacy. The Department's newly formed Data and Policy Analysis Team worked to create this Transparency Hub, with the goal of building/increasing community engagement, trust, and legitimacy. In its current design, the Transparency Hub will include data on Calls for Service, Use of Force, as well as the information collected as part of the California Racial and Identity Profiling Act (RIPA). Listening and collaborating with community partners, the Department will continue to expand this hub.
- Inaugural Reporting Police Equipment and Community Safety Ordinance:
 The Department will bring this item to Council in May 2022 pursuant to City

Page 275 of 410

Ordinance 2.100 and AB 481. The first year of reporting includes Impact Statements and Use Policies for all specified equipment. Also, in the first year and annually thereafter, the Department will produce an Annual Use Report. Any acquisitions of new specified equipment would proceed through requirements of ordinance and state law. These materials are posted on the Departmental website.

• Efforts towards Council Referral on improving hate crimes reporting and response: The Department prioritized work towards this Council referral, launching a public information campaign, working to conduct proactive outreach with community groups, the Police Accountability Board, Berkeley Unified School District and other City partners focused on this work, and improving communication and reporting through the Chain of Command related to hate crimes and incidents. The Department will continue to work on the other tasks related to this referral and are committed to supporting victims of these senseless acts.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The Department's FY 23 baseline budget includes funding for 30 positions that were deferred in FY 22 and other operational costs, including a radio lease of approximately \$488,000 annually.

OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

MISSION STATEMENT

To promote public trust through independent, objective civilian oversight of the Police Department by conducting prompt, fair, and impartial investigation of complaints against sworn employees of the Police Department, and by assisting the Police Accountability Board in its role to advise the public, City Council, and City Manager on policies and procedures of the Police Department with community participation.

ORGANIZATIONAL CHART



OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OVERVIEW

The Office of the Director of Police Accountability (ODPA) accepts complaints of alleged misconduct by Berkeley police officers and helps members of the public understand the steps in the complaint process. ODPA conducts investigations and makes recommended investigative findings and disciplinary recommendations to the Police Accountability Board. The Board may hold a hearing at which the complainant and subject officer testify, before sending its findings and recommendations to the Chief of Police. Complainants may opt for mediation as an alternative to an investigation. Members of the public who file a complaint with the Police Department's Internal Affairs Bureau (IAB) only, and receive a disposition letter following IAB's investigation without

Page 277 of 410

any sustained findings, may appeal the decision to the Director of Police Accountability. The Director may then initiate a review of IAB's record.

This Department also supports the policy work of the Police Accountability Board, whose members are appointed by the Mayor and Council and serve as the voice of the community in police-related matters. Policy reviews may be mandated by statute; self-initiated; or requested by the City Council, a member of the public, the Police Department, or ODPA staff. Review of the Police Department's policies, practices, and procedures ensures that they are up-to-date, incorporate best practices, and reflect the values of the community.

The Director of Police Accountability serves as the Board's secretary, preparing and publishing meeting agendas, packets, and minutes for the full Board and for policy subcommittees, so the public is aware of the Board's deliberations and decisions.

Page 278 of 410

OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY FINANCIAL SUMMARY

| FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|-------------------|---|---|---|--|--|
| | | | | | |
| | | | | | |
| 569,889 | 589,642 | 587,481 | 910,496 | 940,985 | 958,675 |
| 25,830 | 22,468 | 15,973 | 124,016 | 135,136 | 126,136 |
| | | | | | |
| 145,483 | 163,592 | 138,245 | 79,723 | 90,015 | 90,015 |
| | | | | | |
| 741,202 | 775,701 | 741,700 | 1,114,235 | 1,166,136 | 1,174,826 |
| | | | | | |
| | | | | | |
| 741,202 | 775,701 | 741,700 | 1,114,235 | 1,166,136 | 1,174,826 |
| 741,202 | 775,701 | 741,700 | 1,114,235 | 1,166,136 | 1,174,826 |
| | Actual 569,889 25,830 145,483 741,202 | Actual Actual 569,889 589,642 25,830 22,468 145,483 163,592 741,202 775,701 741,202 775,701 | Actual Actual Actual 569,889 589,642 587,481 25,830 22,468 15,973 145,483 163,592 138,245 741,202 775,701 741,700 741,202 775,701 741,700 | Actual Actual Actual Adopted 569,889 589,642 587,481 910,496 25,830 22,468 15,973 124,016 145,483 163,592 138,245 79,723 741,202 775,701 741,700 1,114,235 741,202 775,701 741,700 1,114,235 | Actual Actual Actual Adopted Proposed 569,889 589,642 587,481 910,496 940,985 25,830 22,468 15,973 124,016 135,136 145,483 163,592 138,245 79,723 90,015 741,202 775,701 741,700 1,114,235 1,166,136 741,202 775,701 741,700 1,114,235 1,166,136 |

CHALLENGES

The Office of the Director of Police Accountability's challenges include:

Staffing. The Office was insufficiently staffed during its first year of operations, as it
established a new department and supported the work of a new legislative body, the
Police Accountability Board. Former Police Review Commission (PRC) staff became
interim ODPA staff, and the former PRC Officer was appointed the Interim Director
of Police Accountability, an added position. The PRC Officer position remained
vacant, ideally to be redefined and filled by the permanent Director. Additionally, the
long-time investigator retired, and a temporary investigator is in place.

Based on observed needs this year, the department plans to reallocate the vacant PRC Officer position to an Associate Management Analyst position. A second Investigator position is being proposed, and a second Associate Management Analyst position, to focus on data analysis, is also proposed.

- Board responsibilities. The Board was required to receive 40 hours of training on such topics as constitutional rights and liberties and Police Department operations, and policies, within 6 months of appointment. This was difficult to achieve by the end of 2021, due to other demands on the Board's time, which included hearings on complaint investigations and policy work stemming from Council referrals, ordinance mandates, and public request.
- Interpreting Charter mandates. Two significant parts of the Charter amendment
 have taken time and much reliance on the City Attorney's Office to interpret. One
 concerns the process for presenting findings and recommendations to the Board
 after staff's investigation is completed. A second new territory being is explored is
 the ODPA and Board's access to Police Department records, necessitating new
 parameters and procedures for releasing records.
- Board relationship with police association. Successful civilian oversight of law
 enforcement is dependent upon the good faith collaboration of all stakeholders, and
 on the perceived legitimacy of stakeholders by others. More work is necessary to
 develop the needed trust between the parties for fruitful collaboration to occur.
- Permanent regulations to be adopted. The Board may approve permanent regulations for handling complaints against police officers this fiscal year, but some provisions will likely be subject to meet-and-confer with the police union. The regulations must then be approved by the City Council.

ACCOMPLISHMENTS

Highlights of recent Office of the Director of Police Accountability accomplishments include:

- The Office of the Director of Police Accountability began operating, with Police Review Commission staff winding down the work of the PRC and transitioning to ODPA staff.
- The Police Accountability Board began meeting, electing a chair and vice-chair, setting a meeting schedule, adopting standing rules, and establishing subcommittees.
- Training of Board members as required by the Charter began.
- Interim regulations for handling complaints were developed by the Director and the Board, and approved by the City Council. The Board also adopted Standing Rules for its internal procedures, which the City Council ratified.
- The ODPA began accepting and investigating complaints against sworn officers, and
 presenting findings and recommendations to the Board; the Board began its
 considerations of those findings and recommendations, holding hearings when
 warranted, all according to the new procedures established by the Charter. The
 Director worked closely with the Police Department to establish the new procedures,
 which require more coordination than under the former PRC process.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

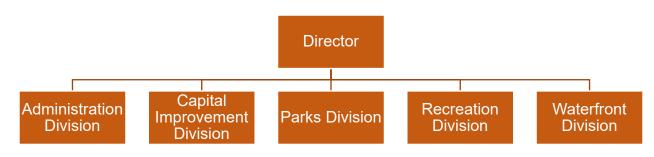
- Increasing the FY 23 & 24 budget for the Office of the Director of Police
 Accountability two additional full-time employees -- one investigator and one analyst
 -- for a total of six personnel. New personnel will require one-time allocations for
 furniture and equipment, and ongoing costs for office space.
- \$50,000 in the professional services miscellaneous category, for consultant fees (which may include legal consultants) to augment the staff and the Board's policy work.
- \$50,000 for a consultant to lead the Board and Director in a strategic planning process for FY 23.
- \$25,000 for a consultant to conduct a performance evaluation of the Director in FY
 24.
- These additions increase the FY 23 baseline budget by \$520,538, or 47% over the FY 22 Adopted Budget of \$1.14M.

PARKS, RECREATION AND WATERFRONT

MISSION STATEMENT

The Parks, Recreation and Waterfront Department is committed to administering excellent recreation programs at our community centers, camps, waterfront and parks; maintaining our trees and urban forest, landscaping and infrastructure; and developing capital projects with community input to improve and enhance residents' park and facility experience.

ORGANIZATIONAL CHART



PARKS, RECREATION AND WATERFRONT OVERVIEW

The Parks, Recreation & Waterfront (PRW) Department maintains the City's parks, playgrounds, pools, camps, community centers, and waterfront facilities; provides diverse recreation programs and special events throughout the year; delivers resident camps opportunities for youth, families and seniors; operates the largest public marina on the Bay; and plans, designs, and constructs capital improvements to Berkeley's parks, recreation, and waterfront facilities and infrastructure.

PRW is organized into five division to deliver the following baseline services:

- Parks: This Division maintains Berkeley's 52 parks, 63 play areas, 49 sports courts, 15 sports fields, 4 community centers, 2 clubhouses, 36 picnic areas, 35,000 street and park trees, 152 landscaped street medians and triangles, 263 irrigation systems, and 29 restrooms and out buildings. The Parks Division also organizes community volunteer days and participates in special events.
- Recreation and Youth Services: This Division provides a variety of programs and
 classes for all ages ranging from tots and pre-K to teens, youth, and adult sports,
 summer camps, therapeutic recreation, and adult fitness. The Division also operates
 the City's swimming pools, tennis courts, basketball courts, skate park, community

Page 282 of 410

- centers, and resident camps. The Division hosts multiple large special events for the community throughout the year.
- Waterfront: This Division operates the Berkeley Marina and its related facilities, including the docks, pilings, streets, pathways, parking lots, buildings, trails, Adventure Playground, and 1,000 boat and berth rentals. The Division also manages agreements with Waterfront businesses, maintains Waterfront parks and facilities including Cesar Chavez Park, Shorebird Park and Nature Center, and the Adventure Playground, and manages special events.
- Capital Projects: This Division plans and manages capital improvement projects at
 City parks, park buildings, community centers, pools, camps, and the Waterfront.
 This includes park and facility planning and community engagement, grant
 acquisition, permitting, environmental review, design, and construction management.
- Administration: The Office of the Director provides overall management of the Department; communications with Council, Commissions and the public; financial management, budgeting, payroll, purchasing, contracts and accounting; and grant and lease administration.

PARKS, RECREATION AND WATERFRONT FINANCIAL SUMMARY

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|------------------------------|------------|------------|------------|------------|--------------|------------|
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |
| EXPENDITURES | | | | | | |
| By Type: | | | | | | |
| Salaries and
Benefits | 17,552,213 | 18,266,183 | 19,085,403 | 20,752,962 | 23,764,978 | 24,208,341 |
| Services and
Materials | 10,542,222 | 14,383,661 | 11,868,375 | 7,110,548 | 10,043,616 | 11,025,866 |
| Capital Outlay | 2,124,215 | 8,573,178 | 27,400,591 | 22,354,125 | 13,610,713 | 13,411,222 |
| Internal Services | 951,502 | 1,993,987 | 2,065,851 | 2,343,952 | 2,343,952 | 2,343,952 |
| Indirect Cost
Transfer | 425,826 | 376,437 | 374,831 | 417,969 | 465,353 | 443,489 |
| | 31,595,977 | 43,593,445 | 60,795,051 | 52,979,556 | 50,228,611 | 51,432,870 |
| | | | | | | |
| By Division: | | | | | | |
| PRW - Director | 1,626,717 | 2,663,911 | 2,925,368 | 3,777,692 | 4,244,959 | 4,318,278 |
| PRW - Parks | 10,232,973 | 11,908,352 | 11,386,587 | 12,507,027 | 12,722,701 | 13,001,264 |
| PRW - Recreation | 9,466,126 | 13,100,381 | 25,077,435 | 20,924,724 | 11,150,535 | 11,464,328 |
| PRW - Waterfront | 4,983,012 | 4,901,883 | 4,442,217 | 4,942,775 | 5,982,637 | 5,823,733 |
| PRW - Capital
Improvement | 5,287,149 | 11,018,917 | 16,963,444 | 10,827,338 | 16,127,779 | 16,825,267 |
| provement | 31,595,977 | 43,593,444 | 60,795,051 | 52,979,556 | 50,228,611 | 51,432,870 |
| | | | | | | |
| By Fund: | | | | | | |
| General Fund | 5,943,167 | 6,987,179 | 7,304,226 | 7,675,564 | 9,061,484 | 9,290,044 |
| Capital | 658,357 | 1,008,884 | 1,463,965 | 550,000 | 550,000 | 550,000 |
| Improvement Fund | | | | | | |
| Federal Grants | 40,363 | 33,274 | 34,826 | 101,900 | 68,451 | 69,820 |
| State/County Grants | 25,000 | 156,943 | 230,578 | - | . | |
| Playground Camp
Fund | 3,399,462 | 7,225,246 | 19,137,450 | 13,850,034 | 3,596,951 | 3,669,222 |
| Other | 340,748 | 851,956 | 550,350 | 396,851 | 2,007,512 | 4,095,106 |
| Parks Tax | 12,397,889 | 14,632,368 | 16,539,555 | 14,302,226 | 15,861,978 | 16,223,340 |
| Measure WW Park | | | | | - | - |
| Bond Grant | 550,464 | 927,398 | 551,598 | | | |
| Measure T1- Infrastru | cture & | 5,331,241 | 8,900,249 | 8,776,816 | 10,822,044 | 9,399,268 |
| Facilities | 470 404 | 400 440 | 400.000 | 400.070 | 404.000 | 407.470 |
| Zero Waste | 170,134 | 163,148 | 186,628 | 186,276 | 194,999 | 197,472 |
| Marina | 6,154,796 | 6,275,809 | 5,895,626 | 7,139,889 | 8,065,191 | 7,938,598 |
| | 31,595,977 | 43,593,445 | 60,795,051 | 52,979,556 | 50,228,611 | 51,432,870 |

Page 284 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed | | | |
|---------------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|--|--|--|
| DIVISION/ACTIVITY SUMMARY | | | | | | | | | |
| PRW - Director | | | | | | | | | |
| Office of the PRW Dir | ector - Admin | | 2,925,368 | 3,777,692 | 4,244,959 | 4,318,278 | | | |
| Division Total | 1,626,717 | 2,663,911 | 2,925,368 | 3,777,692 | 4,244,959 | 4,318,278 | | | |
| | | | | | | | | | |
| PRW - Parks | | | | | | | | | |
| Parks - Admin | 357,016 | 526,788 | 519627.81 | 392,905 | 502,057 | 515,175 | | | |
| Parks - Forestry | 2,516,651 | 2,917,235 | 2624523.89 | 4,239,545 | 3,114,945 | 3,192,831 | | | |
| Services | | | | | | | | | |
| Parks- Landscaping | 5,784,979 | 6,361,552 | 6434899.55 | 6,105,947 | 7,198,142 | 7,335,126 | | | |
| Services | 4 574 000 | 0.400.777 | 4007505.00 | 4 700 000 | 4 007 557 | 4.050.400 | | | |
| Parks - Building
Maintenance | 1,574,328 | 2,102,777 | 1807535.82 | 1,768,630 | 1,907,557 | 1,958,132 | | | |
| Division Total | 10,232,973 | 11,908,352 | 11,386,587 | 12,507,027 | 12,722,701 | 13,001,264 | | | |
| DIVISION TOtal | 10,202,070 | 11,000,002 | 11,000,007 | 12,001,021 | 12,722,701 | 10,001,204 | | | |
| PRW - Recreation | n | | | | | | | | |
| Rec - Admin | 1,663,428 | 1,873,067 | 2,011,519 | 2,272,781 | 2,440,470 | 2,516,217 | | | |
| Rec- Special Fee | 434,596 | 324,064 | 301,824 | 446,144 | 585,681 | 602,196 | | | |
| Class | | | | | | | | | |
| Rec- Live Oak | 379,205 | 273,580 | 261,411 | 433,051 | 350,196 | 364,540 | | | |
| Center | | | | | | | | | |
| Rec- Francis | 788,102 | 693,882 | 664,541 | 828,053 | 987,707 | 1,012,146 | | | |
| Albrier
Rec- King Swim | 500,266 | 401,505 | 344,928 | 508,509 | 477,613 | 500,713 | | | |
| Center | 300,200 | 401,303 | 344,920 | 300,309 | 477,013 | 300,713 | | | |
| Rec- W. Campus | 176,266 | 300,710 | 380,653 | 192,339 | 515,629 | 523,176 | | | |
| Swim Ctr | , | 333, 3 | 333,333 | .0_,000 | 0.0,020 | 0_0, | | | |
| Rec - Willard HUB | 180,832 | 174,175 | 244,688 | 167,199 | 106,162 | 108,378 | | | |
| Rec - Citywide | 636,705 | 701,326 | 889,723 | 963,845 | 853,974 | 863,033 | | | |
| Athletics | | | | | | | | | |
| Rec - Theraputic | 172,693 | 42,135 | 29,865 | 67,128 | 198,888 | 209,841 | | | |
| Rec | 070 574 | 200,000 | 275 544 | 444 404 | 420.642 | 460.600 | | | |
| Rec - James
Kenney Ctr | 272,571 | 388,009 | 375,514 | 444,104 | 439,643 | 468,688 | | | |
| Rec - MLK | 799,917 | 669,746 | 485,085 | 913,049 | 819,365 | 851,177 | | | |
| Community Ctr | 700,017 | 000,140 | 400,000 | 310,043 | 010,000 | 001,177 | | | |
| Rec - Cazadero | 30,546 | 46,747 | 153,444 | 259,369 | 61,405 | 63,550 | | | |
| Camp | ,- | -, | , | , | , | , | | | |
| Rec - Echo Lake | 844,104 | 783,256 | 421,263 | 656,042 | 818,164 | 838,260 | | | |
| Camp | | | | | | | | | |
| Rec - Tuolumne | 2,314,964 | 6,182,865 | 18,436,073 | 12,447,562 | 2,084,917 | 2,121,437 | | | |
| Camp | 074 004 | 045 000 | 76 000 | 205 540 | 440 700 | 400.076 | | | |
| Rec - Day Camp
Waterfront - | 271,931 | 245,296 | 76,902 | 325,549 | 410,723 | 420,976 | | | |
| Recreation | | 17 | | | | | | | |
| Division Total | 9,466,126 | 13,100,381 | 25,077,435 | 20,924,724 | 11,150,536 | 11,464,328 | | | |
| Division 15tal | 0, 100, 120 | . 5, 150,001 | 20,011,700 | _0,027,127 | . 1, 100,000 | . 1, 104,020 | | | |

Page 285 of 410

| | | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed |
|--|------------|-------------------|-------------------|-------------------|--------------------|---------------------|
| PRW - Waterfron | t | | | | | |
| Waterfront - Admin | 741,625 | 862,387 | 700786.32 | 852,425 | 949,662 | 843,235 |
| Waterfront - Bldg
Maint | 788,873 | 659,021 | 692329.75 | 899,004 | 921,799 | 931,868 |
| Waterfront -
Operations | 2,252,311 | 2,234,942 | 2138342.91 | 2,138,003 | 2,706,521 | 2,652,266 |
| Waterfront - | 404,151 | 315,727 | 45519.25 | 152,373 | 465,587 | 463,673 |
| Recreation Waterfront - Landscaping Svcs | 796,052 | 829,805 | 865238.62 | 900,970 | 939,069 | 932,691 |
| Division Total | 4,983,012 | 4,901,883 | 4,442,217 | 4,942,775 | 5,982,637 | 5,823,733 |
| | | | | | | |
| PRW - Capital Improvement | 5,287,149 | 11,018,917 | 16,963,444 | 10,827,338 | 16,127,779 | 16,825,267 |
| <u> </u> | | | | | | |
| Department
Total | 31,595,977 | 43,593,444 | 60,795,051 | 52,979,556 | 50,228,612 | 51,432,870 |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---------------------------|---|---|----------------------|--------------------|--------------------------------------|
| Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community | Finance | Develop Online
payment for
Waterfront Marina
Slipholders
(Payment System
– Waterfront) | Build capacity for boaters to pay online rather than via phone, mail or autopay. | 7/21-6/23 | Continuing | Staff time/to
be
determined |
| Provide an efficient and financially-healthy City government | City Attorney | 199 Seafront
Lease Completion | Finalize new lease for
199 Seawall at the
Berkeley Marina. | 7/21-7/23 | Continuing | \$700,000
(funded,
Measure T1) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Grove Park Construction: Renovation of 2- 5 and 5-12 Play Areas (Grove Park Field Renovation) | Measure T1 project to renovate two play areas at Grove Park (Renovation of existing ballfield backstop, dugout, lights, and irrigation – Construction). | 7/21-7/23 | Continuing | \$700,000
(funded,
Measure T1) |

Page 287 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|---|--|----------------------|--------------------|--|
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | John Hinkel Park
Planning: Hut
Conceptual Plan
Development | Parks Tax-funded project to do planning and design for Scout Hut at John Hinkel Park. | 7/21-6/23 | Continuing | \$150,000
(funded,
Parks Tax) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | MLK Junior Youth Services Center Planning: Facility Conceptual Plan Development | Measure T1-funded project to seismically retrofit and renovate the MLK YAP community center. | 7/21-4/23 | Continuing | \$7,000,000
(funded,
Measure T1) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Public Works | Ohlone Park Planning and Design: Lighting Improvements | Measure T1-funded to improve park lighting. | 7/21-6/24 | Continuing | \$700,000
(funded,
Measure T1) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Ohlone Park
Planning and
Design: New
Restroom | Measure T1-funded project to build a new public restroom at Ohlone Park. | 7/21-6/23 | Continuing | \$500,000
(funded,
Measure T1) |

Page 288 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|---|---|----------------------|--------------------|---|
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Tom Bates Fields Design: Restroom and Community Space | Measure T1-funded project to build a new restroom and community space at the Tom Bates Sports Complex. | 7/21-4/23 | Continuing | \$2,900,000
(funded,
Measure T1) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Public Works | Waterfront
Construction: O
and K dock
Electrical | Project funded by the Marina Fund and General Fund to replace the electrical infrastructure at O&K docks at the Berkeley Marina. | 7/21-
10/22 | Continuing | \$1,200,000
(funded,
\$550,000
General
Fund,
\$650,000
Marina Fund) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Waterfront
Construction: Piling
Replacement | Measure T1-funded project to replace failed or deteriorated pilings at the Berkeley Marina. | 7/21-6/23 | Continuing | \$1,200,000
(funded,
Measure T1) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Waterfront Design:
D and E Dock
Replacement | California State Parks Division of Boating and Waterways (DBW) Loan and Measure T1- funded project to replace D&E docks at the Berkeley Marina. | 7/21-3/23 | Continuing | \$6,000,000
(funded,
\$5,500,000
DBW loan,
\$500,000
Measure T1) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|---|--|----------------------|--------------------|---|
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Willard Park
Design: New
Center and
Restroom | Measure T1-funded project to replace Willard Park clubhouse and restroom. | 7/21-3/23 | Continuing | \$7,000,000
(funded,
Measure T1) |
| Champion
and
demonstrate
social and
racial equity | | Diversity, Equity
and Inclusion
Departmental
Changes | Implementing 15 initiatives across 4 divisions to improve diversity, equity and inclusion in our programs, services, projects, and staffing. One initiative involves increasing the number of families that can access scholarships for camps and recreation programs. Another focuses on increasing the tree canopy in South and West Berkeley. | 7/22-
12/22 | New | \$75,000
(requesting
funding;
most
initiatives
funded by
grants and
reallocation
of baseline) |
| Provide an efficient and financially-healthy City government | City Attorney | Waterside
Workshops Lease | Establishing a new lease for park buildings at Aquatic Park for local, nonprofit Waterside Workshops. | 7/22-
10/22 | New | Staff time |
| Provide an efficient and | City Attorney | YMTC Lease | Establishing a new lease for park buildings | 7/22-
12/22 | New | Staff time |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|--|--|----------------------|--------------------|-----------------------|
| financially-
healthy City
government | | | at Aquatic Park for local nonprofit Youth Music Theater Company (YMTC). | | | |
| Provide an efficient and financially-healthy City government | City Attorney | Bay Area Hispano
Institute for
Advancement
(BAHIA) Lease | Establishing a new lease for park building at James Kenney for local nonprofit BAHIA. | 7/22-4/23 | New | \$40,000
(funded) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | James Kenney
Skate Spot
Conceptual Design | Design of small skate
park adjacent to
basketball courts at
James Kenney. | 7/22-4/23 | New | \$40,000
(funded) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Glendale LaLoma
2-5and 5-12 Play
Structures
Conceptual Design | Conceptual design for replacement of existing play structures, including public process. | 7/22-8/23 | New | \$150,000
(funded) |
| Provide
state-of-the-
art, well-
maintained
infrastructure, | | Cedar Rose 2-5
and5-12 Play
Structures
Conceptual Design | Conceptual design for replacement of existing play structures, including public process. | 7/22-9/22 | New | \$150,000
(funded) |

| Goal | Supporting
Departments | | | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|--|---|----------------------|--------------------|--|
| amenities,
and facilities | | | | | | |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Waterfront Main
Harbor Dredging:
Permitting | Bathometric survey
and permitting: BCDC,
Army Corps of
Engineers and all
related permits. | 7/22-9/22 | New | \$300,000
(funded) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | African American
Holistic Resource
Center Conceptual
Design | Measure T1-funded project to complete a public process, initial studies and cost estimate. | 7/22-3/23 | New | \$350,000
(funded,
Measure T1) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | Public Works | Aquatic Park
Bolivar
Improvements (600
Addison)Design
Development | Bolivar from Addison to
Dreamland street, bike
and pedestrian path,
landscape. | 7/22-3/23 | New | Developer
funded
community
benefit
agreement |
| Provide
state-of-the-
art, well-
maintained
infrastructure, | | Aquatic Park Tide
Tube Cleanout
Phase 1B (Soil
Removal)
Construction | Measure T1-funded project to remove dredged soil related to tide tube cleanout (Phase 1A). | 7/22-8/22 | New | \$500,000
(funded,
Measure T1) |

Page 292 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|---|--|----------------------|--------------------|--------------------------------------|
| amenities,
and facilities | | | | | | |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Aquatic Park
Boaters and
Rowers Access
Parking and ADA
Construction | Southern Aquatic Park lagoon boat access improvements and ADA parking. | 7/22-
10/22 | New | \$400,000
(funded) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | | Civic Center Upper
Plaza/Turtle
Garden Design
Development | Measure T1- and grant-funded project to replace existing fountain with native pollinator garden. | 7/22-
10/22 | New | \$175,000
(funded,
Measure T1) |
| Provide
state-of-the-
art, well-
maintained
infrastructure,
amenities,
and facilities | City Attorney | Santa Fe Right of
Way (SFROW)
Conversion to Park
Conceptual Design | Grant-funded project to convert 4 undeveloped blocks of SFROW to park land. | 7/22-3/23 | New | \$500,000
(funded) |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Parks, Recreation and Waterfront Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|--------------------------------|---|----------|--|----------|
| Number of community contacts | Number of community
communications, including
brochures, press releases and
flyers | | 54 communications | • |
| | Number of, and time spent at,
community meetings/pop-ups | 1 | • 35 community meetings/pop-ups, 95 hours | |
| | Number of, and time spent at,
Commission and Sub-Committee
meetings | | 32 Commission and Sub-
Committee meetings, 75 hours | • |
| Tonnage of fire debris removed | Amount of fire fuel debris tonnage removed from the hills | 1 | • 327 tons | • |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

Not meeting target

CHALLENGES

PRW's current challenges include:

- Marina Fund: PRW's challenge will continue to be to improve infrastructure and improve safety and security so that existing revenue sources are stabilized, and so that PRW has the potential to grow new revenue sources. These are central to positioning the Berkeley Marina to compete against neighboring marinas to attract and retain boaters, to attract tenants and their investments, and to attract new special events that are able to pay Waterfront fees. While the planned \$1.15 million in American Rescue Plan Act (ARPA) funds will keep the Marina Fund solvent through FY 23, fund reserves will be exhausted in FY 24. An estimated \$1.36 million in new funding or cost shifts will be required to continue to operate the Waterfront through the next budget cycle.
- Unfunded Waterfront infrastructure: Much of the existing Marina infrastructure –
 docks, pilings, buildings, and parking lots was originally constructed in the 1960s
 and 1970s. The majority of Waterfront infrastructure has reached the end of its
 useful life. The immediate unfunded need is estimated to exceed \$130 million, (see
 table below).

| Needed Improvements | Cost Estimate |
|--|---------------|
| Waterfront Pier and Docks | \$90,650,000 |
| Waterfront Pathways, Shoreline and Buildings | \$27,385,000 |
| Waterfront Parking Lots | \$10,102,000 |
| Waterfront Streets | \$2,750,000 |
| Total | \$130,867,000 |

For many years, capital projects and large maintenance projects were only completed if absolutely necessary or if they were funded by grants. Since the inception of the Marina Fund, funds have not been set aside on an annual basis in a dedicated account for capital projects. Staff estimate that the needed capital set aside should have been between \$1.5M million/year and \$2.5 million/year. The previous annual allocations for capital (\$150,000 to \$250,000) have primarily been used for minor maintenance and have just scratched the surface of what is needed. Despite these fiscal restraints staff have been able to secure funding and complete the following projects during the last 20 years, relying largely on grants and external funding.

• Camps Fund: The challenge going forward will be to operate Berkeley Tuolomne Camp (BTC) successfully, to narrow the current \$260,000/year structural deficit. Success will mean attracting the community to Camp, at levels similar to those prefire, while continuing to improve our existing Camp programs. Occupancy levels prefire at Camp were greater than 90%. However, after a gap of 9 years during which families had to find alternatives to BTC, a physically changed environment at camp with reduction in tree canopy, and the reality of a new generation of families needing to be introduced to camp, the likelihood that BTC will be immediately successful is limited. It may take several years to re-establish a camper community. In the meantime, there will be pressure for the other Camp programs like Echo Lake and Berkeley Day Camp to continue to perform to not lose any ground. The Department will need to closely monitor performance in each program and of the Camps Fund more broadly to ensure that the Fund remains stable until BTC can be fully reestablished.

ACCOMPLISHMENTS

Highlights of recent PRW accomplishments include:

- **Completed Capital Projects**: PRW has completed 58 projects since 2016, including 14 in 2021, and has 40 funded projects in design, planning, or construction. Highlights include:
 - Rebuilding Berkeley Tuolomne Camp: In August, 2013, the California Rim Fire destroyed Berkeley Tuolumne Camp, which pre-fire included 115 structures, an amphitheater, a nature center, recreation hall and dining hall, and its own water intake, water treatment, and wastewater disposal system. After the fire, only 17 structures remained: a single restroom and 16 family tent cabins. The \$54 million rebuild of Camp, funded more than 95% by insurance, Federal Emergency Management Agency (FEMA) and donations, has included construction of:
 - 62 new tent cabins;
 - 20 staff housing cabins;
 - 4 restroom/laundry buildings;
 - Water intake, pumping, treatment, storage and distribution;
 - Wastewater intake, pumping, treatment and disposal;
 - Dining Hall, including commercial kitchen;
 - Recreation Hall and Maintenance Shop;
 - Pedestrian bridges and accessible pathways; and
 - Numerous recreational and operations facilities, including Nature
 Center, first aide, sauna, amphitheater, sports court, registration office
 and store, and seasonal weirs.

- Marina Streets: The Marina Streets project is an \$8 million project to reconstruct the infamously bumpy University Ave west of I-80, to create a new gateway to the City's waterfront. The reconstruction included shifting University Avenue lanes to the north, off of the old Berkeley Pier crossbeams that led to uneven pavement settling. The project also includes the creation of a new roundabout at Marina Boulevard and University Avenue, resurfacing of Marina Boulevard, and reconstruction of Spinnaker Way along Cesar Chavez Park. The project was funded by Measure T1 (\$4.2million), a one-time capital contribution from the Doubletree Hotel (\$3 million), and Public Works streets funding (\$1 million).
- King School Park 2-5 and 5-12 Play Structure: Unforeseen, a giant eucalyptus tree toppled during the night of February 26, 2019, crushing and destroying the King School playground designed for 2-5 year-olds, known as King School Park Totlot. Following several years of insurance negotiations, coordination with the School District, and design and construction, the new playground is complete. The park improvements include a new 2-5 tot lot, picnic area, and popular new 5-12 DNA play structure element. The park reopened to the public in the summer of 2021.
- Pier-Ferry Feasibility Study: In December 2021, the City completed the conceptual planning process and identified a preferred concept for a potential dual-use recreational pier and Water Emergency Transportation Authority (WETA) ferry terminal at the Berkeley Pier. This process started in 2018, and included a large-scale ferry feasibility study, as well as a year-long public process with multiple focus groups, 3 large community workshops, and 2 Council work sessions. Next steps will be to work with WETA to identify funding sources and to initiate design development and permitting.
- Set up operations of Berkeley Tuolumne Camp: To prepare the Camp for reopening for the first time in 9 years, PRW has worked on multiple fronts to: recruit, hire, and train a new camp manager and new camp staff; furnish all camp supplies from cots to dining tables to utensils; learn, test, use, and train staff on the 89 different systems including water and wastewater systems needed to operate camp; establish fees that cover the costs to operate camp; reduce barriers to participation by expanding scholarships and subsidized programs; develop new programs; and market and outreach, with a focus on attracting a new, more diverse generation of families and making camp more inclusive.
- Tree Planting in South and West Berkeley: Parks staff launched Trees Make Life Better, a tree planting campaign to increase the tree canopy in south and west Berkeley. With the help of two grants totaling \$1.25 million, Urban Greening, received in 2020 and Environmental Enhancement and Mitigation Program (EEMP), received in 2022, the Trees Make Life Better program will attempt to plant 1,800

- street and park trees in northwest and southwest Berkeley. This program includes purchase of trees, associated supplies, and concrete cutting and watering if needed.
- Expanded Access and Reduced Barriers to Scholarships: On January 18, 2022, Council approved changes to PRW scholarship policies to significantly increase access to scholarships for Recreation programs, camps, and events. The changes expand eligibility for 100% scholarships from "extremely low income" to "very low income" US Department of Housing and Urban Development (HUD) levels for Berkeley residents, and similarly increasing the threshold for 50% scholarships. Additionally, City and school district staff collaborated to align scholarship programs, so that going forward, Berkeley families who are qualified for BEARS, the school district's subsidized after-school program, will automatically qualify for City scholarships.
- Transition back to pre-COVID program offerings: For the first time in two years,
 Recreation programming will return to pre-COVID levels in the spring of 2022,
 including a full slate of summer camps (resident and day camps), tot and 0-5
 programs, aquatic programs, drop-in programs (basketball, volleyball, weight room,
 badminton), and community center and pool rentals. Additionally, the Parks and
 Recreation Divisions will offer 36 special events between March and August of 2022.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The FY 23 proposed budget is \$50.3 million and reflects an overall decrease of \$2.8 million over the FY 22 Adopted Budget. The personnel budget increases by \$3.0 million, or 14.5%, over the FY 22 Adopted personnel budget. This is primarily due to an increase in salaries and benefit costs. The General Fund baseline budget increases by approximately \$98,000 to cover rising costs for utilities, janitorial supplies, pool chemicals and other operational necessities. The budget also includes \$450,000 for fire fuel mitigation for hazardous vegetation and tree removal.

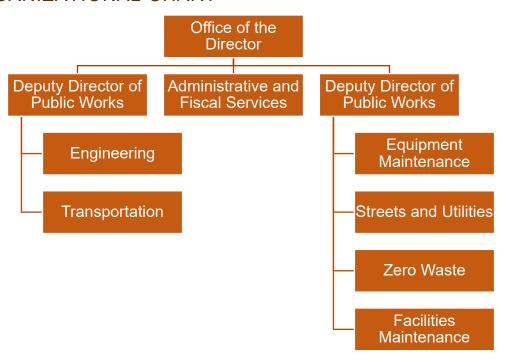
PRW is requesting \$4.4 million from the General Fund for Waterfront capital projects and CIP staffing; minor maintenance needs at pools, camps, parks and the Waterfront; camp scholarships and diversity, equity and inclusion programs.

PUBLIC WORKS

MISSION STATEMENT

The Public Works Department is committed to providing quality services to the Berkeley community with pride, courtesy, and excellence.

ORGANIZATIONAL CHART



PUBLIC WORKS OVERVIEW

The Department of Public Works is organized into eight divisions to deliver the following services:

- Office of the Director: The Director's Office provides department-wide leadership,
 management oversight, and policy direction to Public Works divisions for overall
 operations and implementation; information technology projects; audits and
 accreditation management; and employee labor relations, and training and
 development. Public Works has two Deputy Directors to assist the Director in these
 efforts. Duties and areas of responsibility are divided into two separate areas:
 Deputy Director of Operations and Deputy Director of Engineering & Transportation.
- Administrative and Fiscal Services Division: The Administrative and Fiscal Services Division is responsible for the Department's budget and fiscal oversight,

- regulatory compliance and reporting, and analytical support for routine and special projects in all Public Works operating divisions. Division functions include: budget development; implementation and oversight for the annual operating and capital budgets; fund management; fiscal and administrative policy development and process improvements; contract administration and grants compliance; and purchasing, payroll and accounting services for approximately 328 full time staff.
- Engineering Division: The Engineering Division comprises the following programs and responsibilities: Street Pavement Infrastructure Management; Sanitary Sewer Capital and Regulatory Compliance Programs; Storm Water Capital and Regulatory Compliance Programs; Creeks/Watershed Management; Sidewalk Capital Program; Buildings/Facilities Capital Program; Disability Compliance and Program Coordination; Construction Management and Inspection; Land Development and Plan Review; Land Surveying; and Drafting/ GIS services. Engineering is also responsible for coordination of utility service markings, issuance of permits, and coordination and inspection for outside utility agency projects.
- Zero Waste Division: The Zero Waste Division (ZWD) is an enterprise funded operation within the Department of Public Works with an operations staff of more than 100 and 50+ fleet of vehicles, and funds another 27.74 FTEs throughout other City departments. The ZWD provides the weekly curbside collection service of refuse and compost for over 23,000 single family and multi-family (up to five units) residential customers and up to seven-day per week curbside collection service of refuse, dual-stream recyclables (fiber and containers collected separately) and compost for over 5,000 multi-family (more than six units) and commercial customers. ZWD also manages third party vendor provided contracts for:
 - Various Services: landfill disposal services; food/green material offsite hauling and composting; and offsite hauling and recycling of construction and demolition, metal, tires, cylinders, and appliances.
 - Recycling Collection: third-party non-profit organizations for: the collection of residential dual-stream recyclables (8,400 tons per year).
 - Recycling Processing: operates Berkeley Recycling for the sorting, processing, and marketing of residential, multi-family, and commercial recyclables (16,000 tons per year and a Recycling Buyback and Drop Off program; and salvaging of reusable materials dropped off at the Transfer Station (1,000 tons annually).
- Transportation Division: The Transportation Division provides traffic engineering, transportation planning, bicycle and pedestrian planning, project development, and parking management services that support safe and effective movement of people and goods in and through Berkeley. The Division also provides transportation review of private development projects and interagency coordination on regional

- transportation projects. Key Division and Department values include safety, equitable mobility, and environmental and financial sustainability.
- Facilities Management Division: The Facilities Management Division includes electrical maintenance and the Radio Shop; building maintenance and janitorial services; and property management support. This Division maintains 900,000 square feet of public service facilities; installs and maintains traffic signals and pedestrian control devices at approximately 140 intersections; maintains approximately 8,000 LED streetlights; and installs and maintains Police and Fire Department vehicle radios, sirens, lighting, and radio system infrastructure, including interface with the regional public safety radio system. The Division also maintains sound systems for Council meetings and special events and radio alarms at sewage lift stations.
- Streets & Utilities Division: The Streets and Utilities Division maintains and repairs the City's curbs, sidewalks and pathways, 214 miles of streets, 400 miles of sanitary sewers, and 78 miles of storm water piping, including approximately 5,800 storm structures 30 green infrastructure installations. In partnership with business improvement districts, the Division manages the Clean City Program by providing street and sidewalk sweeping and cleaning services, including unattended property removal/storage and illegal dumping removal. The Streets and Utilities Division also coordinates with Transportation, Engineering and Parking Services staff to maintain traffic signs, pavement markings, and the City's 3,750 metered spaces.
- Equipment Maintenance Division: The Equipment Maintenance Division operates facilities at both the Corporation Yard and Transfer Station. Staff in this Division manage the maintenance as well as purchase and replacement of the City's 730 fleet vehicles, heavy duty trucks and large equipment, including public safety, fire, and alternative fuel vehicles and equipment.

| PUBLIC WORKS FINANCIAL SUMMARY | | | | | | | | |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|--|--|
| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | | |
| | Actual | Actual | Actual | Adopted | Proposed | Proposed | | |
| EXPENDITURES | | | | | | | | |
| Ву Туре: | | | | | | | | |
| Salaries and
Benefits | 45,837,444 | 48,014,066 | 47,899,824 | 54,750,159 | 59,072,739 | 59,697,245 | | |
| Services and
Materials | 34,552,236 | 35,313,048 | 30,900,914 | 36,582,860 | 43,502,204 | 41,480,315 | | |
| Capital Outlay | 18,630,681 | 40,917,768 | 31,668,015 | 39,499,469 | 71,604,884 | 61,051,864 | | |
| Internal Services | 9,825,958 | 12,494,464 | 12,282,094 | 13,379,529 | 14,159,811 | 13,517,827 | | |
| Indirect Cost
Transfer | 3,091,188 | 3,282,509 | 3,156,576 | 3,226,639 | 4,363,707 | 4,434,240 | | |
| | 111,937,507 | 140,021,855 | 125,907,423 | 147,438,656 | 192,703,345 | 180,181,492 | | |
| By Division: | | | | | | | | |
| PW - Office of the | PW Director | | 6,467,050 | 8,036,585 | 8,664,442 | 8,748,951 | | |
| PW -
Transportation | 20,534,230 | 19,460,565 | 15,034,042 | 14,157,293 | 35,021,305 | 22,072,684 | | |
| PW- General
Engineering | 19,792,069 | 43,620,242 | 31,272,980 | 42,193,671 | 59,136,333 | 59,190,268 | | |
| PW - Facilities
Management | 8,365,576 | 9,317,072 | 8,395,914 | 13,543,181 | 13,761,455 | 13,936,641 | | |
| PW - Streets and
Sanitation | 12,309,135 | 13,313,631 | 13,093,294 | 15,582,230 | 17,288,835 | 17,243,617 | | |
| PW - Equipment
Maintenance | 8,120,656 | 10,323,144 | 13,555,710 | 13,844,182 | 14,391,148 | 14,104,216 | | |
| PW- Zero Waste | 38,671,979 | 37,204,132 | 38,088,434 | 40,081,514 | 44,439,828 | 44,885,117 | | |
| | 111,937,507 | 140,021,854 | 125,907,423 | 147,438,656 | 192,703,345 | 180,181,492 | | |
| By Fund: | | | | | | | | |
| General Fund | 4,691,231 | 4,729,001 | 5,499,277 | 4,742,625 | 5,993,903 | 5,886,935 | | |
| Capital | 4,091,231 | 4,729,001 | 5,499,211 | 4,742,023 | 5,995,905 | 3,000,933 | | |
| Improvement
Fund | 3,045,311 | 7,662,086 | 5,055,843 | 6,689,147 | 9,405,071 | 8,529,258 | | |
| Federal Grants | 431,512 | 2,693,406 | 793,300 | 125,000 | 1,757,529 | 752,827 | | |
| State/County
Grants | 2,894,209 | 5,449,181 | 2,021,139 | 378,244 | 10,127,522 | 3,280,910 | | |
| Gas Taxes | 7,186,872 | 12,395,153 | 9,842,724 | 14,735,920 | 22,307,941 | 18,152,291 | | |
| Street Light
Assessment | 1,156,223 | 1,633,874 | 1,359,122 | 2,279,288 | 2,918,953 | 2,906,686 | | |
| Parks Tax | 88,624 | 90,386 | 35,591 | 39,996 | 39,996 | 39,996 | | |
| Zero Waste | 42,231,872 | 42,753,883 | 42,813,822 | 46,482,814 | 54,573,345 | 57,618,013 | | |
| Marina | 141,346 | 204,744 | 166,636 | 168,513 | 138,866 | 152,857 | | |
| Sanitary Sewer | 10,993,652 | 23,673,264 | 17,010,658 | 29,654,740 | 34,584,528 | 32,114,067 | | |
| Equipment
Replacement | 1,973,127 | 3,174,339 | 7,755,546 | 5,738,197 | 6,500,018 | 6,292,519 | | |
| Equipment
Maintenance | 7,319,727 | 8,448,185 | 7,130,354 | 9,812,320 | 9,573,258 | 9,527,237 | | |

Page 302 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|----------------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| EXPENDITURES | (CONTINUED) | | | - | - | |
| Building
Maintenance | 3,398,704 | 3,425,214 | 3,363,019 | 4,463,546 | 4,798,308 | 4,815,297 |
| Bldg Purchase &
Management | 1,071,981 | 1,267,177 | 1,157,868 | 1,798,252 | 2,196,543 | 2,253,520 |
| Bonds-Measure
G/I/Q/R/GG/M/T1 | 8,745,411 | 9,293,606 | 10,859,691 | 4,370,038 | 7,366,271 | 9,458,435 |
| Clean Storm
Water | 1,535,236 | 1,403,147 | 2,366,107 | 4,698,529 | 6,965,494 | 5,246,665 |
| Off Street
Parking | 9,770,873 | 5,267,372 | 2,755,089 | 4,639,156 | 4,878,777 | 5,027,907 |
| Parking Meter
Fund | 3,780,271 | 4,209,151 | 3,867,665 | 4,766,071 | 5,193,520 | 4,960,183 |
| Permit Service
Center | 829,319 | 990,966 | 961,222 | 1,524,819 | 1,545,684 | 1,565,547 |
| Other | 652,005 | 1,257,722 | 1,092,750 | 331,441 | 1,837,817 | 1,600,343 |
| | 111,937,507 | 140,021,855 | 125,907,423 | 147,438,656 | 192,703,345 | 180,181,492 |

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|--------------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| DIVISION/ACTIVITY | SUMMAR | Y | | | | |
| PW - Office of the | | | | | | |
| PW Director PW Director - Director | 128 | 1,146 | 6,363 | 129,178 | 50,286 | 50,286 |
| PW Director - Admin & Fiscal | 2,998,479 | 5,430,374 | 5,237,874 | 6,160,235 | 6,782,904 | 6,860,195 |
| PW Director - Corp
Yard Admin | 751,006 | 954,333 | 952,624 | 1,341,281 | 1,394,310 | 1,388,437 |
| PW Director -
Customer Service | 394,249 | 397,216 | 270,189 | 405,891 | 436,942 | 450,032 |
| Division Total | 4,143,861 | 6,783,069 | 6,467,050 | 8,036,585 | 8,664,442 | 8,748,951 |
| PW - | | | | | | |
| Transportation | | | | | | |
| Administration | 676,688 | 666,789 | 689,388 | 767,174 | 713,679 | 721,024 |
| Transportation
Planning | 1,205,795 | 1,147,211 | 1,104,144 | 1,082,777 | 1,535,888 | 1,296,058 |
| Traffic Engineering | 851,576 | 980,485 | 1,000,085 | 1,252,649 | 1,539,652 | 1,583,730 |
| Parking Services
Capital Projects | 1,225,641
14,812,64 | 7,013,042
6,524,363 | 3,964,491
5,347,813 | 6,523,303
1,232,966 | 7,225,298
20,511,53 | 7,004,827
7,909,507 |
| Capital i Tojects | 6 | 0,024,000 | 5,547,615 | 1,232,300 | 20,311,33 | 7,909,507 |
| Traffic Maintenance | - | 1,305,883 | 1,134,444 | 1,197,331 | 1,365,869 | 1,392,787 |
| Parking Meter
Collection | 591,040 | 642,302 | 720,517 | 886,886 | 891,835 | 916,392 |
| Repair/Maintenance Division Total | 1,170,845
20,534,23 | 1,180,491
19,460,56 | 1,073,160
15,034,04 | 1,214,207
14,157,29 | 1,237,554
35,021,30 | 1,248,359
22,072,68 |
| Division rotal | 20,334,23 | 19,400,30 | 13,034,04 | 14, 137,29 | 55,021,30 | 4 |
| | | | | | | |
| PW - General | | | | | | |
| Engineering
Gen Eng - | 837,131 | 876,595 | 600,691 | 1,280,415 | 1,275,177 | 1,047,357 |
| Administration | 007,101 | 070,000 | 000,001 | 1,200,410 | 1,270,177 | 1,047,007 |
| Gen Eng - Services | 292,702 | 218,586 | 248,871 | 994,877 | 1,794,354 | 1,102,343 |
| Gen Eng - Streets | 8,690,053 | 10,516,90
2 | 10,113,76
0 | 10,213,26
9 | 14,379,58
3 | 14,449,25 |
| Gen Eng - Sidewalks | 648,602 | 1,660,280 | 128,963 | 2,198,510 | 3,009,487 | 1,265,748 |
| Gen Eng - Storm | 651,600 | 2,906,802 | 2,170,656 | 2,124,822 | 4,361,817 | 3,048,983 |
| Gen Eng - Sewers | 2,946,201 | 14,141,60 | 7,949,693 | 18,536,26 | 22,687,72 | 19,979,23 |
| Gen Eng -
Facilities/Buildings | 3,243,027 | 4
10,975,90
8 | 7,522,433 | 6
3,486,323 | 7,685,832 | 14,293,43
7 |
| Gen Eng - Inspection | 1,689,782 | 1,838,660 | 1,643,525 | 2,538,422 | 2,751,133 | 2,798,788 |
| Gen Eng -
Development/Permits | 792,972 | 484,904 | 894,389 | 820,767 | 1,191,230 | 1,205,122 |
| Division Total | 19,792,06
9 | 43,620,24
2 | 31,272,98
0 | 42,193,67
1 | 59,136,33
3 | 59,190,26
8 |
| | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
| | Actual | Actual | Actual | Adopted | Proposed | Proposed |

| DIVISION/ACTIVITY | DIVISION/ACTIVITY SUMMARY cont. | | | | | | | | |
|-----------------------|---------------------------------|------------|------------|------------|------------|------------|--|--|--|
| PW - Facilities | | | | | | | | | |
| Management | | | | | | | | | |
| Administration | 71,256 | 71,236 | 71,293 | 71,233 | 71,233 | 71,233 | | | |
| Routine Building | 1,873,875 | 2,104,415 | 1,714,606 | 2,538,326 | 2,639,710 | 2,720,916 | | | |
| Maintenance | | | , , | | , , | | | | |
| Environmental | 381,324 | 434,496 | 450,649 | 709,701 | 690,456 | 708,180 | | | |
| Compliance | | | | | | | | | |
| Electric/Communicatio | 2,877,383 | 3,370,563 | 2,597,238 | 3,960,182 | 4,084,597 | 4,115,878 | | | |
| n System Mtce | | | | | | | | | |
| Traffic Signal | 724,075 | 731,179 | 830,164 | 1,561,611 | 1,374,011 | 1,391,556 | | | |
| Maintenance | | | | | | | | | |
| Janitorial Services | 1,315,125 | 1,329,827 | 1,635,339 | 1,778,019 | 1,880,923 | 1,899,737 | | | |
| Property Management | 1,016,903 | 984,119 | 859,432 | 1,411,742 | 1,623,629 | 1,631,657 | | | |
| ADA Building | 7,500 | 194,915 | 168,710 | 1,300,120 | 1,300,120 | 1,300,120 | | | |
| Improvements | | | | | | | | | |
| Internal Non-Routine | 11,342 | 8,736 | 9,441 | 5,000 | 5,000 | 5,000 | | | |
| Mtc. | | | | | | | | | |
| External Non-Routine | 8,294 | 19,526 | 5,162 | - | - | - | | | |
| Mtc. | | | | | | | | | |
| Capital Projects | - | - | - | 184,267 | 67,851 | 67,851 | | | |
| University Avenue | 78,501 | 68,061 | 53,879 | 22,980 | 23,926 | 24,512 | | | |
| Center | | | | | | | | | |
| Division Total | 8,365,576 | 9,317,072 | 8,395,914 | 13,543,181 | 13,761,455 | 13,936,641 | | | |
| | | | | | | | | | |
| PW - Streets and Sa | anitation | | | | | | | | |
| Administration | 256,568 | 529,719 | 535,650 | 486,225 | 523,113 | 538,192 | | | |
| Clean Cities | 200,000 | 4,365,756 | 4,303,481 | 4,349,698 | 5,519,387 | 5,511,008 | | | |
| Sanitary Sewer | 4,978,520 | 6,009,587 | 5,759,950 | 6,693,666 | 6,768,910 | 6,928,167 | | | |
| Maintenance | 4,570,520 | 0,000,007 | 5,755,556 | 0,000,000 | 0,700,510 | 0,320,107 | | | |
| Storm Drain | 989,729 | 647,022 | 787,707 | 1,725,452 | 1,841,840 | 1,878,902 | | | |
| Maintenance | 503,123 | 071,022 | 101,101 | 1,120,402 | 1,041,040 | 1,070,302 | | | |
| Traffic Maintenance | 4,114,945 | _ | _ | _ | _ | - | | | |
| Street Maintenance | 1,473,901 | 1,729,018 | 1,493,150 | 1,910,189 | 2,085,586 | 1,987,348 | | | |
| Parking Meter | 495,470 | 1,725,010 | 1,400,100 | 1,510,109 | 2,000,000 | 1,567,540 | | | |
| Maintenance | 733,470 | - | - | - | - | - | | | |
| Sidewalk Maintenance | | 32,529 | 213,357 | 417,000 | 550,000 | 400,000 | | | |
| Division Total | 12,309,135 | 13,313,631 | 13,093,294 | 15,582,230 | 17,288,835 | 17,243,617 | | | |
| DIVISION TOTAL | 12,008,100 | 13,313,031 | 10,030,234 | 10,002,200 | 17,200,000 | 17,243,017 | | | |

Page 305 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed | | | |
|---|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|--|--|--|
| DIVISION/AC | TIVITY SUM | MARY cont | • | | | | | | |
| PW - Equipment Management | | | | | | | | | |
| Administration | 286,428 | 296,898 | 283,904 | 282,944 | 303,134 | 308,693 | | | |
| Equipment Mtc - Corp Yard | 6,344,218 | 7,364,097 | 6,086,156 | 8,474,843 | 8,287,051 | 8,226,001 | | | |
| Equipment
Replacement | 1,490,010 | 2,662,149 | 7,185,650 | 5,086,395 | 5,800,962 | 5,569,522 | | | |
| Division Total | 8,120,656 | 10,323,144 | 13,555,710 | 13,844,182 | 14,391,148 | 14,104,216 | | | |
| PW - Zero Wa | aste | | | | | | | | |
| Administration | 1,274,583 | 1,307,360 | 1,283,954 | 1,809,027 | 2,047,316 | 2,101,073 | | | |
| Residential
Refuse Collect
Service | 14,301,892 | 14,425,332 | 13,174,341 | 15,980,098 | 18,251,857 | 18,029,137 | | | |
| Commercial
Refuse
Collection
Service | 9,593,757 | 7,842,435 | 10,316,071 | 9,236,134 | 10,733,180 | 11,185,941 | | | |
| Container/Cart
Maintenance | 786,674 | 863,403 | 834,742 | 853,107 | 871,052 | 888,055 | | | |
| Transfer &
Disposal
Service | 11,473,366 | 10,961,633 | 11,399,704 | 11,029,580 | 11,252,462 | 11,424,090 | | | |
| Special
Collections | 1,241,707 | 1,803,969 | 1,079,621 | 1,173,568 | 1,283,961 | 1,256,821 | | | |
| Division Total | 38,671,979 | 37,204,132 | 38,088,434 | 40,081,514 | 44,439,828 | 44,885,116 | | | |
| | | | | | | | | | |
| Department
Total | 111,937,507 | 140,021,854 | 125,907,423 | 147,438,656 | 192,703,345 | 180,181,492 | | | |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|--------------------------------------|---|------------------------|--------------------|---|
| Provide state-
of-the-art,
well-
maintained
infrastructure,
amenities,
and facilities | Parks, Recreation and Waterfront; City Attorney; City Manager's Office; Finance; Health Housing and Community Services; Human Resources; Information Technology; Planning and Development | Transfer Station -
Master Plan | Phase 1 – Feasibility Study for replacement of Transfer Station & Recycling Center (completed), Phase 2 - consultant retained to conduct CEQA Compliance for Initial Study and Migrated Negative Declaration or Environmental, Phase 3 – Final Eng. Design & Planning & Development permitting, Phase 4 – RFP for construction. | 4/20-6/24
(Phase 2) | Continuing | \$1,000,000
(Phase 2,
funded) |
| Provide state-
of-the-art,
well-
maintained
infrastructure, | City Attorney,
City
Manager's
Office, Parks
Recreation | Gilman Street
Interchange Project | Improve the mobility
and safety of the
Gilman Street Corridor
by reconstructing the
Gilman Street
Interchange and | 10/18-
12/24 | Continuing | \$65,000,000
(funded ²⁶
ACTC,
Measure BB) |

²⁶ Funded primarily through Alameda County Transportation Commission (ACTC). City contribution includes staff time and \$1,000,000 in Measure BB funds.

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|--|---|--|----------------------|--------------------|--|
| amenities,
and facilities | and
Waterfront | | creating a new
gateway into North
Berkeley. | | | |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | City Manager's Office, Planning and Development, Information Technology | Long-Term Waste
Operations
Strategy | Develop long term Zero Waste Strategic Plan – a comprehensive road map to reduce land filled waste. | 7/21-
12/24 | Continuing | \$700,000
(funded) |
| Provide an efficient and financially-healthy City government | Parks,
Recreation
and
Waterfront | 50/50 Sidewalk
Program | Reduce 50/50 sidewalk backlog to improve mobility. | 7/19-
12/23 | Continuing | \$3,000,000
(funded) |
| Provide an efficient and financially-healthy City government | Police, Fire,
Health
Housing and
Community
Services,
Parks
Recreation
and
Waterfront | Bicycle Plan FY
2022 Update | Update the Bicycle Plan to identify and prioritize bikeway projects and programs to make Berkeley a model bicycle-friendly city where bicycling is a safe, comfortable, and convenient form of transportation and recreation for people of all ages and abilities. | 1/21-
06/23 | Continuing | To be determined (to be paid out of Measure BB Bicycle and Pedestrian funds) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|--|---|---|--|----------------------|--------------------|--------------------------|
| Provide an efficient and financially-healthy City government | Planning and
Development | Update Watershed
Management and
Storm Drain Master
Plans | Updating the citywide watershed management and storm drain master plans. | 3/21-6/24 | Continuing | \$1,500,000
(funded) |
| Provide an efficient and financially-healthy City government | Finance | Zero Waste
Rate Evaluation | Developing a study that provides for a new five-year rate structure that sets rates through the Proposition 218 process. | 7/19-7/23 | Continuing | \$165,000
(funded) |
| Provide an efficient and financially-healthy City government | City
Manager's
Office,
Finance | Undergrounding
Utility Wires | Construction of Underground Utility District #48 (Grizzly Peak) including installation of decorative solar street lighting in support of this Undergrounding District. | 7/20-
10/26 | Continuing | \$12,000,000
(funded) |
| Provide an efficient and financially-healthy City government | | Sewer Master
Plan | The plan will assess condition and capacity of the sewer system. It will provide prioritization of capital sewer improvements and a basis for a sanitary sewer rate study. | 10/19-
06/23 | Continuing | \$1,200,000
(funded) |

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|---|--|----------------------|--------------------|--|
| Provide an efficient and financially-healthy City government | City
Manager's
Office, Police,
City Attorney,
Finance | BerkDot | Develop plans for establishing a Berkeley Department of Transportation to ensure racial justice and equity in Transportation policies, programs, services, capital projects, maintenance, and enforcement. Coordinate this with the Reimagining Police effort. | 7/20-6/24 | Continuing | \$550,000
(\$250,000,
funded;
\$300,000
requesting
funding) |
| Provide state-
of-the-art,
well-
maintained
infrastructure,
amenities,
and facilities | Parks, Recreation and Waterfront, Planning and Development, Information Technology | Streetlight
Comprehensive
Plan | Plan to establish operations, recommended maintenance, future system needs, and related funding needs of the City's current street lighting infrastructure. | 1/21-
12/22 | Continuing | \$200,000
(funded) |
| Be a global leader in addressing climate change, advancing environmental | City Attorney | Shared Electric
Micromobility
Program | Establish a program to
allow permitting of
shared electric bikes,
scooters, and other
mobility devices
provided to the public | 1/21-
12/22 | Continuing | Staff time |

Page 310 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---|---|--|----------------------|--------------------|--------------------------|
| justice, and protecting the environment | | | by third party operators. | | | |
| Provide state-
of-the-art,
well-
maintained
infrastructure,
amenities,
and facilities | City
Manager's
Office,
Finance | Long-term Paving
Plan (Response to
Audit) | Plan to determine funding, operations, and recommended maintenance of the City's streets. | 1/21-
12/23 | Continuing | \$100,000
(funded) |
| Provide an efficient and financially-healthy City government | Public Works,
City Auditor | Fleet Audit
Response | Implement new Assetworks fleet management software to improvement fiscal and records management of equipment replacement funds and fleet assets. | 1/21-
12/22 | Continuing | \$487,249
(funded) |
| Provide state-
of-the-art,
well-
maintained
infrastructure,
amenities,
and facilities | City
Manager's
Office, Office
of Economic
Development | Southside
Complete Streets | Install bikeways, transit lanes, and pedestrian safety improvements on various streets in Berkeley's Southside of campus area. | 1/21-
12/24 | Continuing | \$9,719,926
(funded) |
| Provide state-
of-the-art,
well- | Parks
Recreation
and | Measure T1
Infrastructure Bond | Design and construct approved projects for Phase 2 adopted by | 4/21-6/25 | Continuing | \$45,000,000
(funded) |

Page 311 of 410

| Goal | Supporting Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|--|--|--|----------------------|--------------------|-------------------------|
| maintained infrastructure, amenities, and facilities | Waterfront,
City
Manager's
Office,
Finance | Measure, Phase
2A | City Council on
12/15/20. FY2022
efforts will focus on
conceptual design and
design development of
Phase 2A projects. | | | |
| Provide an efficient and financially-healthy City government | City
Manager's
Office | Equitable Clean
Streets | Purchase of new rearend loader and hiring of two-person crew to facilitate increased cleaning of areas, including encampments. Add clean up services by non-profit organization. | 2/21-
12/22 | Continuing | \$415,000
(funded) |
| Create a resilient, safe, connected, and prepared city | Police, City
Manager's
Office, City
Attorney | Installation of
Public Safety
Surveillance
Cameras | The purchase and installation of Public Safety Surveillance Cameras at City Council approved locations per Berkeley Police Department Policy No. 351. | 2/22-6/23 | New | \$1,300,000
(funded) |
| Provide state-
of-the-art,
well-
maintained
infrastructure,
amenities,
and facilities | Public Works | Ohlone Greenway
Modernization and
Safety
Improvements | Upgrade pathway as a low-stress bikeway and pedestrian path between Virginia Gardens and border. | 1/22-
12/24 | New | \$2,100,000
(funded) |

Page 312 of 410

| Goal | Supporting
Departments | Title | Description | Planned
Start/End | New or Continuing? | Estimated
Budget |
|---|---------------------------|-------------------------------------|--|----------------------|--------------------|-------------------------|
| Provide state-
of-the-art,
well-
maintained
infrastructure,
amenities,
and facilities | Public Works | Woolsey-Fulton
Bike Blvd | Class 3b bicycle boulevard along Woolsey from Adeline to Wheeler, Wheeler from Woolsey to Prince, along Prince from Wheeler to Fulton, and along Fulton from Prince to Dwight. | 1/22-
12/24 | New | \$2,600,000
(funded) |
| Provide state-
of-the-art,
well-
maintained
infrastructure,
amenities,
and facilities | Public Works | Parker Street to
Addison Bikeway | A Class 3B bicycle boulevard along Parker from 9th to Mabel, Mabel from Ward to Dwight, Bonar from Dwight to Bancroft, Bancroft from Mable to the Strawberry Creek Park entrance, West Street from Allston to Strawberry Creek Park and from this park to Addison. | 1/22-
12/24 | New | \$950,000
(funded) |

PERFORMANCE MEASURES SUMMARY

The below table summarizes the Public Works Department's performance measures. More detailed information is available in the Performance Measures appendix to this document.

| Measure | Description | Target | Actual | Tracking |
|--------------------------|--|--------------|--|----------|
| Average days to | Average Lagan (service request | | • 4.58 days | |
| abate illegal dumping | system) case closed date ²⁷ | ↓ | | |
| on private property | | | | |
| Percent of commute | Calculated as part of the US | | 33% of commute trips | |
| trips by solo occupant | Census Bureau's American | \downarrow | | |
| vehicle | Community Survey | • | | |
| Three year average of | Calculated with Statewide | | 4.9 fatalities | |
| fatalities/severe | Integrated Traffic Records | \downarrow | 49.7 severe injuries | |
| injuries on City streets | System | v | • | |
| Pavement condition | Numerical rating of pavement | | • 56 PCI | |
| index (PCI) | condition based on type and | 1 | | |
| | severity of distress observed | ' | | |
| Percent of waste | Calculated using CalRecycle's | | 74% diverted | |
| diverted from landfill | online calculator | | | |

Meeting/exceeding target

↑ Target is to increase numbers/percentages

Near target

Not meeting target

²⁷ Residential requests are reported to 311 Customer Service and then once a work order is generated it is given to the crew to respond. Data is based on Lagan Case Closed date. These are not encampment cleanups, which instead, occur twice per week and serve several locations.

CHALLENGES

Major challenges the Public Works Department has faced over FY 22 include:

- Vacancy Rate: Throughout all of FY 22, Public Works has experienced a vacancy rate among career positions at about 15-18%. With vacant positions, delays occur, remaining staff already at capacity absorb additional work, and morale decreases.
 Staff is working on expediting internal processes and coordinating with Human Resources to reduce the vacancy rate.
- Resource Alignment: As of the last inventory, the Department had approximately
 159 outstanding pieces of direction from City Council referrals, adopted Strategic
 Plan projects, budget referrals, and audit findings. The high volume of direction,
 particularly when not matched with available resources (i.e., financial or staff
 capacity), can be difficult to track and prioritize.

Key Challenged Funds/Programs:

- O Public Works continues to experience major revenue related impacts related to COVID-19 in the On-Street Parking Fund (Meters) and Off-Street Parking Fund (Garages), driven by COVID-19 policies from local agencies restricting activity, but also customer/resident behavior. Revenue has begun to return to approach pre-COVID levels, but fund balances are still insufficient to fund the planned Elevator Replacement at the Telegraph/Channing Mall and Garage and the citywide Parking Meter Replacement projects.
- Equipment Replacement Fund balances have been depleted over time due to historical under-collection not accounting for staff expenditures, as well vehicle upfitting costs that are part of the Fund's expenses. This fund balance as further been depleted by strategic city budget balancing measures, meaning that significantly less is available than has been collected for replacement.
- A challenge for the Sanitary Sewer Fund will be the inability to predict the outcome of Consent Decree Mid-Course check-in, and if a Performance Evaluation Plan (PEP) will need to be implemented. The draft PEP calls for Berkeley to install up to 100 flow monitors to collect additional information to identify intrusion sources. The potential impact will be \$500,000 to \$1,000,000, and funding for these potential projects are not a part of the current sanitary sewer rate structure.
- Critical Unfunded Needs: Public Works is charged with the maintenance of City
 facilities and public right-of-way infrastructure. Recurring funding to support
 maintenance of this infrastructure has been perennially underfunded. The longer the
 asset's maintenance is deferred, the greater the future costs are to repair or replace.
 A FY 22 revised estimate of these assets under the Department's portfolio projects

an accumulated more than \$1 Billion in deferred maintenance costs and needed improvements. To address the systemic funding issues, Public Works is coordinating with other departments to put a Vision 2050 infrastructure revenue measure before City Council for consideration. The measure's goal would be to address the infrastructure funding gap and improve Berkeley streets, sidewalks, storm facilities, buildings and traffic safety infrastructure managed by Public Works. Approved bond or tax funding would be combined with an increased priority allocation of local funds towards ongoing regular maintenance on infrastructure to keep infrastructure in good condition.

ACCOMPLISHMENTS

Highlights of recent Public Works Department accomplishments include:

- Completion of Measure T1 Bond Phase 1 Construction Projects and Beginning Phase 2: Public Works, along with the Parks, Recreation and Waterfront Department, met the 85% expenditure milestone for Phase 1 bond funds, and completed a community process for developing the Phase 2 project list. Measure T1 Phase 1 projects are completed with the exception of Marina Streets and North Berkeley Senior Center projects which are expected to be completed by June 2022. Measure T1 Phase 2 Projects have started and the John Hinkel Storm Drain Project has been completed.
- Sidewalk Safety Improvements: Public Works made significant gains towards addressing the 50/50 sidewalk repair program list backlog. 656 repairs were completed in FY 21, which reduced the backlog by 18%. Overall, as of January 31, 2022, there have been 1,907 repairs which has reduced the 50/50 sidewalk repair program backlog by 53%. During COVID, the sidewalk shaving program took advantage of the reduced pedestrian traffic and focused on the repair areas in the typical high pedestrian traffic areas of the City. This greatly reduced potential tripping hazards, with minimal construction impacts. Projects are underway to continue this work over the next two years, and, by the end of FY 23, it is projected that the 50/50 program backlog repair will have been reduced by 88% from the 2019 backlog total.
- Vision Zero & Healthy Streets: Public Works completed construction of the Milvia Bikeway Project, Sacramento Complete Streets Project, 9th Street Path Way Phase II, and the Shattuck Reconfiguration Project. There is continued construction on Addison Street Bike Boulevard Project and North Berkeley BART-Sacramento Street. The Department applied and received grant awards for pedestrian and bicycle crossing safety improvements on various high-injury streets. Also, the Department expanded on the use of the "quick-build" program to deliver Vision Zero traffic safety projects. In addition, Public Works developed a Shared Electric Micromobility Permit Program.

- Equity: Public Works has taken important strides in building equity into its programs and services. It has adopted formal equity components into its Berkeley Strategic Transportation Plan, Pedestrian Plan, and Vision Zero Action Plan. This year, City Council adopted an update to its Street Maintenance and Rehabilitation Policy that included a formal Equity Zone. Automatic fee discounts for low-income residents are being built into the Department's sewer fees. As the Department leads implementation of Vision 2050, it seeks more opportunities to build equity into City programs and services based on the Vision 2050 equity definition: disadvantaged residents with more pressing needs should experience infrastructure benefits sooner than others.
- Customer Service: Public Works has conducted scientific surveys involving 1,483 constituents to gauge the services the Department delivers through the City's infrastructure and its divisions. These surveys show broad satisfaction with Public Works' sewer and Zero Waste services (and rates); mostly positive ratings of the City's traffic safety and bike/pedestrian infrastructure; mixed ratings of the safety and ease in getting around Berkeley; and negative views of the City's street condition.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The FY 23 baseline budget is \$192,703,345 and translates to an overall increase of 30.70% or \$45,264,689 over the FY 22 Adopted Budget of \$147,438,656. The expenditure categories, amounts, and percentages of the Public Works budget increases are shown in the table below.

| | FY 2022 | FY 2023 | | |
|------------------------|-------------|-------------|---------------------|--------|
| | Adopted | Proposed | | |
| | | | Increase/(Decrease) | % |
| Salaries and Benefits | 54,750,159 | 59,072,739 | 4,322,580 | 7.90% |
| Services and Materials | 36,582,860 | 43,502,204 | 6,919,344 | 18.91% |
| Capital Outlay | 39,499,469 | 71,604,884 | 32,105,415 | 81.28% |
| Internal Services | 13,379,529 | 14,159,811 | 780,282 | 5.83% |
| Indirect Cost Transfer | 3,226,639 | 4,363,707 | 1,137,068 | 35.24% |
| Total | 147,438,656 | 192,703,345 | 45,264,689 | 30.70% |

Public Works is requesting funding for the following items in FY 23 and FY 24. If these items are approved for funding, they will create significant changes from prior year's budget:

 Key Staffing Proposals supporting BerkDOT, the Reimagining of Public Safety and Vision 2050: Public Works is proposing several new positions, including Transportation Manager, Mobility Coordinator, Assistant Planner (Vision Zero), Capital Improvement Program (CIP) Manager, and Traffic Maintenance Worker I that

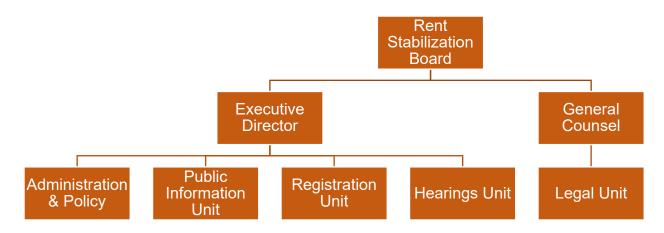
- will improvement department capability for delivering capital projects in the 5 Year CIP as well as Vision 2050 initiatives.
- Capital Investment: The Department is proposing to increase annual Capital Improvement Fund allocations to Streets (+\$8.0 million), Facilities (+\$1.0 million) and ADA Improvements (\$1.0 million). These new funding levels will be critical to maintain or improve facilities at or above current levels. Public Works will continue Vision 2050 Master Planning and Infrastructure Investment in FY 23, including the final outreach and the balloting process for a revenue bond or parcel tax. FY 23 will also see significant project budgeting and beginning of construction for approved projects for Phase 2 of the Measure T1 Infrastructure Bond.
- Grant Funding: Public Works will manage over \$14.0 million in federal, state and local grant funds in FY 23 and FY 24, including One Bay Area Grant (OBAG) funds to the Southside Complete Streets Project, and Affordable Housing and Sustainable Communities grant funds applied toward several transportation infrastructure related projects in support of the Berkeley Way HOPE Center project, including: Milvia Street Bikeway Improvements, Addison Street Bicycle Boulevard, and University Avenue/Grant Street Bus Bulb and Pedestrian Crossing Improvements, as well as other bike boulevard and bus stop projects.
- Updated Internal Service Fund Methodology: Public Works is implementing
 updated Building Maintenance Fund, Building Purchases and Management Fund
 (1947 Center St.), Equipment Replacement Fund, and Equipment Maintenance
 Fund methodologies to make the funds cost recoverable, simplify and increase
 transparency in how the rates are generated, and smooth year by year cost impacts
 to client departments.

RENT STABILIZATION BOARD

MISSION STATEMENT

The mission of the Rent Stabilization Board is to regulate residential rent increases in the City of Berkeley, protect against unwarranted rent increases and evictions, and provide a fair return to property owners. The Board works to ensure compliance with legal obligations relating to rental housing; and to advance the housing policies of the City with regard to low- and fixed-income persons, minorities, students, disabled, and the aged.

ORGANIZATIONAL CHART



RENT STABILIZATION BOARD OVERVIEW

The nine elected commissioners of the Rent Stabilization Board enact regulations, hear petition appeals, and administer a program to implement the Rent Stabilization and Eviction for Good Cause Ordinance that regulates most residential rents in Berkeley, provides tenants with increased protection against unwarranted evictions, and is intended to maintain affordable housing and preserve community diversity. (Berkeley Municipal Code (Chapter 13.76.)

The Rent Stabilization Program provides information and counseling to over 10,000 landlords and tenants annually, calculates and certifies individual rent ceilings, maintains a database of registered rental units, collects registration fees, and conducts administrative hearings and issues decisions on landlord and tenant rent adjustment petitions. Owners of rental property fully covered by the Ordinance and most partially

covered properties are required to register their units and pay annual registration fees, which cover the program's cost.

The Rent Stabilization Program is organized into five units to deliver the following baseline services:

- Administration and Policy: This Unit provides Rent Board and Committee meeting support to ensure compliance with the Brown Act, public access, and transparency, and the coordination of agendas, minutes, and related documents, and assists with electronic outreach including email and helps maintain the agency's website. It also provides office administration, payroll, purchasing, finance, and accounting support; and prepares, executes, monitors, and reports on the budget and contracts. The Unit develops and implements administrative polices and operational processes, and works with City Council and other departments to develop and implement a coordinated housing policy consistent with the Ordinance, including monitoring legislation and conducting surveys and studies to help guide the formulation of sound public policy.
- Public Information Unit: This Unit provides active outreach and education to owners and tenants regarding their rights and obligations by publishing newsletters, postcards, maintaining an up-to-date website and Facebook page, attending events in the community, and conducting workshops and webinars. Housing Counselors provide in- office, offsite, phone, and e-mail counseling on the Ordinance and applicable state housing laws to over 10,000 clients per year, and assist landlords and tenants with filing petitions. During the COVID-19 pandemic, staff also provides outreach and counseling on complex and rapidly-changing state and local anti-displacement laws.
- Registration Unit: This Unit assists property owners and tenants with
 understanding unit and tenancy registration requirements under the Ordinance and
 Rent Board Regulations, bills and collects registration fees, processes and tracks
 changes in rental status, maintains the Rent Board's electronic property database,
 collects penalties and processes requests to waive penalties, issues the Annual
 General Adjustment, provides rent ceiling notices, and communicates with new
 tenants and owners.
- Legal Unit: This Unit represents the Board in litigation; analyzes housing-related legislation and public policy and advises the Director and Board; advises the Board on appeals from administrative hearing decisions; drafts regulations, resolutions, and contracts; and provides legal advice to the Director on matters related to the Ordinance and its administration. Legal staff also conduct mediations to help landlords and tenants voluntarily resolve disputes, and processes and gathers responses to Public Records Act requests.

Page 320 of 410

Hearings Unit: This Unit conducts administrative hearings under standard due
process procedures for a variety of claims, including rent reductions due to
habitability/code violations, rent increases for additional occupants or capital
improvements, and determinations of a property's exempt status. Upon conclusion
of the hearing a written decision is issued, which can be appealed to the Board
and/or the courts. Hearings examiners focus on conflict resolution by holding
informal settlement conferences before formal hearings, and conducting voluntary
mediations.

| RENT STABILIZA | RENT STABILIZATION BOARD FINANCIAL SUMMARY | | | | | | |
|--------------------------|--|-------------------|-------------------|--------------------|---------------------|---------------------|--|
| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed | |
| EXPENDITURES | | | | | | | |
| By Type: | | | | | | | |
| Salaries and Benefits | 3,831,455 | 4,074,227 | 3,928,261 | 4,705,500 | 4,863,157 | 5,006,854 | |
| Services and Materials | 1,260,894 | 1,675,894 | 1,533,120 | 2,038,130 | 2,038,130 | 2,038,130 | |
| Capital Outlay | 2,504 | - | | 2,500 | 2,500 | 2,500 | |
| Internal Services | 14,600 | 5,100 | 55,809 | 79,405 | 79,405 | 79,405 | |
| Indirect Cost Transfer | | | | | | | |
| | 5,109,453 | 5,755,222 | 5,517,190 | 6,825,535 | 6,983,192 | 7,126,889 | |
| | | | | | | | |
| By Division: | | | | | | | |
| Rent Stabilization Board | 5,109,453 | 5,755,222 | 5,517,190 | 6,825,535 | 6,983,192 | 7,126,889 | |
| | 5,109,453 | 5,755,222 | 5,517,190 | 6,825,535 | 6,983,192 | 7,126,889 | |
| | | | | | | | |
| By Fund: | | | | | | | |
| General Fund | 265,419 | | | | | | |
| Measure U1 | 200, 110 | | 460,420 | 550,000 | 550,000 | 550,000 | |
| Rent Stabilization Board | 4,844,034 | 5,755,222 | 5,056,770 | 6,275,535 | 6,433,192 | 6,576,889 | |
| | 5,109,453 | 5,755,222 | 5,517,190 | 6,825,535 | 6,983,192 | 7,126,889 | |

STRATEGIC PLAN PRIORITY PROJECTS AND PROGRAMS

The Rent Stabilization Board has not adopted the City of Berkeley Strategic Plan and does not have performance measures connected with its goals.

CHALLENGES

The Rent Stabilization Board's challenges include:

- Ending of State and Local Eviction Moratoriums: The Rent Board is the only city department providing counseling and outreach on complex and rapidly changing state and local anti-displacement laws. The state and local eviction moratoriums that are currently in place have prevented evictions from going forward during a time when many tenants owe a significant amount of rent due to the economic impacts of the COVID-19 pandemic. As these laws change or come to end, the Rent Board will continue to counsel tenants and landlords on the status of all applicable anti-displacement laws, and the elected Rent Board will work with the City Council to explore policies to reduce the number of evictions that eventually move forward.
- Completing a New Tenant Survey: The Rent Board surveys Berkeley tenants about every 10 years. The Rent Board's tenant survey asks tenants to answer questions on their household characteristics, the conditions of their unit or building, and their knowledge and opinion of the services that are provided by the Rent Board. The previous tenant survey was completed in 2009 and this survey, which has been delayed due to the COVID-19 pandemic, is scheduled to be completed in fall of 2022, with results published in 23. Updating the tenant survey will provide important information for Berkeley rental housing policy.
- Transitioning to New Rent Tracking and Case Management Systems: The Rent Board is working with a vendor to transition to a new software system that integrates the tracking of rental unit registration and the agency's case management system. The Rent Board's new software platform launched in the 1st quarter of 2022. Counseling cases are now being entered into the new system and the FY 23 rental unit registration will take place entirely in the new platform. Replacing and integrating the agency's outdated rent tracking system and case management systems with an integrated software solution will create greater efficiencies for staff, but it is a major challenge to transition to a new system and successfully migrate over 40 years of rental unit data.

ACCOMPLISHMENTS

Highlights of recent Rent Stabilization Board accomplishments include:

- Implementing Berkeley's Fair Chance Ordinance: The City Council passed the Ronald V. Dellums Fair Chance Access to Housing Ordinance (Berkeley Municipal Code. Chapter 13.106) in April of 2022. The Rent Board agreed to administer this Ordinance on behalf of the City and assisted the City Attorney's Office with the drafting of the administrative regulations to establish an administrative review and hearings process for Fair Chance complaints. Rent Board now provides counseling to existing landlords and tenants on the Fair Chance Ordinance and is equipped to process any Fair Chance complaints that arise.
- Registration of Rental Units Under Measure MM: In November 2020, Berkeley voters passed Measure MM which, amongst other things, created new registration requirements for most rental units partially covered by Berkeley's Rent Ordinance. The new Measure MM fee was due on July 1st, 2021 and the agency has successfully registered nearly 5,000 units that qualify for registration under Measure MM.
- New Executive Director: In the spring of 2020 the Rent Board's Executive Director of almost 19 years unexpectedly retired. The Rent Board conducted an agency assessment to guide recruitment of a new Executive Director. The Rent Board then began the recruitment process in the fall of 2021 and hired DéSeana Williams in November 2021 after a nationwide search for the best candidates. DéSeana was born and raised in New York and comes from a position with the Detroit Housing Commission where she worked for 15 years. The Rent Board is excited to begin a new chapter with DéSeana onboard.
- Providing High Quality Counseling and Outreach During the COVID-19 Pandemic: The demand for Rent Board counseling services has increased as tenants and property owners struggle with the financial impacts of COVID-19. In response, the Rent Board quickly pivoted to providing remote counseling and outreach by phone, videoconference, email, and webinars. Staff have gotten quickly up-to-speed on a constant stream of changes to state and local anti-displacement laws—including Berkeley's Emergency Ordinance, Assembly Bill 2179, and Senate Bill 91—and have provided counseling and created outreach materials designed to help tenants stay in their homes, and property owners understand their rights and obligations under these complex laws. The Rent Board also implemented a new online appointment system for clients that wish to schedule an appointment to consult with a Rent Board housing counselor.

SIGNIFICANT CHANGES FROM PRIOR YEAR'S BUDGET

The Rent Stabilization Board adopted the FY 22 staffing model and budget on June 17, 2021. The Rent Board's Budget and Personnel Committee meets regularly between January and June of each year to discuss the agency's financial status and to consider possible revisions to the budget for the following fiscal year. This process typically results in a joint budget recommendation from both the committee and the Board's Executive Director.

The Rent Stabilization Board's FY 23 budget will be published on the Board's webpage (https://rentboard.berkeleyca.gov/) after it is adopted by the Board in June of 2022.

NON-DEPARTMENTAL (ALL CITY FUNDS)

The Non-Departmental budget contains critical pieces of the City budget not attributable to a single program or department. The largest component of this budget is the transfer of funds or money from one fund to another, such as a General Fund transfer to the Capital Improvement Fund (\$4,950,905).*

Some examples of other transfers include the following:

- General Fund to Measure U1 \$5,120,350
- General Fund to Stability Reserve Fund (\$1,375,000) and the Catastrophic Reserve Fund (\$1,125,000)*
- General Fund to the PERS Savings Fund (Section 115 Trust) \$2,000,000
- General Fund to Health State Aid Realignment Fund (\$1,953,018)
- General Fund to the Public Liability Fund (\$3,895,888)
- Health State Aid Realignment to the General Fund \$2,643,280
- Parking Meter Fund to General Fund \$1,742,288

Because most transfers are budgeted in two separate funds, the Non-Departmental budget and in an operating Department budget, they are considered "dual appropriations." Dual appropriations, amounts that are designated in different areas, are balanced in the budget for a net appropriation amount.

Other components of the Non-Departmental budget include:

- Debt service costs for General Obligation Bonds
- Lease Purchase Agreements
- Certificates of Participation (C.O.P.s)
- Allocation for Community-Based Organizations
- General overhead costs such as Property Insurance and School Board Salaries

*Dollar amounts currently reflect the baseline budget and have not been adjusted for the General Fund transfer to the Capital Improvement Fund for Tier 1 Capital projects or the additional \$4.5 million in recommended contributions to reserves.

| NON-DEPARTMENTAL FINANCIAL SUMMARY | | | | | | |
|---|---|---|--|---|---|---|
| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
| EXPENDITURES | Actual | Actual | Actual | Adopted | Порозец | Порозец |
| By Type: Salaries and Benefits Services and Materials Capital Outlay Internal Services Indirect Cost Transfer | 84,752,912 | 56,913,626 | 79,186,118 | 127,522,399 | 74,905,663 | 70,364,121 |
| Total | 84,752,912 | 56,913,626 | 79,186,118 | 127,522,399 | 74,905,663 | 70,364,121 |
| By Division: Non-Departmental Emergency Operations | 84,752,912 | 56,761,522
152,104 | 78,633,402
552,716 | 127,522,399 | 74,905,663 | 70,364,121 |
| Total | 84,752,912 | 56,913,626 | 79,186,118 | 127,522,399 | 74,905,663 | 70,364,121 |
| By Fund: General Fund Measure U1 GF - Stabilization Reserves GF - Catastrophic Reserves | 51,972,083 | 27,414,646 | 29,995,640
946,163
6,900,000
4,500,000 | 51,669,260 | 41,230,901 | 40,739,358 |
| Capital | 2,099,738 | 1,598,404 | 1,054,047 | 1,054,047 | 1,054,047 | 1,054,047 |
| Improvement
Section 108 HUD
Loan | 543,837 | 546,678 | 553,108 | 553,108 | 587,612 | 587,612 |
| CDBG
UC Settlement | 147,456
1,255,717 | 154,260
1,294,328 | 143,373
1,210,073 | 138,719 | 176,194 | 176,194 |
| ARPA - Local
Fiscal Recovery | | | | 46,300,355 | 4,050,000 | |
| Workers
Compensation | 5,198,207 | 4,296,758 | 5,320,633 | 5,332,340 | 5,332,340 | 5,332,340 |
| Zero Waste Sewer Fund Off Street Parking Parking Meter Health State Aid Realignment Mental Health Services Act Debt Service | 1,951,645
557,501
1,169,475
1,781,649
2,643,280 | 90,501
1,915,550
1,742,288
2,643,280 | 90,501
1,348,325
1,742,288
2,643,280
400 | 90,501
1,911,850
1,742,288
2,643,280 | 90,501
1,911,850
1,742,288
2,643,280 | 90,501
1,911,850
1,742,288
2,643,280 |
| 09 Measure FF
Library Debt
Service | 1,618,924 | 1,620,705 | 1,500,664 | 1,343,638 | 1,343,638 | 1,343,638 |

Page 327 of 410

| | FY 2019
Actual | FY 2020
Actual | FY 2021
Actual | FY 2022
Adopted | FY 2023
Proposed | FY 2024
Proposed |
|------------------------|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| EXPENDITURES (C | | | | | | |
| CFD#1 Dis Fire ` | 854,788 | 1,424,337 | 2,611,840 | 2,803,978 | 2,803,978 | 2,803,978 |
| Protect Bond | | | | | | |
| 2012 Ref Lease | 500,735 | | | | | |
| Rev Bonds | | | | | | |
| Successor Agency | 57,600 | 56,960 | 57,120 | 57,120 | 57,120 | 57,120 |
| 2015 GORBS - | 481,793 | 480,100 | 479,460 | 379,561 | 379,561 | 379,561 |
| 2002 G.O. | , | , | , | , | , | • |
| Refunding Bonds | | | | | | |
| Thousand Oaks | 97,556 | 102,751 | 73,636 | 98,448 | 98,448 | 98,448 |
| Underground | , | - , - | -, | , | , | , |
| 2015 GORBS | 181,181 | 180,826 | 180,302 | 142,865 | 142,865 | 142,865 |
| (2007 Series A) | , | , | , | , | , , , , , , , | , |
| 2015 GORBS | 2,616,747 | 2,611,620 | 2,604,056 | 2,051,966 | 2,051,966 | 2,051,966 |
| 2015 GORBS | 612,867 | 611,666 | 609,895 | 481,286 | 481,286 | 481,286 |
| (2008 Measure I) | 0.2,00. | 011,000 | 000,000 | .0.,200 | 101,200 | .0.,200 |
| Sustainable | 40,011 | 23,951 | 18,724 | | | |
| Energy Finance | .0,0 | 20,001 | .0,.2. | | | |
| 2010 COP (Animal | 404,833 | 404,533 | 5,329,159 | 406,991 | 406,991 | 406,991 |
| Shelter) | 10 1,000 | 10 1,000 | 0,020,100 | 100,001 | 100,001 | .00,00. |
| Measure FF - | | | | 757,925 | 757,925 | 757,925 |
| Public Safety | | | | . 0.,020 | 101,020 | . 0.,020 |
| Measure M GO | 1,656,838 | 1,648,488 | 1,642,613 | 740,738 | 740,738 | 740,738 |
| Street & Water Imp | 1,000,000 | 1,010,100 | 1,012,010 | 7 10,700 | 7 10,700 | 7 10,7 00 |
| Measure O - | | 785,000 | 2,003,748 | 2,023,940 | 2,023,940 | 2,023,940 |
| Affordable Housing | | 700,000 | 2,000,110 | 2,020,010 | 2,020,010 | 2,020,010 |
| Measure T1 | 3,015,181 | 2,471,056 | 1,730,806 | 1,731,181 | 1,731,181 | 1,731,181 |
| Infrastructure & | 3,013,101 | 2,47 1,000 | 1,730,000 | 1,701,101 | 1,701,101 | 1,701,101 |
| Facilities | | | | | | |
| Building | 1,631,277 | 1,634,111 | 279,202 | 1,636,188 | 1,636,188 | 1,636,188 |
| Purchases & Mgmt | 1,001,211 | 1,004,111 | 213,202 | 1,000,100 | 1,000,100 | 1,000,100 |
| Other | 1,661,995 | 1,160,830 | 3,617,063 | 1,430,826 | 1,430,826 | 1,430,826 |
| Total | 84,752,912 | 56,913,626 | 79,186,118 | 127,522,399 | 74,905,663 | 70,364,121 |
| IUlai | 04,132,312 | 50,815,020 | 13,100,110 | 121,022,099 | 74,805,005 | 10,304,121 |

COMMUNITY AGENCIES

The City of Berkeley prides itself in its support of community-based organizations and the incredible extension of critical services these agencies provide Berkeley citizens.

The Proposed Budget contained appropriation recommendations only for FY 23.

ALLOCATION PROCESS

The City of Berkeley combines multiple sources of funds into one consolidated Request for Proposals (RFP) and allocation process for community agencies. Starting this year, the City changed the process to a four-year funding cycle, rather than the prior two-year cycle. These funds are used to support public services and capital projects that benefit people with incomes at 80% of Area Median Income (AMI) or below. The Health, Housing & Community Services Department manages the RFP and allocation process and coordinates the review process among the four commissions: the Housing Advisory Commission (HAC), Homeless Commission (HC), Human Welfare and Community Action Commission (HWCAC), and Children, Youth, and Recreation Commission (CYRC) The consolidated allocation process includes specific recommendations for CDBG and ESG funds to community agencies.

During this funding process 63 agencies applied for over \$21 million in funding for 119 programs including 13 new agencies and 33 new programs. FY 23 will be the 4th year of a 4-year allocation of federal funds for community agencies.

Funding for Arts projects continues to pass through a separate allocation process involving the Civic Arts Commission. Public Health, Mental Health, and Public Works community agency allocations are also allocated through different processes.

FUNDING SUMMARY

For FY 23, the City will spend \$22,043,881 in General Funds, Federal Funds, and other funds for community agencies. This amount represents a 4% increase from the \$21,260,574 amount allocated to community agencies in FY 22.

The following charts represent a listing of the entire community agency allocations proposed for FY 23. These charts show the following:

- FY 23 Community Allocations by Service Type
- FY 23 Proposed Budget Community Agency Allocations for all funding sources

FY 23 Community Agency Allocations by Service Type

| Funding by Category | General
Funds | Federal
Funds | Other
Funds |
|-----------------------------------|------------------|------------------|----------------|
| Arts | \$586,652 | \$0 | \$0 |
| Childcare | 630,627 | _ | 13,275 |
| Community Facilities Improvements | 24,575 | 505,008 | - |
| Community Media | 230,710 | - | - |
| Disability Programs | 103,305 | 159,660 | 1,569,911 |
| Economic Development | 181,125 | - | - |
| Employment Training | 295,165 | - | - |
| Health | 2,060,256 | 160,000 | - |
| Homeless | 11,991,322 | 634,930 | 177,045 |
| Housing Dev & Rehab | 303,475 | 250,000 | - |
| Legal/ Advocacy | 895,486 | 35,000 | - |
| Other | 168,104 | - | - |
| Recreation | 18,573 | - | - |
| Seniors | 9,110 | - | - |
| Youth | 1,040,567 | - | - |
| TOTAL | \$18,539,052 | \$1,744,598 | \$1,760,231 |

| Funding by Category | FY 2022 | FY 2023 | Percent |
|-----------------------------------|--------------|--------------|---------|
| | All Sources | All Sources | Change |
| Arts | \$586,652 | \$586,652 | 0% |
| Childcare | \$643,902 | \$643,902 | 0% |
| Community Facilities Improvements | \$1,169,826 | \$529,583 | -55% |
| Community Media | \$230,710 | \$230,710 | 0% |
| Disability Programs | \$1,694,976 | \$1,832,876 | 8% |
| Economic Development | \$181,125 | \$181,125 | 0% |
| Employment Training | \$295,165 | \$295,165 | 0% |
| Health | \$2,220,256 | \$2,220,256 | 0% |
| Homeless | \$11,517,647 | \$12,803,297 | 11% |
| Housing Dev & Rehab | \$553,475 | \$553,475 | 0% |
| Legal/ Advocacy | \$930,486 | \$930,486 | 0% |
| Other | \$168,104 | \$168,104 | 0% |
| Recreation | \$18,573 | \$18,573 | 0% |
| Seniors | \$9,110 | \$9,110 | 0% |
| Youth | \$1,040,567 | \$1,040,567 | 0% |
| | \$21,260,574 | \$22,043,881 | 4% |

Page 331 of 410

| Agency/Individual Name | FY 2022
Adopted | FY 2023
Proposed | CDBG | CSBG | ESG | General
Fund
Measure P | Measure
U1 | Other | Funds |
|--|--------------------|---------------------|---------------------------------------|------|-----|------------------------------|---------------|----------|----------|
| Arts | | | | | | | | | |
| Berkeley Art Center | 86,652 | 86,652 | | | | | | 86,652 | |
| Civic Arts Grants | 500,000 | 500,000 | | | | | | 500,000 | |
| Arts Total | 586,652 | 586,652 | | | | | | 586,652 | |
| Childcare | | | | | | | | | <u>_</u> |
| Bay Area Hispano Institute for | 82,143 | 82,143 | | | | | | 82,143 | |
| Advancement - Child Development | | | | | | | | | |
| Program | | | | | | | | | |
| Bananas Inc. | | | | | | | | | |
| Child Care Subsidies | 283,110 | 283,110 | | | | | | 269,835 | 13,275 |
| Play & Learn Playgroups | 10,527 | 10,527 | | | | | | 10,527 | |
| QRIS Services | 95,000 | 95,000 | | | | | | 95,000 | |
| Ephesians Children's Center - | 45,507 | 45,507 | | | | | | 45,507 | |
| Childcare Program | | | | | | | | | |
| Healthy Black Families, Inc. | | | | | | | | | |
| Sisters Together Empowering Peers | 87,616 | 87,616 | | | | | | 87,616 | |
| (STEP) | 00.000 | 00.000 | | | | | | 00.000 | |
| Nia House Learning Center | 39,999 | 39,999 | | | | | | 39,999 | |
| Childcare Total | 643,902 | 643,902 | | | | | | 630,627 | 13,275 |
| Community Facilities | | | | | | | | | |
| Improvements | | | | | | | | | |
| Rebuilding Together | | | | | | | | | |
| Community Facilities | 24,575 | 24,575 | | | | | | 24,575 | |
| Public Facility Improvements RFP | 1,145,251 | 505,008 | 505,008 | | | | | ŕ | |
| Community Facilities Imp.Total | 1,169,826 | 529,583 | 505,008 | | | | | 24,575 | |
| | • • | · | , , , , , , , , , , , , , , , , , , , | | | | | · | |
| Community Media | | | | | | | | | |
| Berkeley Community Media | 230,710 | 230,710 | | | | | | 230,710 | |
| Community Media Total | 230,710 | 230,710 | | | | | | 230,710 | |
| Disability Programs | 230,710 | 230,710 | | | | | | 230,7 10 | |
| Bay Area Outreach and Recreation | | | | | | | | | |
| Program | | | | | | | | | |
| Recreational Services for the Disabled | 43,592 | 43,592 | | | | | | 43,592 | |

Page 332 of 410

| Agency/Individual Name | FY 2022
Adopted | FY 2023
Proposed | CDBG | CSBG | ESG | General
Fund
Measure P | Measure
U1 | Other | Funds |
|---|--------------------|---------------------|---------|---------|-----|------------------------------|---------------|-----------|-----------|
| Disability Programs (cont.) | | | | | | | | | |
| Berkeley Place
Bonita House | 17,183 | 17,183 | | | | | | 17,183 | |
| Creative Wellness Center | 15,324 | 15,324 | | | | | | 15,324 | |
| Center for Independent Living: | 10,021 | 10,021 | | | | | | 10,021 | |
| Wheelchair, Ramp & Lift Program | 159,660 | 159,660 | 159,660 | | | | | | |
| Easy Does It | 1,432,011 | 1,569,911 | , | | | | | | 1,569,911 |
| Through the Looking Glass | 27,206 | 27,206 | | | | | | 27,206 | |
| Disability Programs Total | 1,694,976 | 1,832,876 | 159,660 | | | | | 103,305 | 1,569,911 |
| Economic Development | | | | | | | | | |
| Berkeley Convention and Visitors
Bureau | 181,125 | 181,125 | | | | | | 181,125 | |
| Economic Development Total | 181,125 | 181,125 | | | | | | 181,125 | |
| Employment Training | | | | | | | | | |
| Bread Project | 57,850 | 57,850 | | | | | | 57,850 | |
| Inter-City Services | 101,351 | 101,351 | | | | | | 101,351 | |
| Multicultural Institute Lifeskills | 68,136 | 68,136 | | | | | | 68,136 | |
| Program
Rising Sun – Green Energy Training | 67,828 | 67,828 | | | | | | 67,828 | |
| Services | 07,020 | 07,020 | | | | | | 07,020 | |
| Employment Training Total | 295,165 | 295,165 | | | | | | 295,165 | |
| Health | | | | | | | | | |
| Lifelong Medical Care: | 400.055 | 400.055 | | 400,000 | | | | 00.055 | |
| Access for Uninsured (BPC, WBFP, Uninsured, Acupuncture Detox Clinic) | 189,855 | 189,855 | | 160,000 | | | | 29,855 | |
| Geriatric Care/Hypertension | 114,543 | 114,543 | | | | | | 114,543 | |
| Berkeley Free Clinic | | | | | | | | | |
| Free Women and Transgender Health | 15,858 | 15,858 | | | | | | 15,858 | |
| Care Service | | | | | | | | | |
| Sugar - Sweetened Beverage
Berkeley Unified School District | 950,000 | 950,000 | | | | | | 950,000 | |
| Sugar - Sweetened Beverage Panel (POE)* | 950,000 | 950,000 | | | | | | 950,000 | |
| Health Total | 2,220,256 | 2,220,256 | | 160,000 | | | | 2,060,256 | |

Page 333 of 410

| Agency/Individual Name | FY 2022
Adopted | FY 2023
Proposed | CDBG | CSBG | ESG | General
Fund
Measure P | Measure
U1 | Other | Funds |
|---|--------------------|---------------------|---------|------|---------|------------------------------|---------------|---------|---------|
| Homeless Services | | | | | | | | | |
| Alameda County Homeless Action | | | | | | | | | |
| Center | | | | | | | | | |
| SSI Advocacy | 129,539 | 129,539 | | | | | | 109,539 | 20,000 |
| Rapid Rehousing for Homeless Elders | 68,220 | 68,220 | | | | | | 68,220 | |
| Project | | | | | | | | | |
| Alameda County Housing & | | | | | | | | | |
| Community Development Department | 6.676 | 6.676 | | | 6 676 | | | | |
| HMIS Support | 6,676 | 6,676 | | | 6,676 | | | | |
| COVID Rapid Re-Housing Pass
Through to Abode | | | | | | | | | |
| Alameda County Network of Mental | | | | | | | | | |
| Health Clients | | | | | | | | | |
| Daytime Drop-In | 35,721 | 35,721 | | | | | | 35,721 | |
| Representative Payee Services | 32,016 | 32,016 | | | | | | 32,016 | |
| Locker Program | 50,000 | 50,000 | | | | 50,000 | | , | |
| Bay Area Community Services | 22,223 | , | | | | , | | | |
| North County HRC | 3,781,785 | 2,181,785 | 248,419 | | 0 | 1,000,000 | 100,000 | 833,366 | |
| Pemanent Housing | -,, | 1,600,000 | _,,,,,, | | | 1,600,000 | , | , | |
| Subisidies/Shallow Subsidies | | ,,,,,,,,, | | | | ,,,,,,,,,, | | | |
| STAIR Pathways | 2,708,858 | 2,708,858 | | | 209,333 | 2,499,525 | | | |
| Berkeley Food & Housing Project | | | | | | | | | |
| Case Management Tied to Permanent | 100,190 | 100,190 | | | | | | 100,190 | |
| Housing | | | | | | | | | |
| Men's Shelter | 170,502 | 170,502 | 170,502 | | | | | | |
| Hope Center - Mental Health Services | | 71,250 | | | | 71,250 | | | |
| Russell Street Supportive Housing | 157,045 | 157,045 | | | | | | | 157,045 |
| Program | 440.000 | 440.000 | | | | | | 440.000 | |
| Women's Shelter | 119,963 | 119,963 | | | | | | 119,963 | |
| COVID Respite Program | | | | | | | | | |
| COVID Rapid Re-Housing | | | | | | | | | |
| Bonita House | | | | | | | | | |
| Case Management Tied to Permanent | 24,480 | 24,480 | | | | | | 24,480 | |
| Housing | | | | | | | | | |
| Building Opportunities for Self | | | | | | | | | |
| Sufficiency: | | | | | | | | | |

Page 334 of 410

| Agency/Individual Name | FY 2022
Adopted | FY 2023
Proposed | CDBG | CSBG | ESG | General
Fund
Measure P | Measure
U1 | Other | Funds |
|--|--------------------|---------------------|------|------|-----|------------------------------|---------------|---------|-------|
| Homeless Services (cont.) | | | | | | | | | |
| BOSS House Navigation Team | 86,831 | 86,831 | | | | | | 86,831 | |
| Representative Payee Services | 52,440 | 52,440 | | | | | | 52,440 | |
| Ursula Sherman Village Families | 51,383 | 51,383 | | | | | | 51,383 | |
| Program | 104 660 | 104 662 | | | | | | 104 662 | |
| Ursula Sherman Village Singles
Shelter | 104,662 | 104,662 | | | | | | 104,662 | |
| Step Up Housing (1367 University) | 233,244 | 1,133,244 | | | | 1,133,244 | | | |
| City of Berkeley EveryOne Home | 23,837 | 23,837 | | | | | | 23,837 | |
| Covenant House California (YEAH!) | | | | | | | | | |
| Shelter Services - HCRC | 318,388 | 318,388 | | | | | | 318,388 | |
| Dorothy Day
Berkeley Emergency Storm Shelter | 30,101 | 216,601 | | | | 186,500 | | 30,101 | |
| Drop In Center | 182,000 | 182,000 | | | | 182,000 | | 00,101 | |
| Vets Shelter | 566,000 | 566,000 | | | | 566,000 | | | |
| Horizon | 784,000 | 1,011,900 | | | | 1,011,900 | | | |
| Downtown Berkeley Association | | | | | | | | | |
| Double Helping Hand | | | | | | | | | |
| Homeless Outreach Worker | 40,000 | 40,000 | | | | 40,000 | | | |
| Downtown Streets Team | 225,000 | 225,000 | | | | 225,000 | | | |
| Fred Finch Youth Center: | | | | | | | | | |
| Turning Point | 189,255 | 89,255 | | | | | | 89,255 | |
| Lifelong Medical Care: | | | | | | | | | |
| Case Management Tied to Permanent | 163,644 | 163,644 | | | | | | 163,644 | |
| Housing
Supportive Housing Program UA | 55,164 | 55,164 | | | | | | 55,164 | |
| Homes | 00,101 | 00,101 | | | | | | 00,101 | |
| Street Medicine / Trust Clinic | 525,000 | 525,000 | | | | 525,000 | | | |
| Options Recovery Services - Detox | | | | | | | | | |
| Services & Day Treatment Transitional Housing and Case | 50,000 | 50,000 | | | | | | 50,000 | |
| Management | 30,000 | 30,000 | | | | | | 55,000 | |
| | | | | | | | | | |

Page 335 of 410

| Agency/Individual Name | FY 2022
Adopted | FY 2023
Proposed | CDBG | CSBG | ESG | General
Fund
Measure P | Measure
U1 | Other | Funds |
|--|--------------------|----------------------|---------|------|---------|------------------------------|---------------|-----------|---------|
| Homeless Services (cont.) Telegraph Business Improvement District | | | | | | | | | |
| Berkeley Host Program | 49,139 | 49,139 | | | | | | 49,139 | |
| The Suitcase Clinic | 9,828 | 9,828 | | | | | | 9,828 | |
| Toolworks, Inc. Supportive Housing | 47,665 | 47,665 | | | | | | 47,665 | |
| Women's Daytime Drop-In Center:
Bridget Transitional House Case
Management | 118,728 | 118,728 | | | | | | 118,728 | |
| Daytime Drop-In Services | 48,153 | 48,153 | | | | | | 48,153 | |
| Homeless Case Management - | 100,190 | 100,190 | | | | | | 100,190 | |
| Housing Retention
Youth Spirit Artworks - | | | | | | | | | |
| TAY Tiny Homes Case Management | 78,000 | 78,000 | | | | 78,000 | | | |
| Homeless Services Total** | 11,517,647 | 12,803,297 | 418,921 | 0 | 216,009 | 9,168,419 | 100,000 | 2,722,903 | 177,045 |
| Housing Development & Rehabilitation | 5.000 | 5.000 | | | | | | 5.000 | |
| Bay Area Community Land Trust | 5,200 | 5,200 | | | | | | 5,200 | |
| Organizational Capacity Building | 200,000 | 200,000 | | | | | 200,000 | | |
| CHDO Programs | Refer to HTF/CHDO | Refer to
HTF/CHDO | | | | | | | |
| Habitat for Humanity East Bay/Silicon
Valley | | | | | | | | | |
| Housing Rehabilitation Grant Program Rebuilding Together | 250,000 | 250,000 | 250,000 | | | | | | |
| Safe Home Project | 98,275 | 98,275 | | | | | | 98,275 | |
| Housing Develop. & Rehab. Total | 553,475 | 553,475 | 250,000 | | | | 200,000 | 103,475 | 0 |
| Legal/Advocacy East Bay Community Law Center Consumer Justice Clinic/Housing | 33,644 | 33,644 | | | | | | 33,644 | |
| Advocacy | | | | | | | | 55,044 | |
| Eviction Defense Services | 275,000 | 275,000 | | | | | 275,000 | | |

Page 336 of 410

| Agency/Individual Name | FY 2022
Adopted | FY 2023
Proposed | CDBG | CSBG | ESG | General
Fund
Measure P | Measure
U1 | Other | Funds |
|--|--------------------------|--------------------------|--------|------|-----|------------------------------|---------------|--------------------------|-------|
| Legal/Advocacy (cont.) Housing Retention Eden Council for Hope and Opportunity Eviction Defense Center | 35,000 | 0
35,000 | 35,000 | | | | | | |
| Rent Board | 275,000 | 275,000 | | | | | 275,000 | | |
| COVID Rental Assistance | | | | | | | | | |
| Housing Retention | 250,000 | 250,000 | | | | | 250,000 | | |
| Basic Needs | | | | | | | | | |
| Family Violence Law Center -
Domestic Violence & Homelessness
Prevention Project | 61,842 | 61,842 | | | | | | 61,842 | |
| Legal/Advocacy Total | 930,486 | 930,486 | 35,000 | 0 | 0 | 0 | 800,000 | 95,486 | 0 |
| Other | | | | | | | | | |
| Animal Rescue
Berkeley Community Gardening
Collaborative | 23,812
11,895 | 23,812
11,895 | | | | | | 23,812
11,895 | |
| Berkeley Project | 32,000 | 32,000 | | | | | | 32,000 | |
| Community Agency Publishing
Outcomes Project | 25,000 | 25,000 | | | | | | 25,000 | |
| Eden Information & Referral | 35,000 | 35,000 | | | | | | 35,000 | |
| McGee Avenue Baptist Church | 17,844 | 17,844 | | | | | | 17,844 | |
| SEEDS Community Resolution Center Other Total | 22,553
168,104 | 22,553
168,104 | | | | | | 22,553
168,104 | 0 |
| Recreation | 100,104 | 100,104 | | | | | | 100,104 | |
| Ephesians Children's Center - Greg
Brown Park Supervision | 18,573 | 18,573 | | | | | | 18,573 | |
| Recreation Total | 18,573 | 18,573 | | | | | | 18,573 | |
| Seniors
J-Sei | 9,110 | 9,110 | | | | | | 9,110 | |
| Seniors Total | 9,110 | 9,110 | | | | | | 9,110 | |
| Youth Bay Area Community Resources | | | | | | | | | |

Page 337 of 410

| Agency/Individual Name | FY 2022
Adopted | FY 2023
Proposed | CDBG | CSBG | ESG | General
Fund
Measure P | Measure
U1 | Other | Funds |
|--|--------------------|---------------------|-----------|---------|---------|------------------------------|---------------|-----------|-----------|
| Youth (cont.) | | | | | | | | | |
| School Based Behavioral Health | 94,964 | 94,964 | | | | | | 94,964 | |
| Services Bay Area Hispano Institute for Advancement - Out of School Time Programs | 21,447 | 21,447 | | | | | | 21,447 | |
| Berkeley High School Bridge Program | 79,000 | 79,000 | | | | | | 79,000 | |
| Berkeley Youth Alternatives: | 70,000 | 70,000 | | | | | | 70,000 | |
| Afterschool Program | 30,000 | 30,000 | | | | | | 30,000 | |
| Counseling | 30,000 | 30,000 | | | | | | 30,000 | |
| Biotech Partners – Biotech Academy
at Berkeley High | 91,750 | 91,750 | | | | | | 91,750 | |
| Ephesians School-Age Program | 39,840 | 39,840 | | | | | | 39,840 | |
| Lifelong Medical Care | | | | | | | | | |
| Rosa Parks Collaborative | 44,804 | 44,804 | | | | | | 44,804 | |
| Multicultural Institute Youth Mentoring | 33,603 | 33,603 | | | | | | 33,603 | |
| Pacific Center for Human Growth -
Safer Schools Project | 23,245 | 23,245 | | | | | | 23,245 | |
| RISE Program | 216,039 | 216,039 | | | | | | 216,039 | |
| Stiles Hall | 90,000 | 90,000 | | | | | | 90,000 | |
| Supplybank.Org (Formerly K to College) | , | 0 | | | | | | , | |
| Through The Looking Glass - Parenting Education and Kindergarten Readiness UC Berkeley | 25,000 | 25,000 | | | | | | 25,000 | |
| BUILD Literacy/Cal Corp | 95,360 | 95,360 | | | | | | 95,360 | |
| Bridging Berkeley | 34,640 | 34,640 | | | | | | 34,640 | |
| YMCA of the East Bay - Y-Scholars | 01,010 | 01,010 | | | | | | 01,010 | |
| Program
Y- Scholars Program | 40,000 | 40,000 | | | | | | 40,000 | |
| School Readiness Program | 50,875 | 50,875 | | | | | | 50,875 | |
| Youth Total | 1,040,567 | 1,040,567 | 0 | | | | | 1,040,567 | |
| TOTAL COMMUNITY AGENCY ALLOCATIONS | 21,260,574 | 22,043,881 | 1,368,589 | 160,000 | 216,009 | 9,168,419 | 1,100,000 | 8,270,633 | 1,760,231 |

Page 338 of 410

| Agency/Individual Name | FY 2022
Adopted | FY 2023
Proposed | CDBG | CSBG | ESG | General
Fund
Measure P | Measure
U1 | Other | Funds | |
|------------------------|--------------------|---------------------|------|------|-----|------------------------------|---------------|-------|-------|--|
|------------------------|--------------------|---------------------|------|------|-----|------------------------------|---------------|-------|-------|--|

o Community Development Block Grant (CDBG)/Emergency Solutions Grant (ESG)

^{*}Subject to the Sugar – Sweetened Beverage Panel of Experts (POE) allocation.

^{**}General Fund Homeless Allocation does not reflect proposed plan to shift these allocations to Measure P as proposed in the Tier 1 budget recommendations.

CAPITAL IMPROVEMENT PROGRAM

WHAT IS A CAPITAL PROJECT?

A capital project is a project that helps maintain, improve, or adds to the City's infrastructure. Typically, a project is considered a capital project if it results in an acquisition of a new asset or new construction, improvements, expansion, renovation, rehabilitation, repairs, or replacement of an existing City facility and other infrastructure assets. It usually requires a large investment of City funds and staff resources from project conception to project closeout. A capital project is expected to result in a long-term useful life and long-term benefit to the City and its residents. A completion of a capital project usually impacts the operating budget by either increasing or decreasing it depending on the type of project.

WHAT IS A CAPITAL IMPROVEMENT PROGRAM AND CAPITAL BUDGET?

In conjunction with the biennial budget process, the City of Berkeley prepares a CIP that identifies anticipated project expenditures over a five-year timeframe. The Capital Improvement Program represents the spending plan for infrastructure improvements and other specific large-scale recurring purchases. The goal of the CIP is to create a roadmap of the projected infrastructure improvement needs of the City of Berkeley to assist in the planning and budgeting process.

The first year of the CIP is known as the Capital Budget. It is intended to closely reflect that year's projected appropriation for capital projects and is usually adopted in conjunction with the City's annual operating budget. It is important to point out that the FY 23 Capital Budget does not include capital project budget which has previously been encumbered and unspent from the previous fiscal year.

Projects and funding sources identified in subsequent years are not formally approved until the budget for those years is legally adopted. Beyond the first year, the CIP serves as a planning and budgetary management tool and are subject to annual re-evaluation to reflect community needs and Council priorities, as well as funding opportunities and challenges.

A CIP is necessary as the City has an extensive portfolio of capital assets and infrastructure. Below is a partial list of the City's capital inventory:

- 95 public buildings of various ages,
- Approximately 215 centerline miles of improved streets,
- Over 300 miles of concrete sidewalk,

- A storm drain system that consists of approximately 78 miles of underground pipes, maintenance holes, catch basins, and cross-drains (corner inlets and outlets),
- A sewer system consisting of 255 miles of public sanitary sewer mains and 130 miles of public sewer laterals,
- 52.5 miles of bicycle infrastructure
- 250 park acres,
- 11.5 miles of medians,
- 175 acres of land in the Waterfront,
- Three resident camps outside of the City,
- A fleet of 730 vehicles and pieces of large equipment, and
- 42 different facilities served by the City's information technology systems.

Maintaining these assets is a costly and time-consuming enterprise that requires significant resources and constant attention. Additionally, Berkeley is an aging city and thus, its infrastructure faces challenges that other younger cities do not.

TOTAL # of Five-Year Proposed Projects = 115

FY 2023 = \$103,623,521

FY 2024 = \$81,686,024

FY 2025 = \$66,625,396

FY 2026 = \$55,335,413

FY 2027 = \$52,188,288

Proposed Five-Year CIP Total = \$359,458,643

FUNDING SOURCES

The City's ability to fund its CIP is limited by the total available resources that are competing with other community priorities. However, years of limited funding and deferred maintenance have resulted in aging City infrastructure that desperately needs repair and improvement.

CIP funding resources include the General Fund (this includes the CIP Fund), a number of special revenue funds and enterprise funds, as well as grants and loans. The City uses outside funding sources to the greatest extent possible. This CIP section of the budget book endeavors to identify all known CIP projects, categorizing these projects as

Page 341 of 410

Baseline (annual, recurring program), One-time (special allocations, grants, loans), and Unfunded or Requesting Funding (funding source has yet to be identified).

Funding sources include:

- General Fund, CIP Fund;
- Special Revenue Funds such as Measure B and Measure BB Sales Tax, Vehicle Registration Fee, State Transportation Tax Fund (Gas Tax), Measure F, Parks Tax, Playground Camp, Streetlight Assessment, UC Settlement;
- Measure T1 Infrastructure GO Bond;
- Enterprise Funds such as Zero Waste, Marina, Sanitary Sewer, Clean Storm Water:
- Internal Service Funds such as Equipment Replacement Fund; and
- Federal, State, and Local funds and grants.

The following provides a brief description of some of the above-named funds:

- **General Fund**: In FY 23, a baseline transfer in the amount of \$4,950,905 from the General Fund to the Capital Improvement Fund is proposed. The total General Fund resources (this includes the CIP Fund) proposed for FY 23 is \$26,470,623 and includes the annual baseline allocations plus one-time funding requests that do not have other funding sources.
- Measure T1: Measure T1²⁸ was approved by Berkeley voters in November 2016. It consists of General Obligation Bonds not-to-exceed \$100 million, for use to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including sidewalks, storm drains, parks, streets senior and recreation centers and other important City facilities and buildings. Council approved 45 projects to be completed in Phase 1. The majority of these projects are now complete. On December 15, 2020, Council approved more than 30 additional projects to be completed in Phase 2, between 2021 and 2026. It is anticipated that the full \$100 million of Measure T1 funds will be expended by 2026.
- Measure F: Measure F was approved by Berkeley voters in November 2014. It benefits the Parks, Recreation & Waterfront Department in terms of additional annual funding for major maintenance and capital expenses for parks facilities. Measure F funds will provide the majority of funding for major renovations and upgrades to the Rose Garden Trellis.
- Measure BB: Measure BB was approved by Alameda County voters in November 2014. It implements a 30-year Transportation Expenditure Plan by renewing the 0.5 percent transportation sales tax approved in 2000 and increasing the tax by 0.5 percent. Measure BB benefits the City's streets and roads, as well as pedestrian and bicycle infrastructure. This one percent sales

²⁸ https://berkeleyca.gov/your-government/our-work/ballot-measures/measure-t1.

tax is managed by the Alameda County Transportation Commission and Berkeley will receive over \$3 million a year in additional funding, as well as capital funding for the Gilman interchange project.

The Capital Improvement Fund is a funding source created to pay for some of the City's capital projects.

Fiscal Policy Pertaining to the CIP Fund

In FY 2013, during budget development discussions of the challenges ahead in FY 2014 and FY 2015 and beyond, several fiscal policies were identified to work towards resolving some of the City's long-term problems. The following policy is targeted to help fund the City's capital improvement needs:

❖ Transfer Tax in excess of \$10.5 million dollars will be treated as one-time revenue, available for one-time expenditures. We will first consider use of these funds for the City's capital improvement needs (fund 610).

In the FY 18 and FY 19 Biennial Budget, the threshold amount was increased and is still the current amount today.

❖ On May 27, 2017²⁹, Council adopted the proposed reset of the Property Transfer Tax baseline from 10.5 million to \$12.5 million beginning FY2018. While this will reduce the amount available for new infrastructure needs, the additional \$2.0 million contribution to the City's General Fund operating base line is need to balance the \$5 million shortfall in FY2018 and \$5.3 million shortfall in FY2019.

Funding Sources for the CIP Fund

The primary source of funding is an annual transfer from the General Fund to the CIP Fund. For the last 10 years or so, the annual allocation has hovered between \$5.4M to \$4.9M (with the exception in FY 21) without any increases to account for CPI increases and other inflationary factors. The secondary source of funding is the excess property transfer tax over \$12.5M; however, currently, this is not a guaranteed source of funding. Other miscellaneous sources of funding are from interest income, mitigation fees, and other department specific revenue.

Annual CIP Fund Baseline Allocation to CIP programs

| <u> </u> | on programe |
|------------|-------------|
| Facilities | \$900,000 |
| Parks | \$400,000 |

²⁹ FY 18 & FY 19 Biennial Budget Adoption:

https://www.cityofberkeley.info/Clerk/City Council/2017/06 June/City Council 06-27-2017 - Regular Meeting Agenda.aspx (Item 47)

| Sidewalk | \$635,000 |
|----------------|-------------|
| Streets | \$1,925,000 |
| Transportation | \$170,000 |

^{*}The annual allocations have not kept up with increases in cost. They have not effectively changed for at least 10 years.

Personnel Funding

The CIP fund is charged some personnel cost. HHCS, Planning, and Public Works have FTEs budgeted in the CIP fund baseline. Public Works offsets most of this cost by charging to specific projects during the fiscal year and the CIP fund realizes some salary savings.

Another Factor to consider in relation to funding capital projects, include:

General Obligation Bond Capacity: Based on the existing bond authorizations, outstanding balances and projected tax revenues, the City is likely to have the ability to generate new bond proceeds in excess of the outstanding \$200 million over the next 30 years. Finance is developing scenarios for bond debt programs that would keep the taxes paid by property owner's level over a course of time. This could mean that as old debt is retired, new debt could be issued for new projects. Staff will develop and complete a timeline for the debt issuance for the two outstanding measures.

UNFUNDED CITYWIDE CAPITAL INFRASTRUCTURE NEEDS

The City has a number of major infrastructure project needs that are not addressed in the capital plan. Included in the <u>Projections of Future Liabilities report</u>³⁰ that went to Council on March 16, 2021, is a summary of the City's capital assets and infrastructure needs including an overview of the City's long-term expenditure obligations.

The City's infrastructure requires investments of capital in order to maintain them in a good working condition and replace or rehabilitate assets at the end of their useful lives. Without sufficient and timely capital investments, the assets will deteriorate, costing the City of Berkeley substantially more in maintenance costs, and infrastructure will ultimately fail. The unfortunate outcome of this is a requirement of a much larger capital investment. Adequate amount of funding is needed to provide proper annual maintenance as this keeps assets in good working condition and typically prolongs their useful lives. Adequate funding is also necessary for when assets reach the end of their useful lives to pay for total repair or replacement in a timely manner. Due to limited

https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-16_WS_ltem_02a_Unfunded_Liability_Obligations_pdf.aspx

³⁰ Projections of Future Liabilities:

available funding and competing priorities, the City has had to defer several capital improvement projects. For each year that a capital project is deferred, the project cost increases due to inflation (compounded each year the project is delayed), construction demands and construction bid results, the cost increases year over year due to scope changes as the longer the project is delayed, the more issues arise, unpredictable trends in the industry, and other unknown factors (economic, public health, and others).

Despite support from a variety of City funds, City facilities and infrastructure needs continue to exceed available funds. The City's **unfunded capital needs** have increased over the years and is anticipated to reach a five-year total of **around \$1.65 billion** from FY 23 to FY 2027.

PROJECT CATEGORIES

The proposed CIP plan presents the City's blueprint for funding critical capital projects based on resource availability and Council's capital investment priorities. Elements of CIP project costs are grouped into broad program categories:

- · City Facilities,
- Equipment & Fleet,
- Information Technology,
- Parks, Marina & Waterfront,
- Sanitary Sewers,
- Storm Drains,
- Sidewalks,
- Streets,
- Transportation, and
- Other Infrastructure.

The resources that the City will commit to its priority capital projects are identified within these program categories. While the budget adopts appropriated funds for capital projects in FY 23, there are still some unknowns (i.e. status of the economy and pending State and Federal funding for approved projects) that exist. Furthermore, funding for the remaining years of the five-year plan are subject to the availability of resources.

Page 345 of 410

APPENDIX 1 – PERFORMANCE MEASURES DETAIL

PERFORMANCE MEASURES

This section provides detailed data and contextual information on many of the City's performance measures. Over time, staff continue to review and improve not only performance, but how it's measured. Staff may come to better understand the data or find more efficient ways to analyze or collect data. When staff discover an error due to outlying data, it brings the remaining data into better clarity, which in turn exposes new outliers. Sometimes outliers are just that, anomalous data points, but other times they expose errors in the way the data is calculated or filtered.

In some cases, staff may identify different things to track that better answer "how well are we doing?" and "is anyone better off?"

The data is organized by Strategic Plan Goal, as shown in the table below. Please note, abbreviations are used for each Strategic Plan Goal. Additionally, throughout this section, Calendar Year (CY) denotes January through December and Fiscal Year (FY) denotes July through June. In sections where the impact of COVID-19 is discussed, this is denoted by

| STRATEGIC PLAN | ABBREVIATION | PERFORMANCE MEASURES |
|--|-----------------------|--|
| Create affordable housing and housing support services for our most vulnerable community members | AFFORDABLE
HOUSING | Percentage of STAIR¹ clients exiting to permanent housing Shelter uptake rate² |
| Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment | ENVIRONMENT | Climate Action Plan progress/decreasing community greenhouse gas (GHG) emissions Average days to abate illegal dumping on private property Percent of commute trips by solo occupant vehicle |

¹ STAIR (stability, navigation, and respite) is Berkeley's Housing Navigation center.

² For contextual reasons, this measure is shown in the following pages under the goal "Resilient" alongside the other measures relating to the work of the Homeless Response Team (HRT).

| STRATEGIC PLAN
GOAL | ABBREVIATION | PERFORMANCE MEASURES |
|----------------------------------|---------------|---|
| | | Percentage of waste diverted from landfill |
| Champion and demonstrate social | EQUITY | Number of meals provided (Aging Services) |
| and racial equity | | Access to technology (Library) |
| | | Number of registered users as percentage of Berkeley residents (Library) |
| | | Average days to close a complaint;
number of complaints (Equal
Employment Opportunity [EEO]) |
| | | Citywide workforce demographics compared to community |
| | | Police Department demographics compared to community |
| | | Use of (police) force in comparison
to calls for service and to arrests |
| | | Complaints (relating to police) in comparison to call for service |
| Provide an efficient | FISCAL HEALTH | Achieving a balanced budget |
| and financially-
healthy City | | Number of budget adjustments made |
| government | | Number of contracts reviewed for budget |
| | | Receiving a Government Finance Officers' Association (GFOA) award |
| | | Reporting on unfunded liabilities |
| | | Meeting target contributions for
General Fund reserves and Section
115 trust |
| | | Number and dollar amount of
purchase orders; percent returned as
noncompliant; percent requiring
review |
| | | Dollar amount of cash and
investments; rate of return; meeting
safety, liquidity, and reasonable
return requirements |

Performance Measures Appendix

| STRATEGIC PLAN | ABBREVIATION | PERFORMANCE MEASURES |
|--|----------------|---|
| | | Meeting statutory publication date for
Annual Financial Report; receiving
no audit findings |
| Provide state-of-the-
art, well-maintained
infrastructure,
amenities, and
facilities | INFRASTRUCTURE | Pavement condition index (i.e., roads/streets) |
| Foster a dynamic,
sustainable, and
locally-based
economy | LOCAL ECONOMY | Number and dollar amount of
payments processed; percent
noncompliant or requiring additional
review |
| | | Number of arts and culture grant
applications received; count of arts
and culture grants awarded; total
dollar amount distributed |
| | | Number of active Revolving Loan
Fund (RLF) loans; number of private
sector jobs saved with RLF loans;
number of jobs created |
| | | Amount of American Rescue Plan
Act (ARPA) funds disbursed to arts
and culture organizations, visitor and
tourism sector, and small business
support |
| Create a resilient, safe, connected, and prepared City | RESILIENT | Count of volunteers; volunteer hours (Animal Services) Foster rate (Animal Services) Number of spays/neuters performed; number of vaccinations administered (Animal Services) Average tonnage/pounds of debris removed (Homeless Response Team [HRT]) Average number of storage notices and violation notices provided/month (HRT) Average number of encampment closures performed/month (HRT) |

| STRATEGIC PLAN | ABBREVIATION | PERFORMANCE MEASURES |
|--|--------------|--|
| | | Average and median call response time (Fire and Emergency Services) Percentage of scheduled fire prevention inspections completed Fire fuel debris removed (Parks, Recreation and Waterfront) Three-year average of fatalities/severe injuries on City streets Deaths and accidents relating to vehicles or bicycles |
| Be a customer-
focused
organization that
provides excellent,
timely, easily-
accessible service | SERVICE | Number of records indexed online;
number of City Council and Policy
Committee meetings administered;
number of legislative items collated
and tracked; number of disclosures
processed |
| and information to the community | | Average days per animal shelter
stay; percentage of animals adopted;
percentage of animals going to
nonprofit rescues; percentage of
animals returned to owners (Animal
Services) |
| | | Low euthanasia rate (Animal Services) |
| | | Non-sterilization surgeries provided
(Animal Services) |
| | | Number of community contacts; time
spent during community meetings
(Parks, Recreation and Waterfront) |
| | | Average days to resolve a case;
case completion rate; total cases;
completed cases (Neighborhood
Services – Code Enforcement Unit) |
| | | Number of information and
assistance sessions provided (Aging
Services) |
| | | Percent reduction days spent in
psychiatric hospital among clients in |

| STRATEGIC PLAN | ABBREVIATION | PERFORMANCE MEASURES |
|---|--------------|---|
| | | Full Service Partnership program (Mental Health Division) |
| | | Number of vector service requests and complaints received |
| | | Percent of COVID-19 cases and
contacts with outreach initiated (e.g.,
for case investigation and contact
tracing) |
| | | Number of items circulated; amount
of information services provided,
number provided and amount of
participation in cultural and
educational programs (Library) |
| | | Customer satisfaction (Permit Service Center) |
| | | Time from land use permit application completion to staff approval |
| | | Average building permit plan check review time |
| | | Number of (police) commendations,
annually; commonly occurring
words/themes in commendations |
| | | First call resolution and
abandonment rate (311, IT Help
Desk) |
| Attract and retain a talented and diverse | WORKFORCE | Time to hire (from requisition approval to hired status) |
| City government workforce | | Employee training attendance;
number of trainings available;
number of requests for tuition
reimbursement |
| | | Number of appointments; number of
grievances (Labor Relations
Coordinating Committee [LRCC]) |



AFFORDABLE HOUSING





Factors Contributing to Current Performance

- Program is unique because it combines outreach component and rapid rehousing to help people that are living on the streets and in encampments get housed quickly.
- Richer constellation of services are available than typically found in other shelters.

Factors Restricting Performance Improvement

Housing placements are limited by the supply of affordable housing and income of participants served.

Addressing Measures Not Meeting Target

Measure

Outcome and Analysis

Percent of STAIR³ clients that exit to permanent housing

It was challenging to support clients to obtain and maintain benefits during the pandemic, as services for benefits claims, applications, and appeals were delayed. Most benefit offices became operational via phone, requiring clients to verify their identity via mail before receiving services i.e. (adjustment in payment, request and appeal for supplemental security income [SSi] and health insurance, proof of identification needed to reinstate payment or coverage). Benefits services have since increased, but had a direct impact on housing placements. The pandemic decreased landlord participation and inhibited Bay Area Community Services (BACS) from expanding its landlord pool. Due to safety precautions, there was a significant decrease in affordable "shared" housing options being offered by landlords. The program saw an increase in self-exits attributed to shelter in place, site guarantines, and newly implemented safety policy and procedure regulations.

Next Steps

BACS has grown its Housing Coordination and Employment Services Team that provides greater resources to identify affordable housing for all resident income levels and IPS services including a wide range of bridge support including career and job placement, connections to legal advocacy for benefits, fix income work programs, school/work programs and more. In order to house the growing number of residents who have fixed income, BACS continues to extend its landlord platform to offer a variety shared housing options at affordable price point to its participants.

³ STAIR (stability, navigation, and respite) is Berkeley's Housing Navigation center.



Climate Action Plan

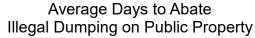
✓ Total community greenhouse gas (GHG) emissions in 2019 **decreased 26%** from the 2000 baseline and decreased 4% from 2018.

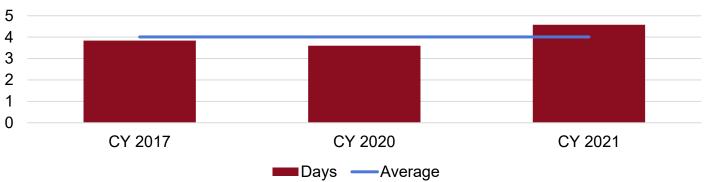
Learn about Berkeley's progress toward achieving its Climate Action Plan (https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan) goals. View the latest Berkeley Climate Action Plan 2022 Update presentation (https://berkeleyca.gov/sites/default/files/2022-

<u>05/February%208%202022%20CAP%20Workshop Slides final 0.pdf</u>) and accompanying staff report (<u>https://berkeleyca.gov/sites/default/files/2022-04/2022-02-</u>

08%20Item%2017%20Greenhouse%20Gas%20Emissions%20Inventory.pdf)





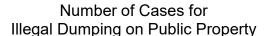


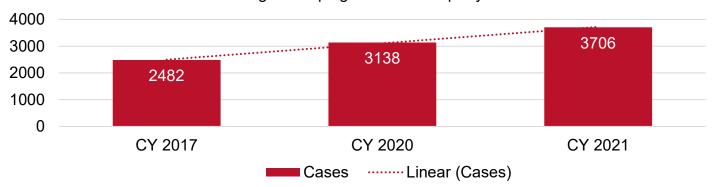
Factors Contributing to Current Performance

• The Public Works Clean City program staff work seven days a week to keep Berkeley clean. They are very responsive and often resolve most illegal dumping issues the same day reported.

Factors Restricting Performance Improvement

There has been a 72% increase in the number of requests for service over the last 6 years.
 Cases for repeat (third call within a year) illegal dumping locations remain open longer to ensure they are processed with Code Enforcement. Staff vacancies within the Clean City program have impacted response time.





ENVIRONMENT





Factors Contributing to Current Performance

- The existing long-term partnerships with Community Reuse and Recycling companies continue to improve the volume of waste diverted from the landfill.
- The Public Works Department Zero Waste Division expanded collection service to 400+ commercial accounts previously serviced by non-exclusive haulers. Commercial refuse, recycling, and organic volumes increased when Zero Waste began servicing these 440 commercial accounts. The overall increase from CY 2019 to CY 2020 is the result of a change in CalRecycle's reporting methodology.

Factors Restricting Performance Improvement

- The City opted in to a phased Alameda County Mandatory Recycling/Composting Ordinance in 2012 and 2014 with associated outreach/education campaigns. This likely increased recycle/compost participation through 2015. The City has limited staff available to conduct continued outreach and education to Berkeley residents and businesses. Currently, residents divert 65% of their waste into their curbside recycle and compost bins. Businesses and large multifamily properties recycle/compost only 35% of their waste.
- In November 2021, the City opted in to the StopWaste.org ordinance for compliance with CA's SB1383 Organic Reduction.
- In 2017, the closure of Pacific Steel Castings eliminated 12,000+ of recyclable slag.* This material had previously been included as "diversion" in the City's diversion rate.
- In future years, StopWaste will replace this metric with disposal pounds per person per day.
- Current Transfer Station Facility is not designed or built to expand reuse and recycling services to commercial or residential customers. The proposed alternative is to replace all facilities at 2nd St. The Solid Waste & Recycling Transfer Station Replacement Project Feasibility Study was completed in November 2019. The Council approved plans to proceed with the CEQA process for the Study's two proposed Transfer Station Replacement concepts which are currently scheduled to be completed by December 2023. The final engineering of plans and specifications would be awarded and construction projected in CY 2025-26.

*Slag is a by-product of steel making and is produced during the separation of the molten steel from impurities in steel-making furnaces.



ENVIRONMENT

Addressing Measures Not Meeting Target

Measure

landfill

Outcome and Analysis

Waste The Zero Waste Division diverted continues to support sour reduction and reduced re

continues to support source reduction and reduced recycling and composting through existing and the implementation of new programs, including a recent carpet recycling program and expanded mattress recycling options. However, the City faces many of the same challenges as the rest of the State, as outlined in California's 2019 State of Disposal and Recycling. Due to the plateau in diversion rates and the increase of landfill tonnage countywide, Alameda County StopWaste is considering

changing from diversion rate goals to reducing volumes of

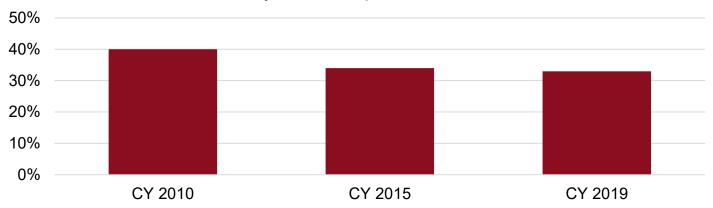
waste landfilled.

Next Steps

To meet state legislation SB 1383 requirements, Council approved an ordinance opting in to Alameda County's Organics Reduction and Recycling Ordinance (ORRO) in November 2021. Staff is currently working to implement the programmatic regulations of SB 1383 and ORRO that are effective beginning 2022 through 2024.



Percent of Commute Trips by Solo Occupant Vehicle

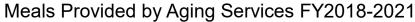


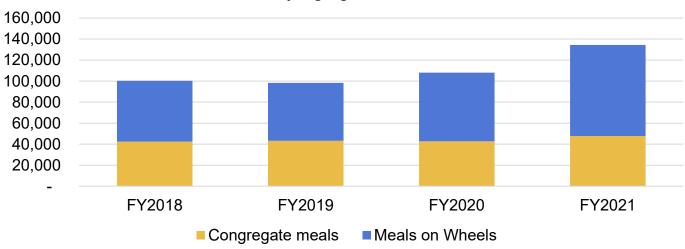
Factors Contributing to Current Performance

• With the City's off-street bike path network nearly complete, the recent addition of protected onstreet bikeways and low-stress biking facilities has increased the comfort for people to bike instead of driving. Also, recent safety improvements at many crossings of major and collector streets have made walking and biking easier as a way of taking trips or connecting to transit services. The increased availability of shared mobility options, including short-term rentals through bicycle sharing and car sharing services, has improved the viability of not owning a car for many people.

- Changes in transit service sometimes reduce coverage of areas, particularly in the hills, making it harder for people to choose transit instead of driving.
- The data predates the COVID-19 pandemic and resultant increase in work from home. However, this has also led to an avoidance of mass transit and shift to driving alone for more of the remaining commute trips. This phenomenon was observed in 2021 when freeway peak period volumes returned to near pre-pandemic levels even as most office employees were still working either entirely or mostly from home.







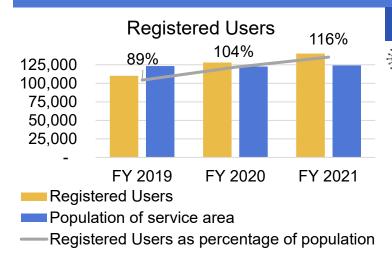
Factors Contributing to Current Performance

- Dramatic increase in Meals on Wheels numbers are due to greater number of older adults sheltering in place due to pandemic.
- Due to home quarantine recommendations that occurred during the first part of FY21, seniors had more limited food access options. Congregate meal delivery to seniors shifted to a combination home delivery and grab & go model. Aging Services was also able to deliver more meals with assistance of other City staff during first part of FY21.

Factors Restricting Performance Improvement

 Provision of meals limited by County funding and Aging Services staffing to pack and deliver meals.

EQUITY



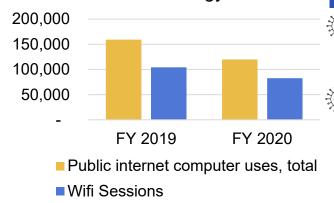
Factors Contributing to Current Performance

- The significant increase in registered users can be attributed to the heightened interest in electronic materials inspired by the public health crisis, and potentially changing demographics.
- The Library launched a temporary eCard program in response to the pandemic that made it easier for people to access electronic and physical materials. This program was discontinued in December of 2021, but this data represents fiscal year 2021 (from July 2020 through June 2021).
- The Library partnered with Berkeley Unified School District (BUSD) to facilitate easier access
 by students to some kinds of digital materials. This might have inspired interest in new library
 card registration. In addition, California residents are eligible for Berkeley Public Library cards.

Factors Restricting Performance Improvement

- Demand for electronic materials continues to increase, which also drives interest in new library card registration.
- The extent of awareness of library services plays a role in determining registration rates for new records. If people in the community either do not know or experience barriers in completing the registration process, they will not register for new cards. The Library seeks approaches on an ongoing basis to mitigate both concerns.

Access to Technology/Internet



Factors Contributing to Current Performance

The Library created and offered loan of wifi hotspots and laptops. Also, many people were able to access the Library's public free wifi from outside of the closed buildings.

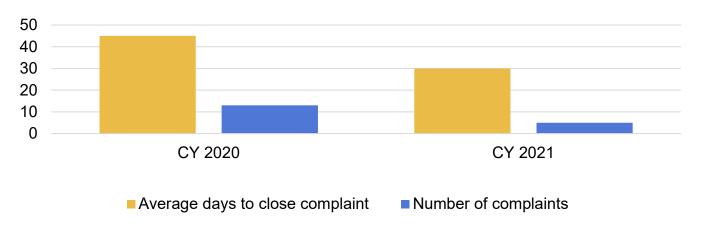
During part of the period measured, library and City services were temporarily closed. On-site computer services could not be accessed, except public wifi, which remained available and is accessed frequently from outside the facility. Libraries began to open in May 2021, shortly before the period from which this data is drawn concluded.

Factors Restricting Performance Improvement

In FY 2021, library buildings were closed, thus limiting access to use of public computers.



Equal Employment Opportunity (EEO) Complaints



Factors Contributing to Current Performance

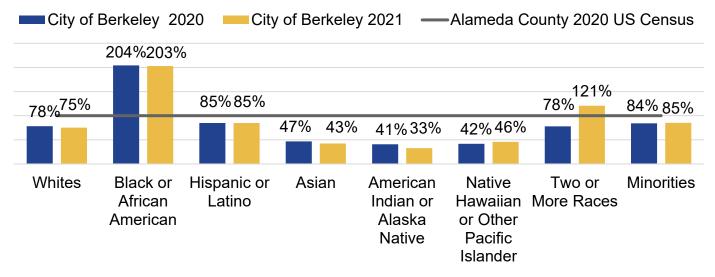
- Increased collaboration between EEO and Employee Relations through implementation of a new HR case management system, easier identifying potentially duplicative matters with overlapping allegations.
- Simplified intake process making it easier to resolve issues early on at the department level, particularly if allegations are not rising to the level necessitating a formal investigation.
- Better education of employees and managers/supervisors through EEO Division-led harassment prevention training results in fewer complaints received that are unable to meet jurisdictional threshold.

- Federal and state laws require employers are required to conduct an investigation and make a
 factual determination whenever they become aware of allegations of misconduct that, if true,
 would violate rules, expectations, or policies.
- The number of complaints received may be tied to workplace risk factors outside of the EEO Division's control (e.g. cultural and language differences, power disparities, discourse outside of work, etc.).
- Need to avoid risk of potential chilling effect on complaint process, duty to identify and eliminate obstacles that might inhibit employees from filing discrimination, harassment, or retaliation complaints.



Work Force Parity Comparison City of Berkeley 2020 & 2021 vs.

2020 US Census, Alameda County



Based on 2020 US Census for Alameda, CA, U.S. Census Bureau QuickFacts: Alameda County, California

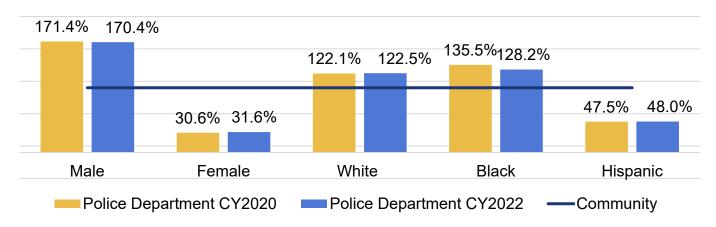
Factors Contributing to Current Performance

- Citywide commitment to advancing strategic plan goal of attracting and retaining a talented and diverse City government workforce.
- The racial/ethnic composition of the City and surrounding labor market is very diverse and has high levels of educational attainment.
- Transparency and accountability, workforce demographic trends are monitored by the EEO
 Division and Personnel Board and published online for the public, prospective job applicants,
 hiring managers, and City Departments.
- Department level commitment to cultivate and promote a highly qualified and diverse pool of internal job candidates when vacancies open.

- The civil service or merit system by design limits the ability to promote and hire government employees only to their ability to perform a job without consideration of a protected class status.
- Historical trends resulting in overrepresentation or underrepresentation in certain jobs or fields of work based on race, ethnicity, and/or gender stalling full integration of certain groups across occupations.
- Proposition 209 amended state constitution to prohibit governmental institutions from considering race, sex, or ethnicity, specifically in the area of public employment.



Police Department Demographics Compared to Community



Based on 2020 US Census for Alameda, CA, U.S. Census Bureau QuickFacts: Alameda County, California

Factors Contributing to Current Performance

Streamlined hiring/background practices allowed the Department to hire the best candidates.

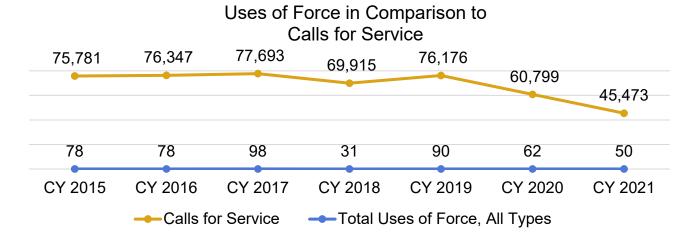
- Police departments overall are predominately made up of men and it is challenging to find women candidates interested in the profession.
- A reduction in the Department's authorized staffing numbers have affected hiring.
- The law enforcement profession has seen a significant decrease in applications.
- Other City staff saw a reduction in staff which had a direct impact on the Department's ability to hire.

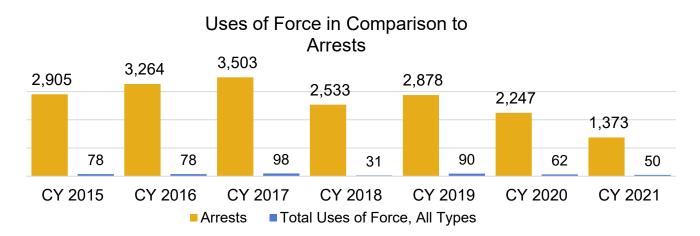


The Berkeley Police Department proudly accomplishes its work with minimal reliance on force through approaches such as de-escalation, awareness of mental health issues, and a culture valuing the dignity and sanctity of human life.

Recently, the Department adopted a higher bar for how it defines and records use of force. The older policy focused on more significant uses of forces involving complaint of pain, injury, or the use of a weapon. The new policy more accurately captures lower levels of force more frequently relied on when officers need to use force—such as grabs, control holds, and the use of leverage or body weight with no injury or complaint of pain. In a given incident, more than one technique may be used to bring a resistant individual into custody, and more than one officer may use force during the incident. As an example, if two officers grab a suspect that is pulling away from them, that would be counted as two uses of force.

OLD REPORTING STANDARDS



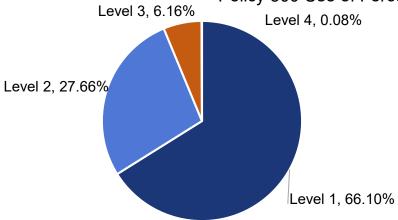


Performance Measures Appendix A-17



NEW REPORTING STANDARDS



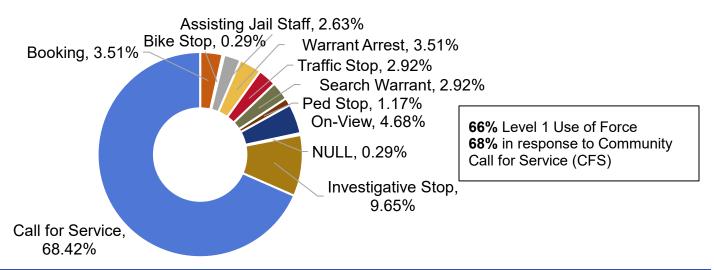


The levels range from 1, the lowest reporting level associated with momentary discomfort to 4, the highest level which is associated with deadly force. Learn more on page 13 of the Use of Force Policy at

https://berkeleyca.gov/sites/default/files/2022 -05/Use of Force.pdf

342 Total Use of Force Incidents1,186 Total Applications of Force6% resulted in no injury or complaint of pain66% Level 1; 94% Level 1 or Level 2

Reason for Officer Presence



Factors Contributing to Current Performance

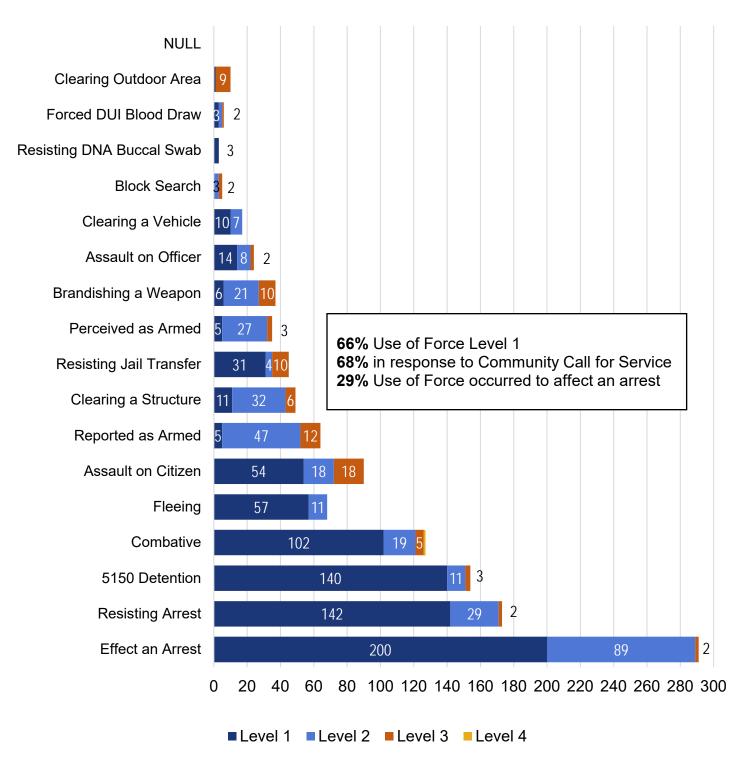
- Higher levels of training especially in the areas of de-escalation have a positive impact.
- Having a variety of available tools and less than lethal options results in safer outcomes for all involved.

- Officers are required to resolve situations and do not have control over a subject's actions. Police
 often do not have a choice about when they will be required to use force. If a subject requires
 police contact and the subject initiates a violent encounter, police may be required to use force to
 resolve the situation or effect an arrest.
- Lack of some additional less than lethal tools may limit the types of available responses.



NEW REPORTING STANDARDS

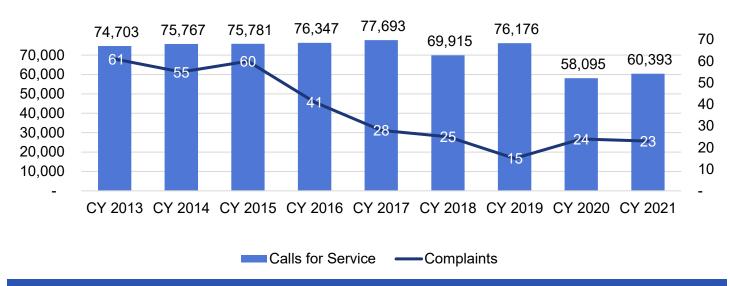
Reason Force Was Used



Performance Measures Appendix A-19



Complaints in Comparison to Calls for Service



Factors Contributing to Current Performance

- The Berkeley Police Department (BPD) considers meaningful and regular community engagement a vehicle to enhancing community trust. Engagement occurs daily, around the clock as officers interact with the citizens we serve. It also occurs through more organized events, ranging from far reaching public events to focused smaller group interactions. Thought and effort is given to reach many groups within the community including and especially those most in need of services or least familiar with the BPD.
- People who are unhappy with the interaction they had with BPD can file a complaint with BPD's
 Internal Affairs. These complaints are recognized as a reflection of the way individuals feel about
 their interaction or the service they received.

- Perception of "police" and "policing" is strongly influenced by media and culture. While any
 negative perceptions can be mitigated by good interactions, they are difficult to eradicate.
- An individualized complaint may be tied to factors beyond the Police Department's control or be a
 result of a very particular situation or set of facts, and thus may not directly connect to the
 experiences or level of trust of the greater community.

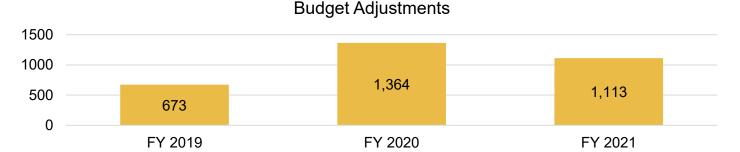


Budget Activities Overview

| | FY 14-15 | FY 16-17 | FY 18-19 | FY 20-21 | FY 22 |
|------------------------------------|----------|----------|----------|----------|-------|
| Balanced Budget | ✓ | ✓ | ✓ | ✓ | ✓ |
| Received GFOA Award | ✓ | ✓ | ✓ | ✓ | × |
| Issued Unfunded Liabilities Report | ✓ | ✓ | ✓ | ✓ | n/a* |

^{*}The unfunded liabilities report is issued every two years.

726 reports and 549 contracts reviewed for fiscal impact and consistency.



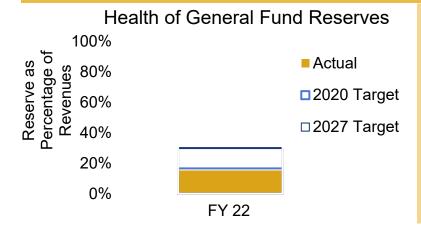
Factors Contributing to Current Performance

- Balanced Budget: Working with City departments, Budget and Finance Policy Committee, and Council to prepare a biennial budget where expenditures are equal to or less than anticipated revenues in all funds.
- GFOA Award: Having adequate time and staffing to produce the budget document that encompasses the various rigorous GFOA requirements needed to receive the GFOA Distinguished Budget Presentation Award.
- Unfunded Liability Report: This report is only prepared on a biennial basis.
- Budget Adjustments: Adequate staffing, system training/understanding citywide fiscal staff and time allotted to ensure budget adjustments are performed correctly and within appropriate spending authority.
- Contract and Report Review: Adequate staffing and time allotted to ensure that no adverse financial impacts would result from, and that sufficient funding is identified, in relation to any agenda report proposal and contract.

Factors Restricting Performance Improvement

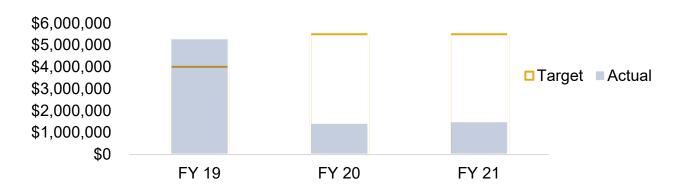
 For GFOA Award: Shortened timelines/staff availability due to competing priorities and staff vacancies led to not applying for the Awards Program.

FISCAL HEALTH



The majority of performance measures in this report are things the organization itself directly impacts and for which staff can answer "how much did we do, how well did we do it, is anyone better off". On this page are some fiscal measures that staff does not have a direct impact on, but are equally important and provide context.

Section 115 Trust Contributions



Factors Contributing to Current Performance

- The ongoing COVID-19 pandemic impacts on the economy and the City's revenues, as well as the additional services and funding needs triggered by the City's response to COVID-19, have drawn down on the General Fund and included use of reserves.
- The City was able to refinance some of its debt and the savings from that refinancing were used as the original seed money for the Section 115 Trust.
- The City found an innovative way to contribute to this Trust. The City Manager approved the prefunding of the City's Unfunded Liability piece of its premium. Prefunding allows the City to make a rate of return on the investment and then adds the savings to the Trust.

- The nature of the pandemic is ongoing and will require significant resources even during recovery. This limits the amount of available excess equity, inhibiting the City's ability to fully contribute to these items.
- Although the City has found innovative ways to contribute to its Section 115 Trust, it is still falling short of its targeted contribution level. The Section 115 will be a valuable resource in aiding the City to effectively maintain operations and services while confronting soaring pension costs.



City Portfolio Overview

| | FY 2020 | FY2021 |
|---|---------------|---------------|
| Total cash and investments | \$596,640,057 | \$660,517,110 |
| Rate of return, pooled | 1.87% | 0.97% |
| Rate of return, trust | 3.17% | 4.23% |
| Meeting safety, liquidity, & reasonable return requirements | ✓ | ✓ |

Factors Contributing to Current Performance

 These include macro-economic activity, interest rates, inflationary pressures and investment confidence.

Factors Restricting Performance Improvement

Cash and investments are subject to City Council restrictions and statutory limitations.

Financial Reporting

| | FY 2020 | FY 2021 |
|---|---------|---------|
| Meet statutory publication date for Annual Comprehensive Financial Report | × | ✓ |
| Receive no audit findings | ✓ | ✓ |

Factors Contributing to Current Performance

• For financial reporting (i.e., audits, annual comprehensive financial report) the implementation of a new financial system contribute to current performance.

Factors Restricting Performance Improvement

The lack of adequate resources can restrict performance improvement.



Purchasing Overview

| | FY 2020 | FY 2021 |
|-------------------------------------|---------------|---------------|
| Noncompliant, returned | 10% | 4% |
| Partially compliant, require review | 20% | 0% |
| Total purchase orders, count | 4,968 | 4,129 |
| Total purchase orders, amount | \$206,961,915 | \$155,828,129 |

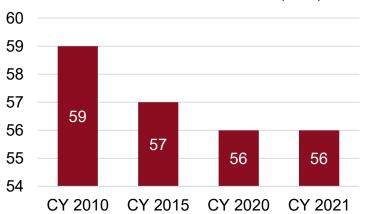
Factors Contributing to Current Performance

- The city implemented a new financial system in 2018 which streamlined procure-to-pay processes. The system provides purchasing staff with visibility of required documentation, and the ability to reject and return non-compliant requisitions, and to communicate efficiently with the departments submitting requisitions.
- Reporting capabilities in the new system are enhanced compared to the old system, and provide for easy access to the count, amount, and status of requisitions, purchase orders, and contracts.
- Staff provided internal training on requisitioning procedures.

- There are certain requisitions that require special handling.
- Staff turnover in requisitioning departments can affect performance improvement. For example, newer staff may not have experience or training on requisitions. The Finance Department's General Services Division provides training but it may lag behind the initial onboarding of new staff.



Pavement Condition Index (PCI)



Factors Contributing to Current Performance

Between FY 20-21, Public Works paved 18.6 miles. Public Works was able to increase the amount of annual paving due to funding from Measure T1 and leveraging existing funding by cost sharing with East Bay Municipal Utilities District (EBMUD) and Pacific Gas & Electric (PG&E) to pave segments of Ellsworth, Stuart, Blake, Parker, and Mathews.

Factors Restricting Performance Improvement

 Improving the Pavement Condition Index requires significant additional funding as identified in the recent Auditor's Report entitled Rocky Road: Berkeley Streets at Risk and Significantly Underfunded. Deferred maintenance continues to impact the current condition and increase the costs of future repairs.

Addressing Measures Not Meeting Target

Measure

Outcome and Analysis

PCI

The Paving Condition Index (PCI) is utilized throughout the nation to indicate the condition of the pavement of the streets. The current city-wide average Pavement Condition Index (PCI) is 56, ranging from 52.8 to 61.9 across council districts. The average PCI is down from 58 in 2019.

Next Steps

Improving the City's streets and roads continue to be a severely underfunded need. Public Works is investing \$26.3 million in repaving funds, including \$6.75 million in Measure T1 funds over the next two years. However, the lack of resources available to the Paving Program is resulting in a continual decline in the condition of the City's streets.

As part of the FY 2023-2024 budget process, the Public Works Department is asking that City Council secure an additional \$8 million per year just to maintain our street conditions and prevent further decline from their "at risk" state. Also, in June 2022, the Public Works Department will present Council information on options to bring forward an infrastructure-focused revenue measure on the November ballot.



Payment Requests

| | FY 2020 | FY 2021 |
|--|---------------|---------------|
| Noncompliant/requiring additional review | 20% | 5% |
| Total payments, count | 91,428 | 87,626 |
| Total payments, amount | \$407,577,485 | \$513,637,408 |

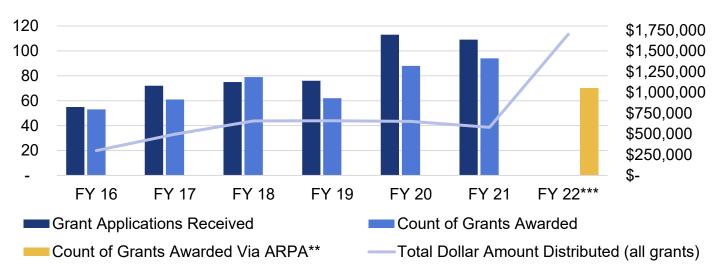
Factors Contributing to Current Performance

- The City implemented a new financial system in 2018 which streamlined procure-to-pay processes. The system provides accounts payable staff with visibility of required documentation, and the ability to reject and return non-compliant payment requests, and to communicate efficiently with the departments submitting payment requests.
- Reporting capabilities in the new system are enhanced compared to the old system, and provide for easy access to the count, amount, and status of payment requests.

- There are certain payment requests that require special handling.
- Staff turnover in requesting departments can affect performance improvement.

LOCAL ECONOMY

Arts and Culture Grants



^{**}City Council approved funds for Berkeley Arts Relief Grants with equity-centered criteria aligned with American Rescue Plan Act (ARPA) guidelines.

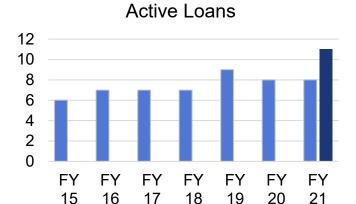
Factors Contributing to Current Performance

- Professionalized grant review program with transparent scoring, professional grant review panelists, and a streamlined application program.
- The program is moving towards a two-year grant cycle, which will allow applicants to plan budgets and design programs with more longevity and efficiency.

- COVID-19's impact on the arts and cultural sector will mean that demand will likely far outstrip supply of grant monies.
- Limitations of the current contracting and invoicing/payment systems can make processing grant payments cumbersome to staff, and not as timely to recipients.

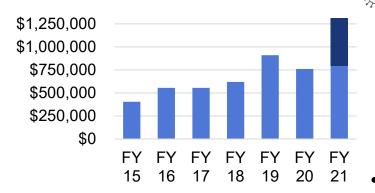
^{***}With the exception of Berkeley Arts Relief Grants (ARPA funded), the arts and culture grants cycle has moved to a two-year cadence, the next application window will open in the fall of 2022.

LOCAL ECONOMY



- Revolving Loan Fund Active Loans
- Resiliency Loan Program Active Loans

Total Dollars Loaned



- Total Resiliency Loan Program dollars loaned
- Total Revolving Loan Fund dollars loaned

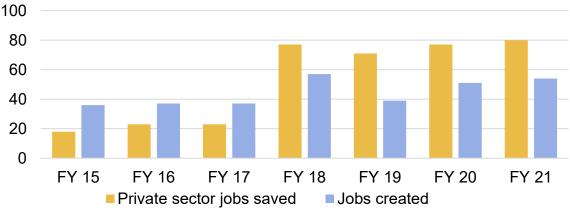
Factors Contributing to Current Performance

- Changes to the Revolving Loan Fund (RLF)
 Administrative plan allowed for larger loans to
 be offered, with corresponding impact to jobs
 retained and created.
- Active marketing of RLF loans and a professionalized underwriting system have increased program efficiencies.
- Transitioning to an online application intake process has made the program more attractive to many potential Berkeley RLF program applicants.

Factors Restricting Performance Improvement

- COVID-19's impact on the small business sector will mean that demand for financial support will likely far outstrip supply of loan monies. However, staff has been able to use leverage other funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to establish a second loan fund (Resiliency Loan Program [RLP]) and provide additional technical assistance to RLP program participants.
- Limitations of the current contracting, loan servicing and payment systems, can make processing loan payments cumbersome to staff, and loan disbursement not as timely to recipients.

Revolving Loan Fund and Jobs



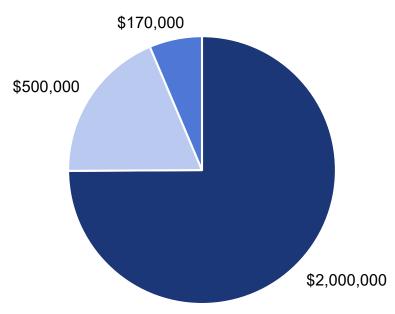
Performance Measures Appendix A-28



Pandemic Recovery Funds

- ✓ City Council awarded American Rescue Act (ARPA) Funds on June 30, 2021.
- ✓ Office of Economic Development disbursed \$500,000 to Visit Berkeley (Conventions and Visitors Bureau) to support the visitor and tourism sector.
- ✓ Office of Economic Development developed the grant program *Berkeley Arts Relief Grants* with equity-centered criteria, aligned with American Rescue Act guidelines. The effort involved creating an application, guidelines, working with the Civic Arts Commission, reviewing and scoring 75+ applications. 74 grant awards ranging from \$3,000 to \$33,000 with an average grant size of \$20,734 per organization were disbursed in February of 2022.
- ✓ With CARES Act funds, established an additional loan fund (the RLP), to provide direct assistance to Berkeley's businesses. This program was supported with additional ARPA funds dedicated to offering technical assistance to program participants to keep them thriving in Berkeley.

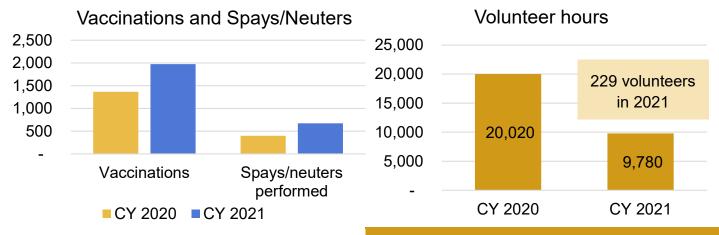
American Rescue Plan Act (ARPA) Funds

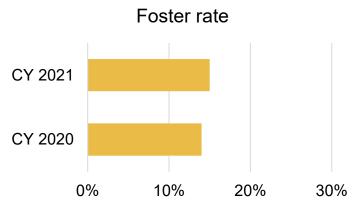


Arts & Culture Organizations
 Visitor and Tourism Sector
 Small Business Support



Animal Care Services





Factors Contributing to Current Performance

- Berkeley Animal Care Services (BACS) has made vaccines available to public animals that were brought in for sterilization, and made sterilization available to publicly owned animals. This has contributed to the increased vaccine and spay/neuter performance.
- BACS offers a robust volunteer program that allows volunteers maximum access to the shelter.

- Reduced volunteer access to shelter due to COVID shelter-in-place eliminated volunteer opportunities and thus reduced hours.
- Fostering is practical for a limited and predictable number of people, which tends to keep these numbers relatively stable.

| Addressing N | Measures Not Meeting Targe | et |
|--------------------|--|--|
| Measure | Outcome and Analysis | Next Steps |
| Volunteer
hours | The Animal Shelter was closed to volunteers for the first six months of 2021 due to COVID. | The Animal Shelter is now open and accessible to volunteers. |



Homeless Response Team

| Shelter uptake rate | 39% |
|---|---------------------|
| Average tonnage/pounds of debris removed | 27,453 pounds/month |
| Average storage notices provided | 6 notices/month |
| Average number of violation notices provided | 9 notices/month |
| Average number of encampment enclosures performed | 3 closures/month |



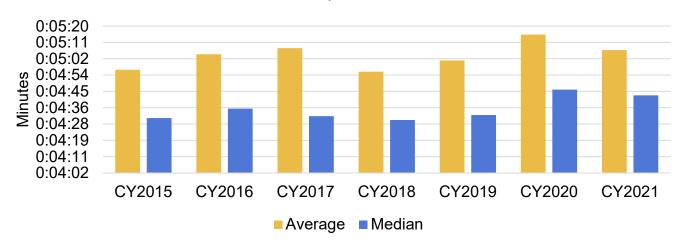
Factors Contributing to Current Performance

- The Council's creation of the Homeless Response Team with a FY 2022 budget allocation has enabled the creation of an inter-departmental team with staffing and equipment available on a regular/predictable schedule, which has accelerated the pace of the work.
- The creation in CY 2021 of the Horizon Transitional Village Program shelter (50 beds) and the Safe Parking And Respite Kickstart (SPARK) program (40 RV parking spaces) has enabled staff to bring people out of encampments and into safer places, which has allowed us to close 10 encampments and significantly reduce the footprint of RVs parked throughout the City.

- COVID has limited the number of available shelter beds, as some beds needed to be taken offline to allow for CDC physical distancing compliance. Spaces at SPARK and Horizon are now nearly full. Most of Berkeley's shelter beds are in congregate settings, and COVID has also affected the willingness of some unsheltered people to use congregate shelter.
- Federal case law prevents encampments from being closed unless everyone in the encampment is given a shelter offer. Because of the limited number of beds available due to COVID, there are very few shelter vacancies in the system at any given time, which limits performance.
- Regular data collection for storage notices and violation notices began in November, so these figures provide an incomplete picture of the work. Staff anticipates more robust data in CY 2022.



Call Response Time



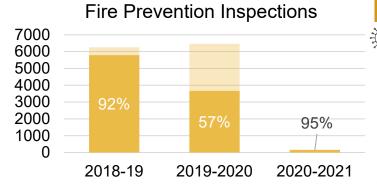
Note: Response time is the time interval from the first unit assigned to the first unit arrived. Note: The chart reflects a possible underreported response time. The department is currently undergoing an in-depth Standard of Coverage analysis and reassessing criteria for response time.

Factors Contributing to Current Performance

- Although the chart shows a slight improvement from Calendar Year (CY) 2020 to 2021, it
 possibly reflects an underreported response time due to data discrepancies.
- The Fire Department with the assistance of an outside contractor, Citygate Associates, LLC, is currently undergoing an in-depth Standards of Coverage (SOC) analysis of its response time to understand best practice, how it performs against that best practice and the contributing factors to any deficits. The SOC analysis will provide a more detailed analysis of data and uncover more concrete causal factors to help drive specific actions with the ultimate goal to help reduce emergency response time to the community.

- Inadequate staffing.
- Multiple response time metrics and standards lead to inconsistent performance expectations.
- The need to develop best practices, supported by consistent data, to identify a baseline response time
- The lack of modern fire/emergency medical service dispatching software.

RESILIENT



Number of scheduled inspections completed

Inspection Cycle

Total number of scheduled inspections

Note: The inspection year typically runs from August through June. In 2020-2021, only Statemandated inspections were completed.

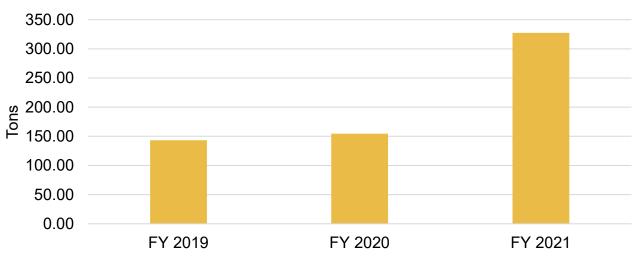
Factors Contributing to Current Performance

- pandemic led to the suspension of the program; thereby reducing inspections. The program suspension extended through the beginning of CY 2022, reducing the available inspection window from approximately nine months to five months. The outcome was a backlog in inspections.
- In CY 2021, ongoing staffing challenges within both the Operations and Fire Prevention Divisions allowed for only certain state-mandated annual 'maintenance' fire inspections to be performed. These inspections were typically high-risk occupancies with greater probability of life safety hazards or vulnerable occupant populations such as educational, institutional or high-rise facilities.

- Staffing challenges are the primary cause for restricting or impeding performance improvement.
 Berkeley is comprised of varied occupancies and properties, and most require
 inspections. Multiple residential occupancies of 3 or more units, commercial properties, homes in
 the hazardous fire areas, vacant lots, lots under construction and parking lots are subject to
 annual fire inspections. Adequate staffing consisting of Operations or Fire Prevention Division
 staff (or a combination of resources), who have access to efficient inspection software via mobile
 devices is the best way to meet the inspection goals of the Department. In response to the
 demands for annual inspections, the Department is in the process of hiring additional staff.
- Once additional staffing is secured and trained and efficient inspection hardware and software
 adjuncts can be assessed, it will be possible to assess the level of agreement between the
 inspection mandates imposed at local and State levels and the inspection staffing level currently
 proposed. Ultimately, if the resources available to perform inspections cannot be made to match
 the mandated workload, it may be necessary to reevaluate the inspection workload that is within
 local control and modify the scope and/or frequency of locally mandated inspections.
- Properties with difficult access, changes in property ownership or contact addresses being
 inconsistently updated from County and City records, and inconsistent communication with
 property owners make follow up on inspections difficult to ensure correction of violations.
- Fire Suppression companies are necessary to complete the majority of inspections throughout the City. Demands on their time (emergency calls for service, training, etc.) are ongoing factors that impede 100% completion of scheduled inspection.







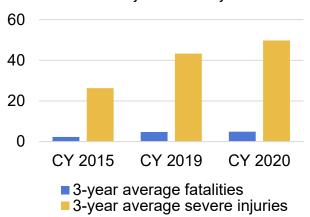
Fire fuel budget allocations from the General Fund over the last 4 years have enabled Parks staff
to remove fire fuel (hazardous trees and vegetation) and reduce fire risk in the hills in parks,
pathways and near private property.

Factors Restricting Performance Improvement

• Continued annual allocations are needed to mitigate fire risk to remove hazardous trees and ladder fuels (i.e., brush/vegetation), which require annual maintenance and clearing.



Three Year Average of Fatalities and Severe Injuries on City Streets



Factors Contributing to Current Performance

There has been an ongoing effort to improve traffic safety, which led to the March 2020 adoption of the Vision Zero Implementation Plan to eliminate severe injury and fatal traffic crashes by 2028. The annual Traffic Calming program was temporarily replaced with the Healthy Streets program in 2020 as a response to the COVID-19 pandemic. Healthy Streets employed barricades and signage to regulate motor traffic on some of the existing Berkeley Bicycle Boulevards in order to provide streets with very low motor traffic volumes so that people could walk, bike, and travel outdoors while having the street space needed for physical distancing.

Factors Restricting Performance Improvement

The Vision Zero Action Plan was adopted one week before the start of the COVID-19 Shelter in Place public health order, and as a result many of the proposed action items that required public meetings, committee formation, and collaboration had to be put on hold. The pandemic also caused motor traffic volumes to decrease dramatically in 2020. This significant reduction in traffic congestion resulted in greater and more frequent motor vehicle driver speeding*. Concurrently, there was a decrease in pedestrian and bicyclist activity on major streets, as many people shifted to working from home and receiving home deliveries of groceries and retail goods. This may have resulted in increased risk for people who were still walking and biking on these streets due to the relative lack of visibility in smaller numbers.

*https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-10/Traffic-Safety-During-COVID-19_Jan-June2021-102621-v3-tag.pdf

Addressing Measures Not Meeting Target

Measure

Outcome and Analysis

Next Steps

Three-year average of fatalities and severe injuries on City streets

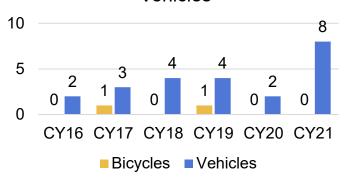
The three-year average of fatalities and severe injuries on the City's streets has continued to rise

The implementation of the 2020 Vision Zero Action Plan will continue to move forward through the initiation of Vision Zero Coordinating Committee meetings, completion of Vision Zero design guidance for "quickbuild" projects to increase timeliness of delivery of traffic safety projects, the development of a Vision Zero public communications campaign, and increased rapidity of crash data analysis. In addition, the delivery of Vision Zero capital projects will continue throughout the City, with projects currently in the design phase together valued at well over \$10 million.

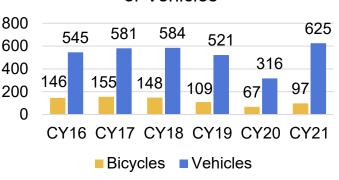
Performance Measures Appendix A-35



Deaths Relating to Bicycles or Vehicles



Accidents Relating to Bicycles or Vehicles



Factors Contributing to Current Performance

Since shelter in place restrictions have mostly lifted, travel has increased on roadways. Shelter in place (SIP) orders meant drivers weren't driving as frequently leading to less proficiency. Also, DMV postponed driver license renewals and tests throughout the SIP.

Post COVID driving behavior has led to drivers taking more risks behind the wheel.

Factors Restricting Performance Improvement

- COVID related absences, injuries and staffing shortages have reduced the number of available personnel to conduct traffic enforcement and community awareness operations.
- Decreased visibility on the roadways has emboldened dangerous driving behavior.

Addressing Measures Not Meeting Target

Deaths and Accidents Relating to Bicycles or Vehicles

Measure

Outcome and Analysis

With increased travel after a year or more of less time on the roads (e.g., with shelter in place), drivers and bicyclists may have lowered proficiency. Also, many have observed an increase in risky driving behaviors.

Next Steps

The Berkeley Police Department is addressing these safety issues with a multi-pronged approach:

- researching programs utilizing grant funding to support enforcement, policies, and practices that promote safe bicycling;
- applying for the Age Well, Drive Smart grant to provide an education program to help seniors tune up their driving skills, refresh their knowledge of the rules of the road, and discuss normal, age-related physical changes and how they affect driving ability; and
- using grant funding to support enforcement of unsafe driving behaviors and develop educational campaigns.

Performance Measures Appendix A-36



Records and Communications

| | CY 2020 | CY 2021 |
|--|---------|---------|
| City Council Legislative items | 962 | 966 |
| Contracts | 497 | 496 |
| Resolutions | 441 | 194 |
| Minutes | 195 | 154 |
| City Council Communications Packets | 145 | 154 |
| Ordinances | 65 | 47 |
| Contract extension letters | 47 | 103 |
| Certificates of liability insurance | 4 | 7 |
| Acceptance of work orders | 2 | 14 |
| Election results | 1 | 0 |
| Voter information pamphlet | 1 | 0 |
| Records indexed to the public portal, total | 2,360 | 2,570 |
| City Council Communications received by City Clerk | 4,685 | 4,086 |

Factors Contributing to Current Performance

- Use of Electronic Document Management System (OnBase) for records repository to enhance access to records.
- Staffing levels are adequate to meet the level of service required.

- Expansion of digital records program is dependent on staffing, funding, and technology capacity.
- Funding for the Paperless Contracts Project in FY 2023-2024 will be essential to increasing efficiencies and allowing staff to meet baseline responsibilities.
- Implementation of an electronic records management policy and certification of a Trusted Environment to store electronic records would improve efficiency and recordkeeping throughout the City, but have implementation costs and staffing needs required.
- The current process of compiling communications from the public is primarily a manual process that is time intensive, however, this process accommodates all types of communications, including handwritten and hard copy communications.



Meetings

| | CY 2020 | CY 2021 |
|--|---------|---------|
| City Council | 81 | 84 |
| Agenda and Rules | 25 | 27 |
| Budget and Finance | 19 | 23 |
| FITES.4 | 11 | 12 |
| Health, Life Enrichment, Equity, and Community | 10 | 3 |
| Public Safety | 7 | 6 |
| Land Use, Housing, and Economic Development | 6 | 15 |
| Independent Redistricting Commission | - | 24 |
| City Council and Policy Committee meetings administered, total | 159 | 170 |

Factors Contributing to Current Performance

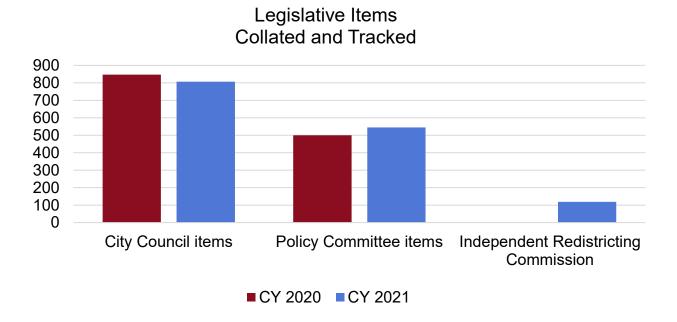
• Use of Zoom videoconference platform has allowed the City's legislative process to continue and provided for public engagement in meetings during the pandemic.

Factors Restricting Performance Improvement

 The City Clerk Department has also supported the Independent Redistricting Commission since the start of 2021. This additional responsibility has resulted in only meeting baseline tasks and not engaging in improvements or special projects.

⁴ Facilities, Infrastructure, Transportation, Environment, and Sustainability (FITES)

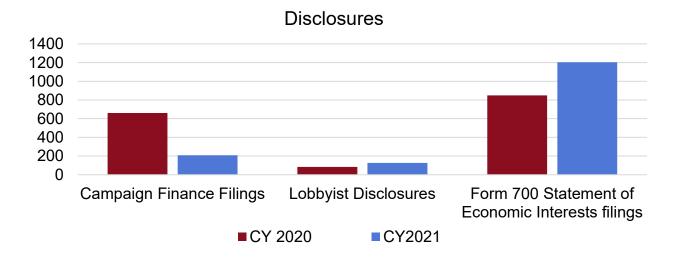




- The high quality and capacity of the staff managing the legislative bodies is a key factor in administering the high volume of items.
- The OnBase Agenda Manager software is essential to tracking, reviewing, and publishing the items for the legislative body agenda packets.

- A significant number of new items and revisions submitted late in the process require an
 inordinate amount of time to process as compared to complete items submitted in accordance
 with established deadlines.
- Multiple Supplementals and items that are repeatedly carried over from meeting to meeting are more time-consuming to process and result in a complex legislative record that can be difficult for the public to review and understand.
- The City Clerk Department has also supported the Independent Redistricting Commission since the start of 2021. This additional responsibility has resulted in only meeting baseline tasks and not engaging in improvements or special projects.





- The NetFile online filing system assists both filers and staff with the submission, processing, and public availability of the disclosure documents.
- The implementation of online Form 700 filing for city commissioners has reduced vehicle trips to the Civic Center, reduced late filings, reduced the amount of hard copy notices mailed from the City Clerk, improved accuracy of filed statements, and reduced terminations from commissions for non-filing.

- New programs in this area (Lobbyist, Public Financing) have hindered staff's ability to deliver the level of service and assistance to filers that was previously available.
- New amendments to the Berkeley Election Reform Act have expanded the Public Financing Program for City Candidates. This will likely result in increased turnaround time for payments of matching funds.
- The complexity of the Lobbyist Ordinance and the high registration fee (\$500) has caused some difficulty in staff's administration of the ordinance as well as compliance difficulties for filers.

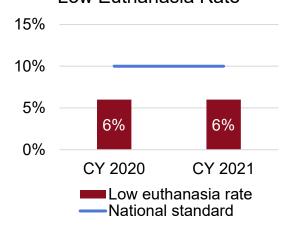


Animal Care Services

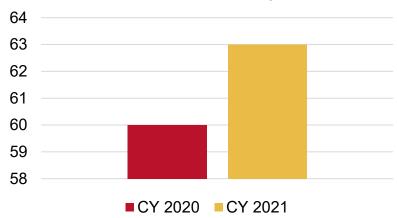


| Average days per shelter stay | 8 days |
|--|--------|
| Percentage of animals adopted | 22% |
| Percentage of animals going to nonprofit rescues | 35% |
| Percentage of animals returned to owners | 34% |

Low Euthanasia Rate



Non-Sterilization Surgeries



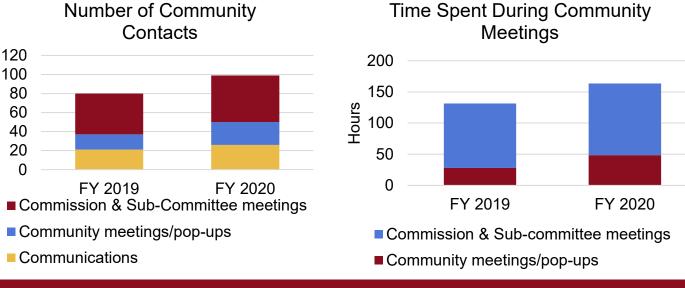
Factors Contributing to Current Performance

Berkeley Animal Care Services (BACS) has highly successful adoption and rescue rates. This
can be attributed to a number of factors, including an excellent working relationship with
nonprofit rescue organizations, accessible hours of operation to the public (limited during
COVID-19), and excellent customer service.

- Some animals are too sick injured or aggressive to place.
- Limited veterinary staffing has constrained the City's ability to perform surgeries and other procedures.



Parks, Recreation and Waterfront Community Contacts



Factors Contributing to Current Performance

Hosting community meetings on Zoom likely increased participation in public meetings. In the
recent Measure T1 Phase 2 community process, and the Vision 2050 community outreach,
staff were able to attend more neighborhood group meetings to take feedback and share
progress and updates. Additionally, advertising, use of in-house graphic design, and
publicizing meetings and events helped increase community contacts.

Factors Restricting Performance Improvement

Pandemic restrictions have limited staff's ability to hold in-person meetings and special events.
 However, as the health restrictions are lifted, staff anticipate a return to pre-COVID levels of events and in-person programs.



Neighborhood Services Code Enforcement Unit (CEU) Average Days to Resolve & Case Completion Rate



In CY 2021: 303 total cases 238 completed cases

Factors Contributing to Current Performance

- The safe return to the office (from shelter in place) has positively impacted performance, as staff has more opportunity to be in the field and address cases.
- Acquiring two Unit vehicles to replace one has allowed for simultaneous inspections that may occur on the same workday.

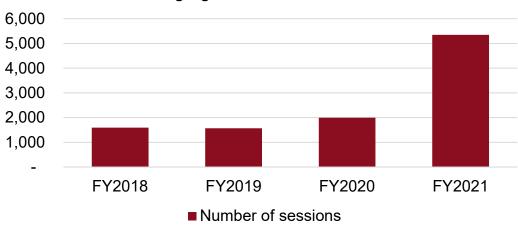
Factors Restricting Performance Improvement

- Lack of software tools to research contact information for non-responsive property owners
- Only way to collect fines from issued administrative citations is to place a lien on the property.
 This is cumbersome and is typically reserved for extreme/high-value balances. Hiring a third-party collection agency (commonly done in other jurisdictions) would fairly collect for all values of outstanding balances. Note: current outstanding balances for unpaid fines is at \$620,700.
- Current case management is cumbersome. A new, dedicated software system would help to automate the process of documentation, noticing, and reporting.
- Insufficient staffing relative to the workload, as identified in the City Auditor's 2018 report.

Addressing Measures Not Meeting Target Measure Outcome and Analysis **Next Steps** CEU responds to complaints as they are received, CEU will begin tracking additional Average and has no control over the complexity of cases that data to determine not just the days to resolve are received. Highly complex cases may come in at time from case creation to any time. These cases can take months or even completion but also from creation case years to resolve, the unpredictable receipt of even a to acquisition by an enforcement officer—a better method for few such cases may cause the metric to fluctuate considerably from year to year. measuring responsiveness.



Information and Assistance Sessions Provided by Aging Services Division



Factors Contributing to Current Performance

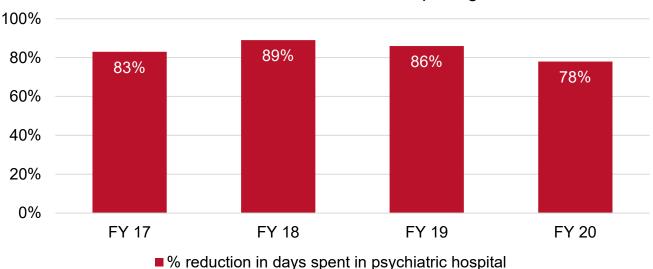
Increase in Information & Assistance sessions due to pandemic-related demand. Since senior centers were closed for most of FY21, Aging Services staff pivoted to provide assistance to seniors and connection to resources virtually. Staff also proactively conducted wellness calls and provided information to seniors during those calls.

Factors Restricting Performance Improvement

Due to the shelter-in-place order, face-to-face information and assistance sessions are not being conducted, but are being provided virtually by phone.



Reduction of Days Spent in Psychiatric Hospital Among Clients in Full Service Partnership Program



- The Full Service Partnership (FSP) program utilizes the Assertive Community Treatment model, an evidence-based practice, which has been shown to support the population it serves.
- The FSP program provides the vast majority of services in the field, allowing for engagement of clients who previously have been unengaged.
- The FSP program utilizes motivational interviewing and harm reduction strategies, allowing the team to support clients who have not done well with mental health care in the past.
- The FSP program quickly responds to crisis events, finding solutions to issues that led to hospitalization in the past.

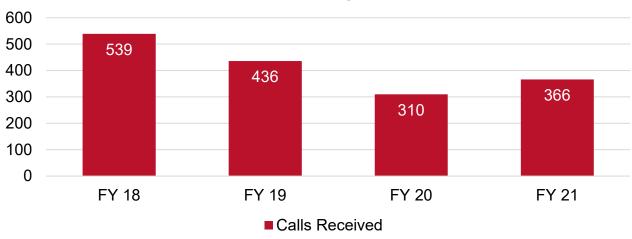
Factors Restricting Performance Improvement

Factors Contributing to Current Performance

- There are sometimes shortages in sub-acute treatment placements, reducing the ability to avoid hospitalization.
- There are not enough housing options available, leading to increased stress on clients.



Vector Service Requests Received by Environmental Health Vector Program



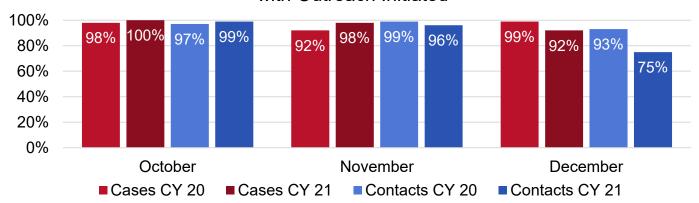
Factors Contributing to Current Performance

 The Environmental Health Division (EHD) staff address community complaints regarding vectors such as rats, bedbugs, and yellow jackets effectively reducing overall vector calls to EHD.
 Many communities are experiencing increasing vector calls due to pandemic-related changes in consumption and live/work patterns.

- Reduced staffing among field staff and support staff in EHD caused some community vector calls to be transferred to the county in FY 2020.
- The Alameda County Agriculture Department restricted the use of a common pesticide used to control the yellow jacket population which impacted the ability to respond to community complaints. The hold was lifted in FY 2020.



COVID Cases and Contacts with Outreach Initiated



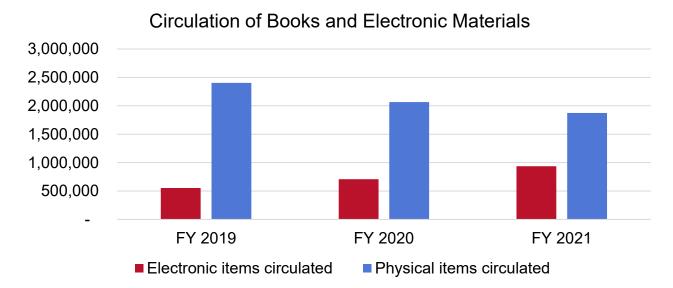
Note: For data purposes, the months are calculated from the 25th of the preceding month through the 24th of the month. For example, October is September 25 through October 24.

Factors Contributing to Current Performance

- The City of Berkeley worked to maintain staffing of case investigators and contact tracers (CICT) due to the reduction of the redirected staff from California Department of Public Health (CDPH) and continued increase of cases. We have been able to hire additional staff but have not filled all vacancies and continue our partnership with UC Berkeley.
- The City of Berkeley provides support, to CICT staff at UC Berkeley and CDPH to ensure effective contact tracing and case investigation.
- Bilingual and bi-cultural CICT staff members were recruited and hired to serve all members of the Berkeley community.

- Cases do not always provide correct contact information or are unwilling to provide any contact information of those they have come in contact with making it difficult to initiate outreach.
- In December, the City of Berkeley began experiencing a tremendous surge of cases on top of an already high baseline of cases due to a holiday surge and the steep rise in cases due to the Omicron variant. This required shifting in outreach of cases to target high risk populations and settings while providing some outreach to all cases and contacts. This approach has reduced the amount of cases and contacts where outreach was initiated.
- Over the holidays, cases and contacts were less responsive to CICT staff outreach, also impacting ability and effectiveness of staff outreach.





- During part of the period measured, Outdoor Pickup service was the primary way that people checked out Library materials. Electronic materials circulation continued. Because people were not entering Library buildings, there was a decrease in circulation overall due to the fact that people were only checking out materials on hold versus browsing.
- Demand for electronic materials continues to increase, mirroring a national trend. This demand was heightened during the closure as some additional users opted for electronic books.

Factors Restricting Performance Improvement

Libraries are now open to the public, but during the period from which this data was collected, they were not. For this reason, a lower percentage of materials was circulated. The numbers will adjust to standard levels when browsing and other aspects of access are once again available.

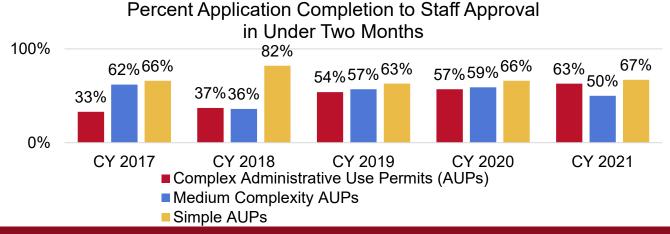




- The 2021 Survey received more responses than the 2019 edition, largely from efforts to make sure all clients were aware of the survey.
- Staff believe this cross-section of respondents is more representative than in 2019, including more building professionals who comprise the majority of Permit Service Center clients.
- This survey captured clients who experienced all of the new remote submittal services Planning introduced to remain fully open during the pandemic.

- While remote applications are fully available to building permit clients, that is not yet true for Land Use permit clients, both of whom were surveyed.
- Evidence suggests that building professionals view Berkeley services positively in comparison to services in other jurisdictions. However, this warrants more direct questions in future surveys.
- Zoning and Building are regulatory functions, which inherently means that customers will sometimes be told they are not allowed to pursue the project they envisioned. There will always be a portion of negative responses which reflect Zoning and Building performing their proper functions.

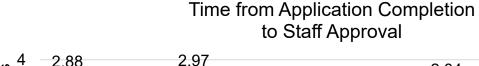


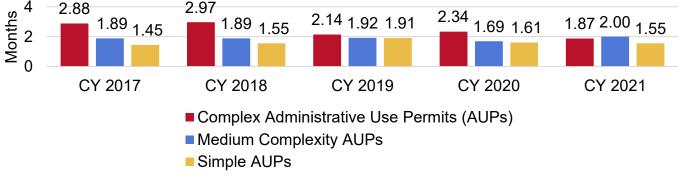


- New Accessory Dwelling Unit (ADU) regulations and guidelines allow more types of projects without discretionary review.
- There are improved application forms and how-to guides for common development project types.
- There were revisions to the Zoning Ordinance, including amendments to streamline processes for small businesses.

Factors Restricting Performance Improvement

- Review and approval of digital permitting documents by staff through remote access exclusively can be cumbersome and subject to technical limitations.
- There has been a surge in accessory dwelling unit (ADU) and other home improvement/expansion applications.
- Multiple and ongoing revisions to ADU ordinance have confused some clients as they prepare submittals.
- Substantial staff turnover has challenged the Land Use Division at all levels, as new planners are hired and trained and others take on new roles.

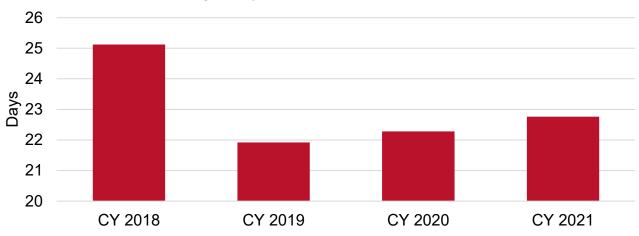




Performance Measures Appendix A-50







- Increased efficiency through improved electronic plan check tools and hardware; Plan Check meets due dates over 90% of time.
- Elimination of previous plan check queue backlog has improved employee morale and reduced inquiries regarding plan check status.
- Establishment of Plan Check performance dashboard and daily plan check queue review to identify and correct processing issues.
- Better education of applicants through how-to guides and submittal checklists result in higher quality submittals which require fewer plan check corrections

- Metric has limited utility for public, as it aggregates all project types from bathroom remodels to 16-story hotels.
- Metric has limited utility for staff, as different types of reviews are not segregated by reviewing agency.
- Large parts of the time a client experiences—preparation before initial submittal, and the speed and completeness of responses to City comments—are not within City control and thus are not reflected in data.

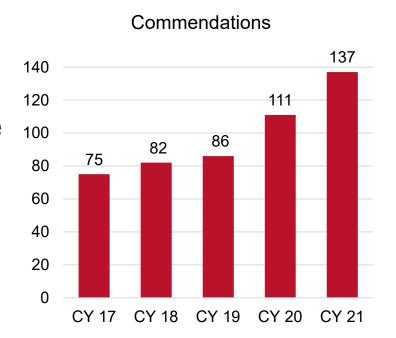


Diligent Exceptional Understanding Dedication Kind Reassuring Calm Collaborative Care Professional

Excellence Empathy

Compassion
Patient Respectful

Outstanding

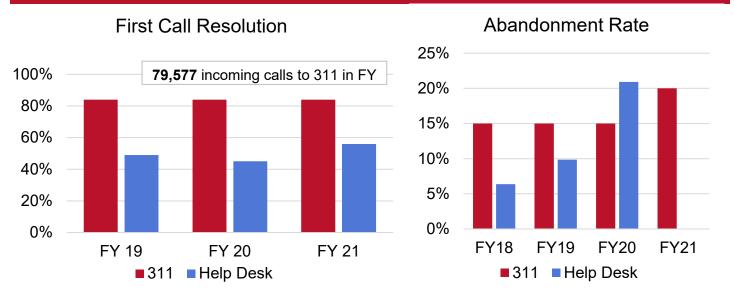


Factors Contributing to Current Performance

- The Berkeley Police Department (BPD) prides itself on the service provided to the community through law enforcement activities as well as routine community interaction and engagement. Officers are occasionally stopped on the street and thanked for their service, or receive positive feedback at the end of a call for service. Sometimes the level of service or engagement efforts of the officers prompt people to independently contact BPD to share their praise. These commendations are shared with the Police Accountability Board and within the Department where they become part of the involved officer's personnel file.
- The Berkeley Police Department now provides information to community members on how they
 can provide a commendation or file a complaint about the service they received from BPD. This
 was a new practice that began in 2021. This may have contributed to an increase in
 commendations.

- While commendations often speak directly to high levels of trust and happiness with police service, it is challenging to use the number of commendations to speak to overall levels of community trust and satisfaction.
- Many positive interactions and good performances may not be recognized by a member of the public taking the time to write about the experience.





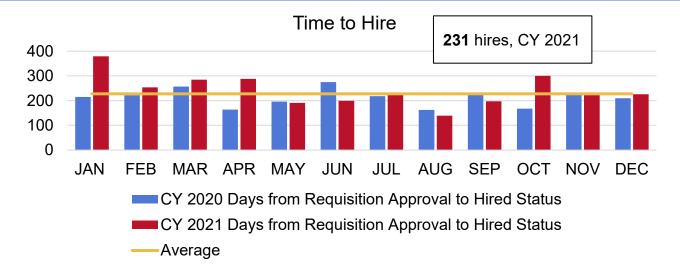
Note: In FY21, due to a midyear phone system upgrade, only have partial data for Help Desk.

Factors Contributing to Current Performance

Phone abandon rates have increased during COVID due to reduced staffing in the office. Incoming calls average 1,500 calls a week. The other methods for contacting 311 for services are processed by staff working at home. The Community contacts using Web, email or voicemail have increased by 29% and majority of requests are responded to on the same day.

- During COVID19 311 has implemented rotating schedules. Staff working in the office receive approximately 1500 calls a week with a staff of 5 resulting in an increased abandon rate. Staff working at home, are managing side work office duties. (311 On-line Service Center Service requests, Customer Service email, 311 voice mail, SeeClickFix mobile cases and responding to Direct Line answering service calls for service). If team members are out of the office, 311 is unable to maintain same day responses.
- Due to recent changes in technology infrastructure, pandemic response priorities and an 18% vacancy rate for IT classifications, the IT Department is working to improve performance and add the capability to provide more accurate performance measurements. IT anticipates resolving these issues in FY 2023.

WORKFORCE



Factors Contributing to Current Performance

The Examinations Division operated with reduced staff due to employee turnover, but incorporated strategies and operational changes that involved using recruitment software and web conferencing platforms to improve hiring functions such as automated screening, on line interviewing, web-based exams, and notification functions.

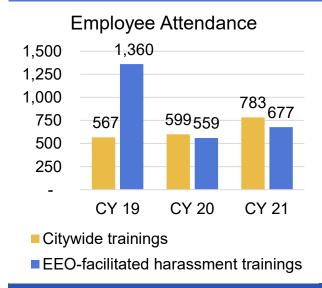
Factors Restricting Performance Improvement

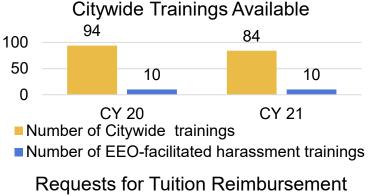


Despite a Citywide COVID-19-related hiring freeze for positions not critical for continuity of essential functions, Examinations received a higher than anticipated number of hiring freeze exceptions from Departments. There are elements of hiring outside the control of the Human Resources Department that may result in delays such as requisition approval, candidate selection, Live Scan, pre-employment medical screening, and offer acceptance.

| Addressing | weasures not weeting Target | |
|--------------|---|--|
| Measure | Outcome and Analysis | Next Steps |
| Time to hire | Operating with reduced staff due to employee turnover and competing priorities such as memorandum of understanding (MOU) negotiations, the time to hire did not decrease as targeted. | By employing a variety of strategies and technologies, staff was able to limit the overall impacts, even successfully (during certain months) succeeding in meeting time-to-hire targets. Moving forward, the Department is addressing the turnover rate and identifying additional strategies and helpful technologies to continue to improve time-to-hire. |

WORKFORCE





10 8 4

CY 21

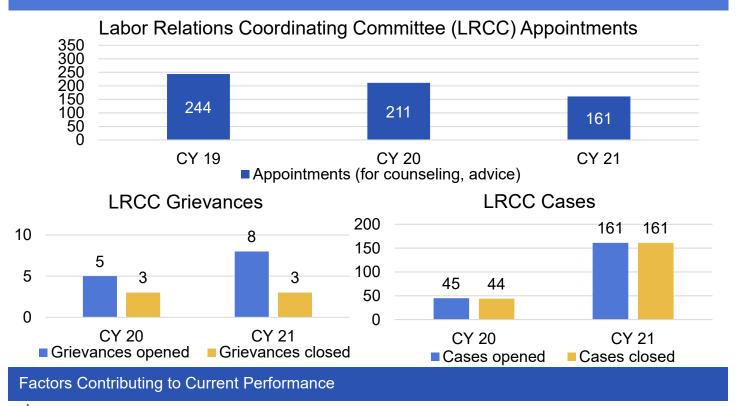
CY 20

Factors Contributing to Current Performance

- EEO Trainings: Due to COVID-19 shelter-in-place and remote work the use of web conferencing for training to timely comply with SB 1343 which requires in-person Harassment Prevention training for all employees.
- Citywide Trainings: The City is anchored by 3 core values; One City Team, Continuous Learning and Customer Service. Trainings are coordinated in alignment with these values. In 2020, in response to the COVID-19 crisis, a suite of uniquely designed trainings were calibrated to meet city need.
- Requests for Tuition Reimbursement: The City has three Tuition Reimbursement programs.
 Local 1 was added in FY 2022. The SEIU Tuition Reimbursement program is limited to certain staff classifications only. The Standard Citywide Tuition Reimbursement program is open to all City staff.

- EEO Trainings: Competing interests and workload demands impacted participants' ability to complete mandatory harassment training. Some of these demands included the impact of the pandemic and the greater use of telework.
- Citywide Trainings: Workforce location, scheduling, and technology challenges have traditionally constrained capacity and equitable consumption of Citywide training. Plans are in place to build structures to increase access for all valuable city staff. Some demands included the impact of the epidemic and the greater use of telework.
- Request for Tuition Reimbursement: Because of limited utility, applications for this program have historically been low, as staff are compelled to utilize an "in person" modality (not reflective of current conditions) and classes are limited to specific and delineated subjects only. All tuition reimbursement applications in 2021 have been lower than expected due to the impact of COVID.





The reduced number of appointments is on target. The reduction is due to the impact of the pandemic shifting focus at the department level to emergency operations from performance management.

- The reasons supervisors/managers schedule appointments are outside the control of the Employee Relations division. Supervisor/managers may schedule multiple appointments related to the same or similar personnel matters, and may need to schedule more than one appointment on the same matter in order to receive advice to ensure due process.
- The reasons why grievances are filed are often outside the control of the Employee relations division. Employee Relations may not be notified of a grievance until later in the grievance handling process. Additionally, organizational priorities shifted to customer focused emergency operations and early detection of MOU compliance.

| Addressing | Measures Not Meeting Target | |
|------------------------------|---|---|
| Measure | Outcome and Analysis | Next Steps |
| Reduction in LRCC Grievances | The five open grievances are analogous incorrect pay issues from one bargaining unit. | This issue is being resolved going forward. |

APPENDIX 2 – FUNDING REQUESTS

| | | | | | | 9 | | | |
|--|--------------------|--|----------------------|------------------|------------------|------------------------------|------------------------------|---|-----------------------------|
| | Budget
Referral | Expenditure Type/Description | Requesting
Amount | FY 23
Request | FY 24
Request | FY 23
Proposed
Funding | FY 24
Proposed
Funding | Reason for Request | Proposed
Funding
Tier |
| Reimaging Public Safety | | | | | | runung | runung | | riei |
| Fier 1 | | | | | | | | | |
| City Manager's Office | | Reimagining Project Lead-Assist. to City
Manager | 628,930 | 314,465 | 314,465 | 314,465 | 314,465 | 5 Oversee implementation/ Project Based NTE 3 yrs | 1 |
| City Manager's Office | | Diversity Equity and Inclusion (DEI) Officer | 628,930 | 314,465 | 314,465 | 314,465 | 314,465 | 5 Creation of DEI Unit Citywide | 1 |
| City Manager's Office | | Administrative Assistant | 330,148 | 165,074 | 165,074 | 165,074 | 165,074 | 4 DEI Unit Support | 1 |
| Police | | 8 Public Safety Dispatcher II | 2,764,864 | 1,382,432 | 1,382,432 | 1,382,432 | | 2 Address overtime and support expanding dispatch responsibilities | 1 |
| Police | | 1 Public Safety Dispatch Supervisor | 375,972 | 187,986 | 187,986 | 187,986 | | 6 Ensure adequate supervisory positions for expanding dispatch | 1 |
| Police | | 10 Community Service Officers | 2,803,500 | 1,401,750 | 1,401,750 | 841,050 | 841,050 | Additional capabilities to address public safety goals with appropriate response level, increase capacity for community engagement. Propose funding for 6 additional positions for a limited 3 year term | 1 |
| Police | | 1 Community Service Officer Supervisor | 314,168 | 157,084 | 157,084 | 157,084 | 157,084 | 4 Ensure required supervision for CSO positions. Limited 3 year term | 1 |
| Public Works | | Associate Planner (Vision Zero) | 347,812 | 173,906 | 173,906 | 173,906 | 173,906 | Reimagining Public Safety: Assoc. Planner position in Transportation in support of Vision Zero safety projects. Limited 3 year term | 1 |
| City Manager's Office | Х | Grant Assistance | 200,000 | 100,000 | 100,000 | 100,000 | 100,000 | Grant writer for Reimagining Public Safety and other programs. Project Based NTE 3 years | 1 |
| Police | | Staffing Assessment | 70,000 | 70,000 | - | 70,000 | - | Staffing assessment to meet public safety expectations and employee health and wellness | 1 |
| Police | | Additional Training Funding | 200,000 | 100,000 | 100,000 | 100,000 | 100,000 | Ongoing training in support of Fair and Impartial Policing concepts, officer safety, professional development | 1 |
| Police | | Additional Wellness Funding | 100,000 | 50,000 | 50,000 | 50,000 | | To support Critical Incident Stress Contract, Peer Support Team, and emerging wellness needs | 1 |
| Police | | Dispatch Center Analysis | 200,000 | 200,000 | , | 200,000 | - | Analyze the current dispatch center including recommendations for a prioritized emergency fire & medical dispatch system | 1 |
| Public Works | | BerkDOT Development | 300,000 | 300,000 | | 300,000 | - | BerkDOT implementation, including funding research in support of new "white paper" and potential state legislation | 1 |
| Mayor Arreguín, Councilmembers
Harrison, Bartlett, Hahn | х | Expand Downtown Streets Teams | 100,000 | 50,000 | 50,000 | 50,000 | 50,000 | Expand Team as placement for low-level violations (e.g., vehicular camping/parking and sidewalk ordinance infractions). Recommend Measure P funds | 1 |
| Mayor Arreguín, Councilmembers
Harrison, Bartlett, Hahn | х | Language Equity | 15,000 | 15,000 | | 15,000 | | Publish Victim Resources in Plain Language and Multiple Languages | 1 |
| Mayor Arreguín,Councilmembers
Harrison, Bartlett, Hahn. Budget
referral Councilmember Harrison | Х | Behavioral Health, Crisis Response, and
Crisis-related Services Needs and Capacity
Assessments | 100,000 | 100,000 | | 100,000 | - | Conduct a service needs assessment based on 911 and non-911 calls for service, dispatch, and response and capacity assessment of crisis response and crisis-related services. Possible use of Measure P. | 1 |
| Mayor Arreguín,Councilmembers
Harrison, Bartlett, Hahn. Budget
referral Councilmember Harrison | Х | Youth Peers Mental Health Response | 700,000 | 350,000 | 350,000 | 350,000 | 350,000 | Funds a HHCS coordinator position to deliver mental health wellness support and services to the Cityrun Berkeley High School Mental Health Center | 1 |
| Subtotal Tier 1 Funding Tier 2 | | | 10,179,324 | 5,432,162 | 4,747,162 | 4,871,462 | 4,186,462 | | |
| Police | | 5 Parking Enforcement Officers | 1,283,950 | 641,975 | 641,975 | | | Address parking/traffic matters that do not necessitating a sworn response. Expanded Preferential Parking Program | 2 |
| Police | | 1 Parking Enforcement Supervisor | 300,700 | 150,350 | 150,350 | | | Required supervision for added Parking Enforcement Officers | 2 |
| Public Works | | Transportation fines/ fees analysis | 150,000 | 150,000 | - | | | Review Berkeley Municipal Code for proposed changes to increase equity and racial justice in the City's existing transportation fines and fees | 2 |
| Mayor Arreguín, Councilmembers
Harrison, Bartlett, Hahn | x | Hearing Officer-Alternatives to Sanctions/Fines | 300,000 | 150,000 | 150,000 | | | Expand existing hearing officer to provide alternative referrals to community service and social services for parking and other infractions | 2 |
| Mayor Arreguín, Councilmembers Harrison, Bartlett, Hahn | x | Department of Community Safety | 250,000 | 250,000 | - | | | Support an organizational design process to create an umbrella agency or Department of Community Safety | 2 |
| Mayor Arreguín, Councilmembers Harrison, Bartlett, Hahn | x | Violence Prevention and Youth Services | 420,000 | 210,000 | 210,000 | | | Opportunities for community reinvestment per Council's omnibus proposal. Possible use of Measure P. | 2 |
| Mayor Arreguín, Councilmembers
Harrison, Bartlett, Hahn | х | Respite from Gender Violence | 500,000 | 500,000 | - | | | Provide services and housing leads for victims of Gender Violence. Possible use of Measure P | 2 |
| Subtotal Tier 2 Funding | | | 3,204,650 | 2,052,325 | 1,152,325 | | - | | |
| Subtotal Reimagining Public Safet | tv | | 13,383,974 | 7,484,487 | 5,899,487 | 4,871,462 | 4,186,462 | | |
| Sastotal Reinlaghing Fublic Salet | · y | | 13,303,374 | 7,404,407 | 3,033,407 | 4,071,402 | 4,100,402 | | |

| Requestor | Budget | Expenditure Type/Description | Requesting | FY 23 | FY 24 | FY 23 | FY 24 | Reason for Request | Proposed |
|---|----------|--|-------------|-----------|-----------|---------------------|---------------------|---|-----------------|
| | Referral | | Amount | Request | Request | Proposed
Funding | Proposed
Funding | | Funding
Tier |
| Staffing Augmentation | | | | | | rananig | rananig | | 1101 |
| Tier 1 | | | | | | | | | |
| City Attorney | | Deputy City Attorney II/III | 600,000 | 300,000 | 300,000 | 300,000 | 300,000 | Additional support with Risk Management and Litigation portfolio. | 1 |
| City Attorney | | Assistant to the City Attorney | 500,000 | 250,000 | 250,000 | 250,000 | | Additional support (New Classification- estimated cost) | 1 |
| City Auditor | | Accounting Office Specialist III MC | 72,536 | 36,268 | 36,268 | - | - | Increase position from 0.50 FTE to 0.75 FTE due to workload. Included in baseline budget . | 1 |
| City Auditor | | Accounting Office Specialist III MC | 40,000 | 20,000 | 20,000 | - | - | Overtime in Payroll Audit for ESS and Executime implementation and Payroll Audit. Included in baseline budget. | 1 |
| City Auditor | | Overtime | 10,000 | 5,000 | 5,000 | _ | _ | Overtime in Payroll Audit for staff to help with personnel action audits Included in baseline budget. | 1 |
| City Auditor | | Auditor II | 370,394 | 185,197 | 185,197 | _ | _ | 2 year temporary position to work on ERMA implementation. Included in baseline budget. | 1 |
| City Manager's Office | | Communications Specialist | 208,776 | - | 208,776 | _ | 208.776 | FY23 covered by state COVID-19 grant (HHCS) | 1 |
| City Manager's Office | | Administrative Assistant | 330,148 | 165,074 | 165,074 | 165,074 | | Continuation of position. Funding ends 6/30 | 1 |
| Finance | | Revenue Development Specialist I | 100,000 | 50,000 | 50,000 | 50,000 | | Convert 2 Field Rep positions to RDS I for operational enhancement | 1 |
| Finance | | Accounting Office Specialist Supervisor | 344,340 | 172,170 | 172,170 | 172,170 | | Enhance business license processing | 1 |
| Finance | | Accounting Office Specialist II | 493,900 | 246,950 | 246,950 | 246,950 | | Enhance business license processing Enhance business license processing | 1 |
| Fire | | Accounting Office Specialist II | | 144,034 | 144,034 | 144,034 | | , e | 1 |
| | | • | 288,068 | | | | | To assist with payroll processing | 1 |
| Health, Housing & Community Se | ervices | Community Development Project Coordinator | 368,996 | 184,498 | 184,498 | 184,498 | 164,496 | Support BART sites housing development/Project based NTE 3 yrs | I |
| HHCS | | Community Services Specialist II | 414,877 | 207,439 | 207,439 | - | - | Manage encampment grant, Project RoomKey/Project based NTE 3 yrs. Included in Measure P baseline budget | 1 |
| Office of Director of Police
Accountability (ODPA) | | Associate Management Analyst | 383,512 | 191,756 | 191,756 | 191,756 | 191,756 | Meet work demands of department | 1 |
| Planning | | 25% Principal Planner – Projects | 120,702 | 60,351 | 60,351 | 60,351 | 60 351 | Support Commission, Design Review Committee, CEQA review, interdepartmental coordination on City initiatives | 1 |
| Planning | | 75% Associate Planner (75% GF) | 277,266 | 138,633 | 138,633 | 138,633 | | Long Range & Policy work including General Plan Update: Safety Element, Land Use Element, & Env. Justice Element | 1 |
| Planning | | AOS Supervisor | 152,290 | 76,145 | 76,145 | 76,145 | 76,145 | 5 Allows Planning Manager more time for planning policy and development; oversee the daily duties of the administrative support team. | 1 |
| Delice | | 2 Assistant Management Anglysta | 664 400 | 220 504 | 220 504 | 220 504 | 220 504 | •• | 4 |
| Police | | 2 Assistant Management Analysts | 661,188 | 330,594 | 330,594 | 330,594 | | To address City Auditor report, workload, increased transparency. | 1 |
| Police | | 4 School Crossing Guards | 154,312 | 77,156 | 77,156 | 77,156 | 77,150 | Previously approved by City Council for FY22 (AAO#1 adustment 12/21). On-going funding to support 4 part-time School Crossing Guards as developed with Public Works and Community Support for student safety. | 1 |
| Parks, Recreation & Waterfront | | Assistant Recreation Coordinator | 60,110 | 30,055 | 30,055 | 30,055 | 30,055 | To cover 25% of a new Assistant Rec Coord for special fee classes; the remaining 75% FTE is funded by vacancy and existing baseline budget. | 1 |
| Public Works | Х | Transportation: Mobility Coordinator | 380,000 | 190,000 | 190,000 | 190,000 | 190.000 | Implement 2030 Electric Mobility Roadmap. Council referral 3/20/21. Energy Commission referral 4/26/22 | 1 |
| Public Works | х | Streets & Utilities: Community Services Specialist I | 166,608 | 83,304 | 83,304 | 83,304 | | To support public engagement and volunteer efforts with Public Works Projects and Services. Cost share (General Fund @50%) with other funds | 1 |
| Councilmember Taplin | х | Ceasefire Program Staffing | 2,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1.000.000 | Implementation of Ceasefire program | 1 |
| Subtotal Tier 1 Funding | | - 3 | 8,498,023 | 4,144,624 | 4,353,400 | 3,690,720 | 3,899,496 | | |
| Tier 2 | | | , , , , , , | 7 7 | ,,,,,, | 3,000, | 3,000, | | |
| City Manager's Office | | Communications Specialist | 417,552 | 208,776 | 208,776 | | | Backup PIO coverage for emergencies | 2 |
| City Manager's Office | | Code Enforcement Officer I | 312,200 | 156,100 | 156,100 | | | Reduce response time to complaints | 2 |
| Office of Economic Development | | Sr Economic Development Project
Coordinator | 549,328 | 274,664 | 274,664 | | | Work on special projects and Council identified priorities | 2 |
| ODPA | | Police Accountability Investigator | 385,360 | 192,680 | 192,680 | | | Meet work demands of department | 2 |
| Parks, Recreation & Waterfront | | CIP staffing: 40% Associate Civil Engineer | 169,308 | 84,654 | 84,654 | | | To offset existing staff costs to implement CIP funded projects | 2 |
| Parks, Recreation & Waterfront | | CIP staffing: 60% Associate Civil Engineer | 288,493 | 144,247 | 144,247 | | | To offset staff costs to implement proposed CIP Waterfront projects | 2 |
| Public Works | | Engineering: AOSIII | 26,778 | 13,389 | 13,389 | | | Support Real Property, lease tracking and agreements, payment collection | 2 |
| Public Works | | Transportation: OSII - Parking Citation | 220,000 | 110,000 | 110,000 | | | Support citation review program, address backlog | 2 |
| . a.a Fromo | | Review | | | | | | | _ |
| Public Works | | CIP Manager | 150,686 | 75,343 | 75,343 | | | Coordinate CIP efforts for Transportation/Engineering. Contingent on passage of revenue measure. | 2 |
| Councilmember Harrison | х | Community Development Project Coordinator | 209,726 | 104,863 | 104,863 | | | To assist HHCS with Workforce Standards and Enforcement | 2 |
| Councilmember Taplin | x | West Berkeley Park Ambassadors | 600,000 | 300,000 | 300,000 | | | Funding for Park Ambassadors:2-3 part time positions for one year at San Pablo Park, Strawberry Creek Park and Aquatic Park seven days a week | 2 |
| Subtotal Tier 2 Funding | | | 3,329,431 | 1,664,716 | 1,664,716 | - | | 1 | |

| | | | | | Fullu | ing Requests | by Hei | | |
|---|--------------------|---|----------------------|------------------|------------------|-------------------|-------------------|---|--------------------|
| | Budget
Referral | Expenditure Type/Description | Requesting
Amount | FY 23
Request | FY 24
Request | FY 23
Proposed | FY 24
Proposed | Reason for Request | Propose
Funding |
| | rtororrar | | ranounc | rtoquoot | rtoquoot | Funding | Funding | | Tier |
| Tier 3 | | | | | | | | | |
| Planning | | 50% GIS Specialist | 147,087 | 73,544 | 73,544 | | | Assistant Planner/Geographic Information Systems Analyst. 2 year term | 3 |
| Public Works | | Applications Programmer Analyst I | 52,078 | 26,039 | 26,039 | | | Streets & Utilities: Implement NexGen and Assetworks | 3 |
| Public Works | | Transportation Manager | 278,392 | 139,196 | 139,196 | | | Restoring Transportation Division Manager classification after Reclass of previous Transportation Manager to Deputy Director | , 3 |
| Councilmember Droste, Parks and
Waterfront & Public Works
Commission | Х | Adopt-A-Spot Program | 1,000,000 | 500,000 | 500,000 | | | Volunteer coordinator & entry level position coordinator- Recommend partial funding for 1 position in Tier 1 | 3 |
| Councilmembers Bartlett, Robinson,
Harrison, and Taplin | x | Guidelines/Procedures for Council Staffing
Expenditures | 2,453,240 | 1,226,620 | 1,226,620 | | | Review guidleines for Council office staffing levels | 3 |
| Subtotal Tier 3 Funding | | | 3,930,797 | 1,965,399 | 1,965,399 | - | - | | |
| Sub-Total Personnel Requests | | | 15,758,252 | 7,774,738 | 7,983,514 | 3,690,720 | 3,899,496 | | |
| Non-Personnel Operating Budget | | | | | | | | | |
| Tier 1 | | | | | | | | | |
| City Attorney | | Implementaion of Case Management
Software | 55,340 | 55,340 | - | 55,340 | - | Modernize office and create efficiencies | 1 |
| City Attorney | | Annual Maintenance of Software | 26,600 | - | 26,600 | - | 26,600 | Modernize office and create efficiencies | 1 |
| City Attorney | | Office Upgrades | 50,000 | 50,000 | - | 50,000 | - | Modernize office | 1 |
| Councilmembers Droste, Mayor
Arreguín, Coucilmembers Wengraf
and Harrison | x | Charter Officer Performance Review | 120,000 | 60,000 | 60,000 | 60,000 | 60,000 | Consultant to faciliate annual performance evaluation of Attorney | |
| City Attorney | | Training and professional development | 79,600 | 39,800 | 39,800 | 39,800 | 39,800 | Professional development and training | 1 |
| City Manager's Office | | Training and professional development | 160,000 | 80,000 | 80,000 | 80,000 | | Professional development and training | 1 |
| Finance | | Training and professional development | 100,000 | 50,000 | 50,000 | 50,000 | | Professional development and training | 1 |
| City Manager's Office | | Onnline dog licensing sfotware | 14,000 | 14,000 | , | 14,000 | - | Continues funding for this Strategic Plan priority activity | 1 |
| City Manager's Office | | Meeting Space Configuration | 180,000 | 180,000 | - | 180,000 | _ | Furniture for outdoor meetings and A/V equipment for hybrid meetings | 1 |
| Office of Economic Development | | Pacific Steel Redevelopment Assistance | 150,000 | 150,000 | - | 150,000 | - | Technical Assistance/Impact Analysis - catalytic development site | 1 |
| Planning | | Pacific Steel CEQA Rezoning Efforts | 100,000 | 100,000 | - | 100,000 | - | Rezoning analysis and CEQA work related to properties in and around corner of Eastshore Hwy and Gilman Street (RVV #1) | 1 |
| Office of Economic Development | | #DiscoveredinBerkeley Campaign | 50,000 | 50,000 | - | 25,000 | _ | Extend continued support for Berkeley's businesses post pandemic | 1 |
| Fire | | Paramedic Tax Fund Short Fall | 2,614,331 | 2,614,331 | | 2,614,331 | - | To address FY 22 deficit resuting from COVID-19 related overtime. Fund will operate in a deficit unlesss General Fund support, reduction in services, or increased revenue. May be elible for federal FEMA reimbursement. | 2 |
| Human Resources | | Citywide Safety Programs | 50,000 | 25,000 | 25,000 | 25,000 | 25,000 | Departmental safety programs, protocols, and procedures | 1 |
| Human Resources | | Revision of Personnel Rules | 40,000 | 20,000 | 20,000 | 20,000 | | Update rules to comply w/ current operations and applicable laws | 1 |
| Information Technology | | Move to 1947 | 770,000 | 770,000 | | | - | Facilitate increased office space for IT. Recommend funding through IT Cost Allocation and built into future rates. | 1 |
| Office of Director of Police Accountal | oility | Professional Services - Policies | 100,000 | 50,000 | 50,000 | 50,000 | 50.000 | Outside assistance for policy review and development | 1 |
| Office of Director of Police Accountal | • | Professional Services - Strategic Plan | 50,000 | 50,000 | - | 50,000 | - | Consultant to lead strategic planning process | 1 |
| Office of Director of Police Accountal | - | Charter Officer Performance Review | 120,000 | 60,000 | 60,000 | 60,000 | 60,000 | Consultant to conduct annual performance evaluation of Director | 1 |
| Planning | · | San Pablo Specific Plan Area/ San Pablo
Avenue Specific Plan | 150,000 | 150,000 | - | 150,000 | - | Speific plan, zoning, General Plan amendments and CEQA document for the San Pablo Avenue Area. Offsetting grant. | 1 |
| Planning | | Ashby & North Berkeley BART Stations Area Planning (/BART Stations Area Plan) | 300,000 | 300,000 | - | 300,000 | - | Implementation of Transit-Oriented Development at the Ashby and North Berkeley BART Station areas | 1 |
| Councilmembers Robinson,
Harrison Droste and Mayor Arreguín | | Downtown Berkeley BART Station
Modernization Design | 250,000 | 250,000 | - | 250,000 | | Funding for preliminary design engineering work for the Downtown Berkeley BART Station Modernization project | 1 |
| Planning, Councilmember Droste | х | Land Use Safety & Environmental Justice
Update | 300,000 | 300,000 | - | 300,000 | - | Element updates required to meet State regulations; in addition, Env. Justice Element is required to be adopted by close of 2024, per SB1000. | 1 |
| Planning | | Objective Development Standards / ZORP Phase II Revisions | 350,000 | 350,000 | - | 350,000 | - | Objective Standards to streamline/standardize development review and refinements to zoning code | 1 |
| Planning | | Economic Feasibility Analysis | 150,000 | 150,000 | - | 150,000 | - | Consultant services for economic analysis of Southside zoning, Affordable Housing mitigation fee, local density bonus, in lieu fee | 1 |
| Planning | | Municipal Building Energy Policy | 30,000 | 30,000 | - | 30,000 | _ | Develop options for an updated Municipal Building Energy/Green Building Policy. Offsetting grant. | 1 |
| Parks, Recreation & Waterfront | | DEI and scholarships at resident camps | 150,720 | 75,360 | 75,360 | 75,360 | 75,360 | New DEI programs and scholarships as approved by Council on 1/18/2022. \$10k estimated to come from donations. | 1 |

| | | | | | runc | ing requests | by He | | |
|--|----------|---|---------------------------|---------------------------|-----------|--------------------|--------------------|--|-----------|
| Requestor | Budget | Expenditure Type/Description | Requesting | FY 23 | FY 24 | FY 23 | | Reason for Request | Proposed |
| | Referral | | Amount | Request | Request | Proposed | Proposed | | Funding |
| arks, Recreation & Waterfront | | Minor maintenance | 250,000 | 250,000 | | Funding
100,000 | Funding
100,000 | Camps, pools and expenditures in parks and the Waterfront. | Tier
1 |
| Public Works | | Engineering: Deep Class Engineer Study | 25,000 | 25,000 | | 25,000 | 100,000 | HR study on evaluation/promotion system for engineering positions | 1 |
| Planning | | Transportation Impact Fee Analysis | 100,000 | 100,000 | _ | 100,000 | _ | Transportation Impact Fee analysis | 2 |
| Councilmembers Hahn, Bartlett, and | d x | Grant writing services | 300,000 | 300,000 | _ | - | _ | Recommended funding of \$100k each year in Tier 1 Reimagining | _ |
| Harrison | u , | Crant whing corvious | 000,000 | 000,000 | | | | Troophine had a failuring of \$1000 out in 1101 1 Fronting | |
| Councilmember Wengraf, Mayor
Arreguín, and Councilmember Hahn | x
1 | Annual Holocaust Remembrance Day | 12,000 | 6,000 | 6,000 | 6,000 | 6,000 | Funds the Holocaust Remembrance Day Program | 1 |
| Councilmember Taplin, Mayor
Arreguín, Councilmembers Harrison
and Hahn | X
1 | Developing Social Housing in the City | 300,000 | 300,000 | - | 300,000 | - | Review and develop social housing policy. Possible use of Measure P | 1 |
| Mayor Arreguín, Councilmembers
Hahn, Harrison, and Bartlett | Х | Continuing Anti-Displacement Programs | 1,800,000 | 900,000 | 900,000 | - | - | Funding included within baseline budget using Measue U1 | 1 |
| Mayor Arreguín | х | Small Business Rental and Legal Support | 1,000,000 | 1,000,000 | - | 1,000,000 | - | ARPA funds to l aunch a needs-based grant program for Berkeley-based small businesses (under 50 employees) to provide supplemental assistance to cover outstanding commercial rent debt and fund legal assistance | 1 |
| Mayor Arreguín, Councilmember
Hahn | X | Supply Bank School Supply Distribution | 60,000 | 30,000 | 30,000 | 30,000 | 30,000 | Supply Bank to provide essential school supplies to Berkeley families | 1 |
| Mayor Arreguín, Councilmembers
Hahn, Harrison, and Bartlett | Х | Housing Retention Fund | 1,000,000 | 1,000,000 | - | 1,000,000 | - | ARPA funds to the Eviction Defense Center to supplement the Housing Retention Program, including COVID-19 emergency grants | 1 |
| Councilmembers Kesarwani and
Bartlett | x | Capacity Building for Merchant Associations in the Gilman and Lorin Districts | 20,000 | 20,000 | - | 20,000 | - | To provide one-time capacity building totaling \$20,000 (\$10,000 each) for the Gilman and Lorin District merchant associations to support economic development in their respective commercial areas | 1 |
| Councilmembers Hahn, Wengraf, and Harrison | х | Solano Stroll | 20,000 | | 20,000 | - | 20,000 | Solano Avenue Stroll to support the September 2024 Stroll event | 1 |
| Councilmembers Kesarwani and
Taplin | х | Expand Scope of the Downtown Streets to Gilman District | 100,000 | 50,000 | 50,000 | 50,000 | 50,000 | Expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly | 1 |
| Councilmembers Harrison, Mayor
Arreguín, Bartlett, and Wengraf | X | Establishing City Process for Siting and Developing Public Electric Vehicle DC Fast Charging Hubs | 1,200,000 | 600,000 | 600,000 | 600,000 | 600,000 | Fund Berkeley's annual maximum Service Fee of \$100,000/year per fast-charging hub for three hubs. | 1 |
| Subtotal-Tier 1 Funding | | | 12,697,591 | 10,604,831 | 2,092,760 | 8,459,831 | 1,292,760 | | |
| Tier 2 | | | | | | | | | |
| Public Works | | Updating Engineering Standard Specifications | 100,000 | 100,000 | | - | | \$100k add'l split across other funds to update specifications | 2 |
| Councilmember Harrison | х | Fund Mayoral Budgetary Analyses | 200,000 | 100,000 | 100,000 | | | Certified public accountant to provide supplemental budgetary assistance | 2 |
| Civic Arts Commission | Х | Festival Grants Budget Allocation | 83,370 | 41,685 | 41,685 | - | - | To increase allocation to \$200,000 annually | 2 |
| Councilmember Taplin | Х | West Berkeley Transportation Plan | 300,000 | 300,000 | - | - | | Consultant to conduct a study and draft a comprehensive plan for transportation in West Berkeley through 2050 | 2 |
| Councilmembers Bartlett, Hahn, | Х | Local Reparations Plan | 350,000 | 350,000 | - | - | | Consultant to facilitate community process to design and implement a local reparations plan | 2 |
| aplin, and Mayor Arreguín | | · | | | | | | | |
| Subtotal-Tier 2 Funding | | | 1,033,370 | 891,685 | 141,685 | - | - | | |
| Tier 3 | | | | | | | | | |
| City Manager's Office | | Web producers to help transition launch | 70,000 | 70,000 | - | - | - | Website launch assistance/website contingency | 3 |
| Planning | | Equitable Engagement for Climate Action | 20,000 | 20,000 | | - | - | Facility rental, food, and facilitation services for Climate Action events | 3 |
| Planning | | Racial Equity in Planning services and
staffing | 75,000 | 75,000 | - | - | - | Workplan for services centered on racial equity; recruit/retain diverse staff | 3 |
| | | • | 075 000 | 075 000 | | | | | 2 |
| andmarks Preservation Commissiد. | or x | City-wide Historic Context Statement | 275,000 | 275,000 | - | - | - | Berkeley's first City-wide Historic Context Statement. | 3 |
| Landmarks Preservation Commissio Subtotal-Tier 3 Funding | or x | City-wide Historic Context Statement | 275,000
440,000 | 275,000
440,000 | - | - | - | Berkeley's first City-wide Historic Context Statement. | 3 |

| Requestor | Budget
Referral | Expenditure Type/Description | Requesting
Amount | FY 23
Request | FY 24
Request | FY 23
Proposed
Funding | FY 24
Proposed
Funding | Reason for Request | Proposed
Funding
Tier |
|--|--------------------|--|----------------------|--------------------|------------------|------------------------------|------------------------------|--|-----------------------------|
| Capital | | | | | | | | | |
| Tier 1 | | | | | | | | | |
| City Clerk
City's Manager's Office | | Paperless Contracts Workflow System
EBCE Solar+Storage at Fire Stations | 400,000
100,000 | 400,000
100,000 | - | 400,000
100,000 | - | Automate/streamline contract process; increase sustainability. Cost revised based on IT estimate. Electrify and storage at Live Oak & Fire station #3. Sites selected based on minimal cost to roof and electrical panel. Citywide facility total estimated cost of \$1.2M | 1
1 |
| Finance | | Property Tax Assessment System Replacement | 450,000 | 450,000 | | - | 450,000 | Replacing aging 30 year-old system; approved for FY2022, but deferred. Cost revised based on IT estimate. | 1 |
| Finance | | Business License Tax System Replacement | 500,000 | 500,000 | | 500,000 | | Difficult to Maintain; Improve business license processing. Cost may be higher based on IT estimate. | 1 |
| Police | | Jail Control Panel Replacement | 500,000 | 500,000 | | 500,000 | | Fire & Life Safety Concern – control panel exceeded its useful life and due to obsolescence, repair parts are difficult to locate. To be funded using FY 22 Excess Property Transfer Tax. | 1 |
| Parks, Recreation & Waterfront | | Waterfront Pilings (docks, office and restrooms) | 1,500,000 | 1,500,000 | | 850,000 | 650,000 | Design completed. Funding to augment T1 and Marina Fund to complete timber piling replacements. | 1 |
| Parks, Recreation & Waterfront | | CIP Baseline Contribution | 4,500,000 | 2,250,000 | 2,250,000 | 1,500,000 | 2,000,000 | Currently at \$400,000. With inflation, annual cost of \$2.247M | |
| Public Works | | Traffic Calming Program | 100,000 | 50,000 | 50,000 | - | 70,000 | Increase funding for residents/Council requests and referrals for traffic calming devices. Recommend funding for specific budget referrals as well. | 1 |
| Public Works | | Telegraph/Channing Garage Elevator
Repairs | 3,600,000 | 3,600,000 | - | 3,600,000 | - | Public safety issue to replace elevator | 1 |
| Councilmembers Robinson and
Hahn | | Telegraph-Channing Garage Elevator
Repairs | 3,600,000 | 3,600,000 | | - | - | Funding recommended per item above | |
| Public Works | | ADA Transition Plan Update Implementation | 2,000,000 | 1,000,000 | 1,000,000 | 250,000 | 500,000 | Annual amount for implementation of ADA projects | 1 |
| Public Works | | Facility Maintenance | 2,000,000 | 1,000,000 | 1,000,000 | 250,000 | 500,000 | Deferred maintenance. CIP Fund contribution flat since 2009 (ongoing) | 1 |
| Public Works | | Street Paving additional CIP Fund | 16,000,000 | 8,000,000 | 8,000,000 | 5,000,000 | 9,100,000 | Paving Maintenance Investment - needed to maintain PCI (ongoing) | 1 |
| Councilmembers Kesarwani, Taplin
and Wengraf, and Droste | , | Street Maintenance Funding | 18,000,000 | 9,000,000 | 9,000,000 | - | - | See recommended funding above | 1 |
| Councilmember Harrison | | Street, Sidewalk, Micromobility and Transit Infrastructure | 16,000,000 | 8,000,000 | 8,000,000 | - | - | See recommended funding above | 1 |
| Councilmember Taplin | Х | Reckless Driving and Sideshow Deterrence Improvements | | | | - | | Refer to the FY2023 budget process the funding of sideshow deterrence infrastructure, traffic circles or botts' dots; \$50K per traffic circle and costs related to Bott's dot materials | 1 |
| Councilmembers Kesarwani, Taplin
Wengraf, and Droste | , X | South Sailing Basin Dredging | 350,000 | 350,000 | - | 350,000 | - | South Sailing Basin Dredging planning & evaluation. | 1 |
| Councilmembers Kesarwani, Taplin
Robinson, and Wengraf | , X | Implement State Law AB 43 for Reduced
Speed Limits on High-Injury Commercial
Corridors | 50,000 | 50,000 | - | 50,000 | - | Funding for new speed limit signage. | 1 |
| Councilmembers Hahn, Wengraf, and Robinson | Х | Hopkins Corridor Bike, Pedestrian, and Placemaking Improvements | 300,000 | 150,000 | 150,000 | 150,000 | 150,000 | Funding for bike, pedestrian, and streetscape improvements to be implemented in coordination with protected bike lanes, pedestrian safety features, and re-paving of the Hopkins Corridor | 1 |
| Councilmembers Hahn, Mayor
Arreguín, Taplin, and Harrison | х | Accessibility Renovations-Luna Dance Institute | 150,000 | 150,000 | - | 150,000 | - | Renovation of 931 Ashby Avenue for a fully accessible, permanent dance education center for children, families, artists, teachers and the public | 1 |
| Councilmembers Bartlett and Mayo
Arreguín | r x | Convert 62nd St. between King St, and Adeline St. into a cul de sac/ marked bicycle lane | 300,000 | 300,000 | - | 300,000 | | Convert 62nd St. between King St. & Adeline St. into a cul de sac. Marked bicycle lane connecting Adeline St. to the bicycle boulevard on King St. | 1 |
| Councilmembers Harrison and
Bartlett | х | Dwight Way Traffic Calming | 50,000 | 50,000 | - | 50,000 | - | Traffic calming intersection improvements on Dwight Way between Grant Street and California Street | 1 |
| Councilmembers Bartlett | х | Semi-diverter traffic bollards at the intersection of Newbury Street and Ashby Avenue | 50,000 | 50,000 | - | 50,000 | - | Funding to install semi-diverter traffic bollards at the east corner of the intersection at Newbury Street and Ashby Avenue | 1 |
| Subtotal-Tier 1 Funding | | | 32,900,000 | 20,450,000 | 12,450,000 | 14,050,000 | 13,420,000 | | |

| Requestor | Budget
Referral | Expenditure Type/Description | Requesting
Amount | FY 23
Request | FY 24
Request | FY 23
Proposed
Funding | FY 24
Proposed
Funding | Reason for Request | Proposed
Funding
Tier |
|---|--------------------|--|----------------------|------------------|------------------|------------------------------|------------------------------|---|-----------------------------|
| Tier 2 | | | | | | | | | |
| Parks, Recreation & Waterfront | | J&K Parking Lot | 1,150,000 | 1,150,000 | | - | | To complete J&K parking lot, which needs full reconstruction. Will support revenue generation for berthers, charters and restaurants | 2 |
| Public Works | | Fire Truck Lease Payment | 1,300,000 | 1,300,000 | | | - | FY 21 deferral of payment Equipment Replacement Fund for fire truck | 2 |
| Public Works | | CIP Project Management & Planning Software | 200,000 | 200,000 | - | - | | One time funding, 5 Year cost of \$1.2M; cost share PW/PRW/T1 or bond | 2 |
| Public Works | | Parking Meters Replacement | 7,000,000 | 3,000,000 | 4,000,000 | - | - | Replacement of outdated meters, assist in generating new revenue | 2 |
| Public Works | | Equipment Replacement Funding | 4,000,000 | 2,000,000 | 2,000,000 | - | - | \$18M needed to fund at appropriate level. Ongoing request for 10 years | 2 |
| Public Works | | EV Charging Stations @ Corp Yard | 1,000,000 | 1,000,000 | - | - | - | Corp Yard Site (pending EBCE managed regional project). Alternative is \$125,000/yr to EBCE | 2 |
| Councilmembers Taplin, Harrison, and Wengraf | Х | Municipal Electric Vehicle Charging Infrastructure | 1,150,000 | 1,150,000 | - | - | - | Finding of electric charging infrastructure for the City's fleet of electric vehicles. An estimated \$1,150,000 for the implementation of electric charging infrastructure at the Corporation Yard and other City properties. | 2 |
| Councilmembers Taplin, Droste, and Wengraf | Х | Automated license plate readers (ALPR) | | | | - | - | ALPRs- amount to be determined based on number of vehicles | 2 |
| Councilmember Taplin | Х | Pedestrian Crossing Improvements at Ashby and Acton | 100,000 | 100,000 | - | - | - | Rectangular Rapid Flashing Beacons at Ashby Avenue and Acton Street; an estimated \$50,000 and an estimated \$50,000 for 10 years of maintenance | 2 |
| Councilmember Taplin | Х | Russell Street Improvements | 360,000 | 360,000 | - | - | - | Bicycle and pedestrian improvements along Russell Street | 2 |
| Councilmember Harrison | Х | Transportation Network Company User Tax to Support Priority Mobility Infrastructure, | 1,800,000 | 1,800,000 | - | - | - | Transportation Network Company User Tax General Fund revenue for the construction and maintenance of Tier 1 protected bicycle lanes and crossings, Priority pedestrian street crossings and quick-build public transit projects under the Street Repair Program. | 2 |
| Councilmember Taplin | Х | West Berkeley Residential Preferential
Parking Program | 2,092,018 | 1,046,009 | 1,046,009 | - | - | Staffing (6 Officers and 1 Supervisor;) 6 new parking enforcement vehicles with automated license plate recognition systems and signage installation | 2 |
| Subtotal-Tier 2 Funding | | | 20,152,018 | 13,106,009 | 7,046,009 | - | - | | |
| Tier 3 | | | | | | | | | |
| Parks, Recreation & Waterfront | | Bike Park on University Ave. | 600,000 | 600,000 | | - | | Install a bike park adjacent to University Ave at the Waterfront; establishes the City's only bike park and creates a destination to attract more people to the Waterfront. \$100,000 currently available for design; conceptual process finished by FY22. Request for design development and construction. | 3 |
| Councilmembers Robinson and
Harrison | Х | Purchase of Electric Bicycles for City Use | 25,000 | 25,000 | - | - | - | Funding to purchase electric bicycles, electric cargo bicycles, safety, storage, or security equipment for use by employees on City business | 3 |
| Subotal Tier 3 | | | 625,000 | 625,000 | - | - | - | | |
| Subtotal Capital Requests | | | 53,677,018 | 34,181,009 | 19,496,009 | 14,050,000 | 13,420,000 | | |
| Total Requests
Tier 1 Total Proposed Funding | | | 96,990,205 | 61,376,750 | 35,613,455 | 31,072,013
31,072,013 | 22,798,718
22,798,718 | | |

| | LEAD | FY 2023 | FY 2023 |
|---|------|-------------------|---------------|
| AGENCY NAME | DEPT | ALLOCATION | ADVANCE |
| Alameda County Homeless Action Center | HHCS | 197,759 | 49,440 |
| Alameda County Network of Mental Health Clients | HHCS | 117,737 | 29,434 |
| Bananas | HHCS | 388,637 | 97,159 |
| Bay Area Community Land Trust | HHCS | 205,200 | 51,300 |
| Bay Area Community Resources | HHCS | 94,964 | 23,741 |
| Bay Area Community Services | HHCS | 6,486,667 | 1,621,667 |
| Bay Area Hispano Institute for Advancement | HHCS | 103,590 | 25,898 |
| Bay Area Outreach and Recreation Program | HHCS | 43,592 | 10,898 |
| Berkeley Community Gardening Collaborative | HHCS | 11,895 | 2,974 |
| Berkeley Community Media | IT | 230,710 | 57,678 |
| Berkeley Convention & Visitors Bureau | OED | 416,667 | 104,167 |
| Berkeley Food & Housing Project | HHCS | 618,950 | 154,738 |
| Berkeley Free Clinic | HHCS | 15,858 | 3,965 |
| Berkeley High School Bridge Program | HHCS | 79,000 | 19,750 |
| Berkeley Place | HHCS | 17,183 | 4,296 |
| Berkeley Project | PRW | 32,000 | 8,000 |
| Berkeley Youth Alternatives | HHCS | 60,000 | 15,000 |
| Biotech Partners | HHCS | 91,750 | 22,938 |
| Bonita House | HHCS | 39,804 | 9,951 |
| Bread Project | HHCS | 57,850 | 14,463 |
| Building Opportunities for Self Sufficiency | HHCS | 1,428,560 | 357,140 |
| Center for Independent Living | HHCS | 159,660 | 39,915 |
| Dorothy Day | HHCS | 1,976,501 | 494,125 |
| Downtown Berkeley Association | HHCS | 40,000 | 10,000 |
| Downtown Streets Team | PW | 225,000 | 56,250 |
| East Bay Community Law Center | HHCS | 308,644 | 77,161 |
| Easy Does It | HHCS | 1,569,911 | 392,478 |
| Eden Council for Hope and Opportunity | HHCS | 35,000 | 8,750 |
| Ephesians Children's Center | HHCS | 85,347 | 21,337 |
| Eviction Defense Center | HHCS | 250,000 | 62,500 |
| Family Violence Law Center | HHCS | 61,842 | 15,461 |
| Habitat for Humanity East Bay/Silicon Valley | HHCS | 250,000 | 62,500 |
| Healthy Black Families, Inc. | HHCS | 87,616 | 21,904 |
| Inter-City Services | HHCS | 101,351 | 25,338 |
| J-Sei | HHCS | 9,110 | 2,278 |
| Larkin Street | HHCS | 407,643 | 101,910.75 |
| Lifelong Medical Care | HHCS | 1,093,010 | 273,253 |
| McGee Avenue Baptist Church | HHCS | | 4,461 |
| Multicultural Institute | HHCS | 17,844
101,739 | 25,435 |
| Options Recovery Services | HHCS | 50,000 | 25,499
n/a |
| Nia House Learning Center | HHCS | 39,999 | |
| Pacific Center for Human Growth | HHCS | | 10,000 |
| | | 23,245 | 5,811 |
| Rebuilding Together | HHCS | 122,850 | 30,713 |
| RISE Program | HHCS | 216,039 | 54,010 |
| Rising Sun | HHCS | 67,828 | 16,957 |
| SEEDS Community Resolution Center | HHCS | 22,553 | 5,638 |
| Stiles Hall The Suiteges Clinic | HHCS | 90,000 | 22,500 |
| The Suitcase Clinic | HHCS | 9,828 | 2,457 |
| Through the Looking Glass | HHCS | 52,206 | 13,052 |
| Toolworks Inc. Supportive Housing | HHCS | 47,665 | 11,916 |
| UC Berkeley | HHCS | 130,000 | 32,500 |
| Village of Love | HHCS | 250,000 | 62,500 |
| Women's Daytime Drop-In Center | HHCS | 267,071 | 66,768 |

Page 410 of 410

Attachment 2

| | LEAD | FY 2023 | FY 2023 |
|-----------------------|------|------------|-----------|
| AGENCY NAME | DEPT | ALLOCATION | ADVANCE |
| YMCA of the East Bay | HHCS | 90,875 | 22,719 |
| Youth Spirit Artworks | HHCS | 78,000 | 19,500 |
| | | 18,998,750 | 4,737,188 |

HHCS = Health, Housing & Community Services

IT = Information Technology

OED = Office of Economic Development

PRW = Parks Recreation & Waterfront



45

ACTION CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager

Subject: FY 2023 Annual Appropriations Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance adopting the FY 2023 Annual Appropriations Ordinance (AAO) in the amount of \$737,068,276 (gross appropriations) and \$620,623,866 (net appropriations).

FISCAL IMPACTS OF RECOMMENDATION

The FY 2023 Annual Appropriations Ordinance authorizes gross appropriations of \$737,068,276 and net appropriations of \$620,623,866. The General Fund totals \$291,550,278 and the balance of \$445,517,998 represents the other non-discretionary funds

BACKGROUND

The City Charter states that at the time of budget adoption that the Council passes an annual appropriations ordinance, which shall be based upon the budget submitted by the City Manager and as amended by the City Council. The AAO establishes the expenditure limits by fund for FY 2023. Exhibit A provides a Fund-by-Fund summary of these limits for FY 2023.

The FY 2023 Annual Appropriations Ordinance is a Strategic Plan Priority, advancing our goal to provide an efficient and financially-healthy City government.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the act of adopting the budget/appropriations ordinance/amendments. Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

The recommendation allows the City to set the adopted funding limits for FY 2023.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000

Amendment: FY 2023 Annual Appropriations Ordinance

CONSENT CALENDAR June 28, 2022

Rama Murty, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:

1: Ordinance

Exhibit A: FY 2023 Annual Appropriation Ordinance Summary of Appropriations by Fund

ORDINANCE NO. #,###-N.S.

ADOPTING THE ANNUAL APPROPRIATIONS ORDINANCE BASED ON THE ADOPTED BUDGET FOR FISCAL YEAR 2023 AS PROPOSED BY THE CITY MANAGER AND PASSED BY THE CITY COUNCIL

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

<u>Section 1.</u> That the Annual Appropriations Ordinance based on the budget for FY 2022 submitted by the City Manager and passed by the City Council be adopted as follows and as summarized in Exhibit A:

| A. General Fund (Funds 001-099) | 291,550,278 |
|---|--|
| B. Special Funds (Funds 100-199) | 118,264,934 |
| C. Grant Funds (Funds 300-399) | 52,928,326 |
| D. Capital Projects Funds (Funds 500-550) | 52,786,999 |
| E. Debt Service Fund (Funds 551-599) | 9,804,404 |
| F. Enterprise Funds (Funds 600-669) | 149,639,118 |
| G. Internal Service Funds (Funds 146, 670-699) | 48,405,008 |
| H. Successor Agency (Funds 760-769) | 57,120 |
| I. Agency Funds (Funds 771-799) | 7,198,897 |
| J. Other Funds (Funds 800-899) | 6,433,192 |
| K. Total Total General Fund Add: Total Other Than General Fund Gross Revenue Appropriated Less: Dual Appropriations Less: Revolving/Internal Service Funds Net Revenue Appropriated | 291,550,278
445,517,998
737,068,276
-67,321,315
-49,123,095
620,623,866 |
| | • |

<u>Section 2.</u> The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

a. From the General Fund to the General Fund – Stability Reserve Fund;
 Catastrophic Reserve Fund; PERS Savings Fund; Health State Aid Realignment;
 Fair Election Fund; Capital Improvement Fund; Phone System Replacement;

- Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; IT Cost Allocation Fund: Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; and Sick Leave Entitlement Fund.
- b. To the General Fund from the General Fund Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From Measure FF Public Safety Fund to Paramedic Tax Fund
- e. From the American Rescue Plan Fund to the General Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.
- f. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- g. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- h. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- i. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- j. To Catastrophic Loss Fund from Permit Service Center Fund.
- k. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- I. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.
- m. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation

Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

- n. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Ta Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- o. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- p. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.
- q. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.
- r. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax

Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG - Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

s. To the Sick Leave and Vacation Leave Accrual Fund from General Fund: Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB - Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG - Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina

Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

t. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B - Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB -Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG -Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

<u>Section 3.</u> Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

<u>Attachment for Annual Appropriations Ordinance - Fiscal Year 2023</u>

REVOLVING FUNDS/INTERNAL SERVICE FUNDS

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

Revolving/Internal Service Funds

| Employee Training Fund | 834,947 |
|---|------------------|
| Equipment Replacement Fund | 6,676,989 |
| Equipment Maintenance Fund | 9,573,258 |
| Building Maintenance Fund | 4,798,308 |
| Central Services Fund | 391,386 |
| Workers' Compensation Fund | 6,440,039 |
| Public Liability Fund | 3,797,298 |
| Information Technology Fund | 16,610,868 |
| Subtotal Revolving/Internal Service Funds | \$
49,123,095 |

DUAL APPROPRIATIONS - WORKING BUDGET

Dual appropriations are identified with revenues generated by one fund and transferred to another fund. Both funds are credited with the applicable revenue, and the total is reflected in the "Less Dual Appropriations" in item I. The dual appropriations are:

| Transfers to the General Fund | |
|---------------------------------------|-----------------|
| Indirect Cost Reimbursement | |
| CDBG Fund | 176,194 |
| Street Light Assessment District Fund | 155,738 |
| Zero Waste Fund | 2,774,222 |
| Marina Enterprise Fund | 434,028 |
| Sanitary Sewer Fund | 1,319,702 |
| Clean Storm Water Fund | 265,658 |
| Permit Service Center Fund | 2,014,434 |
| Unified Program (CUPA) Fund |
90,415 |
| Subtotal Transfers to General Fund: | \$
7,230,391 |

Page 9 of 13

| Transfer to Safety Members Pension Fund from General Fund | 551,804 |
|--|-------------------|
| Transfer to Measure U1 Fund from General Fund | 5,120,350 |
| Transfer to Stability Reserve Fund from General Fund | 1,375,000 |
| Transfer to Catastrophic Reserve Fund from General Fund | 1,125,000 |
| Transfer to PERS Savings Fund from General Fund | 2,000,000 |
| Transfer to Health State Aid Realignment from General Fund | 1,953,018 |
| Transfer to Fair Election Fund from General Fund | 505,002 |
| Transfer to Capital Improvement Fund (CIP) from General Fund | 22,982,650 |
| Transfer to Phone System Replacement - VOIP from General Fund | 449,408 |
| Transfer to Equipment Replacement Fund from General Fund | 1,081,699 |
| Transfer to Public Liability Fund from General Fund | 3,895,888 |
| Transfer to Catastrophic Loss Fund from General Fund | 3,048,587 |
| Transfer to IT Cost Allocation Fund from General Fund | 145,640 |
| Transfer to Police Employee Retiree Health Assistance Plan from General Fund | 400,136 |
| Transfer to Sick Leave Entitlement Fund from General Fund | 201,501 |
| Transfer to General Fund from Health State Aid Realignment Fund | 2,643,280 |
| Transfer to Paramedic Tax Fund from Measure FF - Public Safety Fund | 757,925 |
| Transfer to Marina Fund from American Rescue Plan Fund | 1,150,000 |
| Transfer to Off-Street Parking Fund from American Rescue Plan Fund | 200,000 |
| Transfer to Parking Meter Fund from American Rescue Plan Fund | 2,700,000 |
| Transfer from CIP Fund to PERS Savings Fund | 151,632 |
| Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund | 499,802 |
| Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund | 402,613 |
| Transfer to Private Sewer Lateral Fund from Sewer Fund | 90,501 |
| Transfer to Catastrophic Loss Fund from Permit Service Center Fund | 50,555 |
| Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund | 5,082 |
| Transfer to General Fund from Parking Meter Fund | 1,742,288 |
| Transfer from Special Tax Bonds CFD#1 ML-ROOS to CFD#1 District Fire Protect Bond | 2,048,940 |
| (Measure Q) Transfer to First Source Fund from Parks Tax Fund | 14.002 |
| | 14,093
26,943 |
| Transfer to First Source Fund from Capital Improvement Fund Transfer to First Source Fund from Marina Fund | 1,875 |
| Transfer to Public Art Fund from Parks Tax Fund | 21,140 |
| Transfer to Public Art Fund from Capital Improvement Fund | 40,414 |
| Transfer to Public Art Fund from Marina Fund | 2,813 |
| Subtotal Transfers to Other Funds: |
57,385,579 |
| Sub-Total Dual Appropriations | \$
64,615,970 |
| | |
| Grand Total Dual Appropriations | \$
113,739,065 |

Page 7 905

| ERMA | FY 2023 |
|---|---------------------|
| Fund # Fund | Adopted |
| 11 General Fund Discretionary | 284,765,736 |
| 16 Measure U1 - Housing | 6,784,542 |
| 101 Library - Tax | 24,433,766 |
| 103 Library - Grants | 66,330 |
| 104 Library - Friends & Gift | 150,000 |
| 105 Library - Foundation | 200,000 |
| 106 Asset Forefeiture | 201,000 |
| 107 Special Tax Measure E | 1,590,735 |
| 108 First Source Fund | 48,500 |
| 110 Sec 108 Loan Gty Asst. | 587,612 |
| 111 Fund Raising Activities | 55,115 |
| 113 Gilman Sports Field | 280,063 |
| 115 Animal Shelter
116 Paramedic Tax | 52,480 |
| 119 Domestic Violence Prev - Vit Stat | 5,218,195 |
| | 26,102
2,805,896 |
| 120 Affordable Housing Mitigation 121 Affordable Child Care | 13,275 |
| 122 Inclusionary Housing Program | 587,147 |
| 123 Condo Conversion | 121,339 |
| 125 Playground Camp | 3,596,951 |
| 126 State-Prop 172 Pub.Safety | 434,773 |
| 127 State Transportation Tax | 6,562,677 |
| 128 CDBG | 4,882,923 |
| 129 Rental Housing Safety Program | 1,902,671 |
| 130 Measure B - Local St & Road | 769,249 |
| 131 Measure B - Bike and Pedestrian | 129,471 |
| 132 Measure B - Paratransit | 36,797 |
| 133 Measure F Alameda County VRF St & Rd | 1,353,067 |
| 134 Measure BB - Local St & Road | 12,737,784 |
| 135 Meaure BB - Bike & Pedestrian | 758,193 |
| 136 Measure BB - Paratransit | 934,031 |
| 138 Parks Tax | 15,966,197 |
| 140 Measure GG - Fire Prep Tax | 5,276,233 |
| 142 Streetlight Assesment District | 3,312,730 |
| 143 Berkeley Bus Ec Dev | 156,387 |
| 146 Employee Training | 834,947 |
| 147 UC Settlement | 4,433,664 |
| 148 Private Percent - Art Fund | 116,860 |
| 149 Private Party Sidewalks | 100,000 |
| 150 Public Art Fund | 104,775 |
| 152 Vital & Health Statistics Trust Fund | 74,903 |
| 156 Hlth State Aid Realign Trust
157 Tobacco Cont.Trust | 3,961,045 |
| | 379,256 |
| 158 Mental Health State Aid Realign | 4,061,702 |

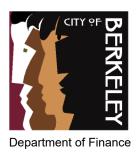
6/8/2022 9:12 AM

| ERMA | FY 2023 |
|--|------------------------|
| Fund # Fund | Adopted |
| 159 Citizens Option Public Safety Trust | 262,093 |
| 161 Alameda Cty Abandoned Vehicle Abatement | 133,993 |
| 164 Measure FF
165 Fair Elections | 8,160,000 |
| | 510,868 |
| 302 Operating Grants - State
305 Capital Grants - Federal | 64,437 |
| • | 1,364,500
8,723,370 |
| 306 Capital Grants - State
307 Capital Grants - Local | 837,000 |
| 309 OTS DUI Enforcement Education Prg. | 137,060 |
| 310 HUD/Home | 806,549 |
| 311 ESGP | 271,587 |
| 312 Health (General) | 3,370,574 |
| 313 Target Case Management Linkages | 936,341 |
| 314 Alameda County Tay Tip | 35,812 |
| 315 Mental Health Service Act | 12,441,437 |
| 316 Health (Short/Doyle) | 5,080,644 |
| 317 EPSDT Expansion Proposal | 500,241 |
| 318 Alcoholic Bev Ctr OTS/UC | 55,639 |
| 319 Youth Lunch | 68,451 |
| 320 Sr. Nutrition Title III | 119,884 |
| 321 CFP Title X | 39,527 |
| 324 BUSD Grant | 392,232 |
| 325 Vector Control | 276,025 |
| 326 Alameda County Grants | 788,215 |
| 327 Senior Supportive Social Services | 83,453 |
| 328 Family Care Support Program | 86,662 |
| 329 CA Integrated Waste Management | 5,244 |
| 331 Housing Mitigation | 1,126,763 |
| 333 CALHOME | 363,100 |
| 334 Community Action | 293,817 |
| 336 One-Time Grant: No Cap Exp | 5,132,743 |
| 338 Bay Area Air Quality Management | 117,000 |
| 339 MTC | 393,029 |
| 340 FEMA | 954,621 |
| 341 Alameda Cty Waste Mgt. | 285,000 |
| 343 State Dept Conserv/Recylg | 28,000 |
| 344 CALTRANS Grant | 131,908 |
| 347 Shelter+Care HUD | 6,348,109 |
| 348 Shelter+Care County | 886,153 |
| 349 JAG Grant | 55,650 |
| 350 Bioterrorism Grant | 327,550 |
| 354 ARPA - Local Fiscal Recovery Fund | 4,137,493 |
| 501 Capital Improvement Fund | 20,574,474 |
| 502 Phone System Replacement | 449,408 |

| ERMA | FY 2023 |
|---|-------------|
| Fund # Fund | Adopted |
| 503 FUND\$ Replacement | 3,221,742 |
| 504 PEG-Public, Education & Government | 100,000 |
| 511 Measure T1 - Infra & Facil. | 17,858,315 |
| 512 Measure O | 6,445,567 |
| 552 09 Measure FF Debt Service | 1,343,638 |
| 553 2015 GORBS | 2,051,966 |
| 554 2012 Lease Revenue Bonds BJPFA | 502,238 |
| 555 2015 GORBS - 2002 G.O. Refunding Bonds | 379,561 |
| 556 2015 GORBS (2007, Series A) | 142,865 |
| 557 2015 GORBS (2008 Measure I) | 481,286 |
| 558 2010 COP (Animal Shelter) | 406,991 |
| 559 Measure M GO Street & Water Imps | 740,738 |
| 560 Infrastucture & Facilities Measure T1 | 1,731,181 |
| 561 Measure O - Housing Bonds | 2,023,940 |
| 601 Zero Waste | 56,177,214 |
| 608 Marina Operation | 8,204,057 |
| 611 Sewer | 35,226,528 |
| 612 Private Sewer Lateral FD | 172,628 |
| 616 Clean Storm Water | 6,123,690 |
| 621 Permit Service Center | 21,676,546 |
| 622 Unified Program (CUPA) | 877,919 |
| 627 Off Street Parking | 6,790,627 |
| 631 Parking Meter | 10,557,178 |
| 636 Building Purchases and Management | 3,832,731 |
| 671 Equipment Replacement | 6,676,989 |
| 672 Equipment Maintenance | 9,573,258 |
| 673 Building Maintenance Fund | 4,798,308 |
| 674 Central Services | 391,386 |
| 676 Workers Compensation | 6,440,039 |
| 678 Public Liability | 3,797,298 |
| 680 Information Technology | 16,610,868 |
| 762 Successor Agency - Savo DSF | 57,120 |
| 776 Thousand Oaks Underground | 98,448 |
| 777 Measure H - School Tax | 500,000 |
| 778 Measure Q - CFD#1 Dis. Fire Protect Bond | 1,362,705 |
| 779 Spl Tax Bds. CFD#1 ML-ROOS | 2,824,802 |
| 781 Berkeley Tourism BID | 181,125 |
| 782 Elmwood Business Improvement District | 30,000 |
| 783 Solano Ave BID | 25,000 |
| 784 Telegraph Avenue Bus. Imp. District | 583,315 |
| 785 North Shattuck BID | 210,363 |
| 786 Downtown Berkeley Prop & Improv. District | 1,383,139 |
| 801 Rent Board | 6,433,192 |
| GROSS EXPENDITURE: | 737,068,276 |

_{6/8/2022} 9:12 AM

| ERMA
Fund # | Fund | FY 2023
Adopted |
|----------------|------------------------------------|--------------------|
| | Dual Appropriations | (67,321,315) |
| | Revolving & Internal Service Funds | (49,123,095) |
| | NET EXPENDITURE: | 620,623,866 |



46

ACTION CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Borrowing of Funds and the Sale and Issuance of FY 2022-23 Tax and

Revenue Anticipation Notes

RECOMMENDATION

Adopt a Resolution approving the borrowing of \$28,000,000 and the sale and issuance of Fiscal Year 2022-23 Tax and Revenue Anticipation Notes.

FISCAL IMPACTS OF RECOMMENDATION

Each year, the City (as do many local agencies) issues Tax and Revenue Anticipation Notes ("Notes") to help with its working capital needs during the first six months of the fiscal year. The reason for this issuance is that the City does not receive property tax revenues until December, thereby creating a negative cash flow in the General Fund. This annual issuance also enables the General Fund to recoup some of the interest earnings lost in advancing money to grant funds pending grant reimbursements, since the interest rate earned on any note proceeds invested will exceed the cost of borrowing.

The City's General Fund cash flow has become more volatile due to (1) The City now receives property tax in December and April; and (2) also receives the payment of Vehicle In Lieu fees in December and May with the property taxes, instead of monthly.

The money will be deposited in the General Fund and used by the City for any purpose for which it is authorized to expend General Fund monies. The interest earned on these monies will be allocated to the General Fund. The repayment of principal and interest on the Notes are to be made from General Fund taxes and other revenues.

CURRENT SITUATION AND ITS EFFECTS

The General Fund advances grant funds in the amounts needed to pay for their expenditures, until these funds receive reimbursement from the granting agencies. During the first six months of the fiscal year until property tax receipts are received, General Fund operating expenditures exceed revenues. Under the interpretation of Sections 53850-53858 of the California Government Code and federal tax law by the City's Bond Counsel,

Borrowing of Funds and the Sale and Issuance of FY 2022-23 Tax and Revenue Anticipation Notes

ACTION CALENDAR June 28, 2022

Jones Hall, the City may borrow an amount not to exceed the maximum anticipated cash flow deficit plus five percent of working capital reserve if all the note proceeds, including investment earnings, are deemed spent within 6 months of the date of the issue of the Notes. This method of financing involves the sale of the Notes and is a traditional means used by local governments to ensure a consistent cash flow during the fiscal year. This year the City will borrow Note funds of \$28,000,000 to help with working capital needs in the first six months of the fiscal year and, when expenditures exceed incoming revenues. In the last six months of the fiscal year, the Notes will be repaid from General Fund taxes and other revenues, mainly property taxes and business license taxes.

For Fiscal Year 2022-23, the City will require a Note sale of an amount not to exceed twenty-eight million dollars (\$28,000,000). The interest rate on the Notes will depend on competitive rates at the time of the sale.

DISCLOSURE

The attached Preliminary Official Statement has been reviewed and approved for transmittal to the City Council by the City's financing team. The distribution of the Preliminary Official Statement by the City is subject to federal securities laws, including the Securities Act of 1933 and the Securities Exchange Act of 1934. These laws require the Preliminary Official Statement to include all facts that would be material to an investor in the Notes. Material information is information that there is a substantial likelihood would have actual significance in the deliberations of the reasonable investor when deciding whether to buy or sell the Notes. If the City Council concludes that the Preliminary Official Statement includes all facts that would be material to an investor in the Notes, it must adopt a resolution that authorizes staff to execute a certificate to the effect that the Preliminary Official Statement has been "deemed final."

The Securities and Exchange Commission (the "SEC"), the agency with regulatory authority over the City's compliance with the federal securities laws, has issued guidance as to the duties of the City Council with respect to its approval of the Preliminary Official Statement. In its "Report of Investigation in the Matter of County of Orange, California as it Relates to the Conduct of the Members of the Board of Supervisors" (Release No. 36761 / January 24, 1996) (the "Release"), the SEC indicated that, if a member of the City Council has knowledge of any facts or circumstances that an investor would want to know about prior to investing in the Notes, whether relating to their repayment, tax-exempt status, undisclosed conflicts of interest with interested parties, or otherwise, he or she should endeavor to discover whether such facts are adequately disclosed in the Preliminary Official Statement. In the Release, the SEC indicated that the steps that a member of the City Council could take include becoming familiar with the Preliminary Official Statement and questioning staff and consultants about the disclosure of such facts.

The information about the sources of payment for the Notes, including the City's financial and operating data, is set forth in the sections of the Preliminary Official Statement entitled

Borrowing of Funds and the Sale and Issuance of FY 2022-23 Tax and Revenue Anticipation Notes

ACTION CALENDAR June 28, 2022

"SECURITY FOR AND SOURCES OF PAYMENT FOR THE NOTES" and "APPENDIX A - CERTAIN INFORMATION CONCERNING THE CITY OF BERKELEY."

The information about the tax-exempt status of the Notes is set forth in the section of the Preliminary Official Statement entitled "TAX MATTERS."

RATIONALE FOR RECOMMENDATION

The General Fund advances grant funds the amounts needed to pay for their expenditures, until these funds receive reimbursement from the granting agencies. During the first six months of the fiscal year, General Fund operating expenditures exceed revenues. As a result, the General Fund's working capital is depleted during this period, and borrowing these funds will alleviate that situation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Henry Oyekanmi, Director of Finance, Finance Department, 981-7326

Attachments:

- 1. Resolution
- Draft Form of Official Notice of Sale
- 3. Form of Bond Counsel Opinion
- 4. Form of the Preliminary Official Statement

*** PLEASE DO NOT PLACE THIS ITEM ON THE CONSENT CALENDAR PURSUANT TO GOVERNMENT CODE SECTION 53635.7***

| RESOLUTION NO. | -N.S |
|----------------|------|
|----------------|------|

APPROVING THE BORROWING OF FUNDS FOR FISCAL YEAR 2022-23 AND THE ISSUANCE AND SALE OF 2022-23 TAX AND REVENUE ANTICIPATION NOTES

WHEREAS, pursuant to Article 7.6 (commencing with section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the California Government Code (the "Law"), this City Council (the "Council") has found and determined that moneys are needed for the requirements of the City, a municipal corporation and charter city duly organized and existing under the laws of the State of California, to satisfy obligations payable from the General Fund of the City (the "General Fund"), and that it is necessary that said sum be borrowed for such purpose at this time by the issuance of temporary notes therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the City for the General Fund during or allocable to the fiscal year of the City beginning July 1, 2022 and ending June 30, 2023 ("Fiscal Year 2022-23"); and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the following:

Section 1. <u>Limitation on Maximum Amount</u>. The principal amount of notes issued pursuant hereto, when added to the interest payable thereon, shall not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue, cash receipts and other moneys of the City for the General Fund attributable to Fiscal Year 2022-23, and available for the payment of said notes and the interest thereon (as hereinafter provided).

Section 2. Authorization and Terms of Notes. Solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the City for the General Fund during or allocable to Fiscal Year 2022-23, and not pursuant to any common plan of financing, the City hereby determines to and shall borrow the principal amount of not-to-exceed Twenty-Eight Million Dollars (\$28,000,000) by the issuance of temporary notes under the Law, designated "City of Berkeley, California 2022-23 Tax and Revenue Anticipation Notes" (the "Notes"). The Notes shall be dated the date of initial delivery, shall mature (without option of prior redemption) no later than thirteen months after their date of issuance, and shall bear interest, payable at maturity and computed on a 30-day month/360-day year basis, at a rate not in excess of five percent (5%) per annum. Both the principal of and interest on the Notes shall be payable in lawful money of the United States of America, as described below.

Section 3. Form of Notes; Book Entry Only System. The Notes shall be issued in fully registered form, without coupons, and shall be substantially in the form and substance set forth in Exhibit A attached hereto and by reference incorporated herein, the blanks in said form to be filled in with appropriate words and figures. The Notes shall be numbered from 1 consecutively upward in order of issuance, shall be in the denomination of \$5,000 each or any integral multiple thereof.

"CUSIP" identification numbers shall be imprinted on the Notes, but such numbers shall not constitute a part of the contract evidenced by the Notes and any error or omission with

respect thereto shall not constitute cause for refusal of any purchaser to accept delivery of and pay for the Notes. In addition, failure on the part of the City to use such CUSIP numbers in any notice to the registered owners of the Notes shall not constitute an event of default or any violation of the City's contract with such owners and shall not impair the effectiveness of any such notice.

Except as provided below, the owner of all of the Notes shall be The Depository Trust Company, New York, New York ("DTC"), and the Notes shall be registered in the name of Cede & Co., as nominee for DTC. The Notes shall be initially executed and delivered in the form of a single fully registered Note in the full aggregate principal amount of the Notes. The City may treat DTC (or its nominee) as the sole and exclusive owner of the Notes registered in its name for all purposes of this Resolution, and the City shall not be affected by any notice to the contrary. The City shall not have any responsibility or obligation to any participant of DTC (a "Participant"), any person claiming a beneficial ownership interest in the Notes under or through DTC or a Participant (a "Beneficial Owner"), or any other person not shown on the register of the City as being an owner, with respect to the accuracy of any records maintained by DTC or any Participant or the payment by DTC or any Participant by DTC or any Participant of any amount in respect of the principal or interest with respect to the Notes. The City shall pay all principal and interest with respect to the Notes only to DTC or its nominee, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest with respect to the Notes to the extent of the sum or sums so paid. Except under the conditions noted below, no person other than DTC shall receive a Note. Upon delivery by DTC to the City of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the term "Cede & Co." in this Resolution shall refer to such new nominee of DTC.

If the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Notes and delivers a written certificate to DTC to that effect, DTC shall notify the Participants of the availability through DTC of Notes. In such event, the City shall issue, transfer and exchange Notes as requested by DTC and any other owners in appropriate amounts. DTC may determine to discontinue providing its services with respect to the Notes at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City shall be obligated to deliver Notes to the Beneficial Owners as described in this Resolution. Whenever DTC requests the City to do so, the City will cooperate with DTC in taking appropriate action after reasonable notice to (a) make available one or more separate Notes evidencing the Notes to any DTC Participant having Notes credited to its DTC account or (b) arrange for another securities depository to maintain custody of Certificates evidencing the Notes.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Note is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal and interest with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to DTC as provided as in the representation letter delivered on the date of issuance of the Notes.

Section 4. <u>Use of Proceeds</u>. The proceeds of the sale of the Notes shall be deposited in a segregated account in the General Fund and used and expended by the City for any purpose for which it is authorized to expend funds from the General Fund.

Section 5. Security. The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which

are received by the City for the General Fund for Fiscal Year 2022-23. As security for the payment of the principal of and interest on the Notes the City hereby pledges the first "unrestricted moneys" (as hereinafter defined) to be received by the City as follows: (a) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of January, 2023; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2023; and (c) an amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2023 (such pledged amounts being hereinafter called the "Pledged Revenues"). The principal of the Notes and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues. To the extent not so paid from the Pledged Revenues, the Notes shall be paid from any other moneys of the City lawfully available therefor. In the event that there are insufficient "unrestricted moneys" received by the City to permit the deposit into the Special Account (as hereinafter defined) of the full amount of the Pledged Revenues to be deposited in any month by the last business day of such month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the repayment of the Notes and interest thereon. The term "unrestricted moneys" shall mean taxes, income, revenue, cash receipts, and other moneys received by the City for the General Fund for Fiscal Year 2022-23 and which are generally available for the payment of current expenses and other obligations of the City.

Section 6. Special Account. There is hereby created, within the General Fund, a special account to be designated the "2022-23 Tax and Revenue Anticipation Note Special Account" (the "Special Account") and applied as directed in this Resolution. Any money placed in the Special Account shall be for the benefit of the owners of the Notes and, until the Notes and all interest thereon are paid or until provision has been made for the payment of the Notes at maturity with interest to maturity, the moneys in the Special Account shall be applied solely for the purposes for which the Special Account is created.

During the months of January, May, and June, 2023, the City shall deposit all Pledged Revenues in the Special Account. On the maturity date of the Notes, the City shall transfer to DTC the moneys in the Special Account necessary to pay the principal of and interest on the Notes at maturity and to the extent said moneys are insufficient therefor an amount of moneys from the General Fund which will enable payment of the full principal of and interest on the Notes at maturity. DTC will thereupon make payments of principal of and interest on the Notes to the DTC Participants who will thereupon make payments to the Beneficial Owners of the Notes. Any moneys remaining in the Special Account after the Notes and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the General Fund.

Section 7. Deposit and Investment of Special Account. All moneys held by the City in the Special Account, if not invested, shall be held in time or demand deposits as public funds and shall be secured at all times by bonds or other obligations which are authorized by law as security for public deposits, of a market value at least equal to the amount required by law.

Moneys in the Special Account shall, to the greatest extent possible, be invested by the City directly, or through an investment agreement, in investments as permitted by the laws of the State of California as now in effect and as hereafter amended, and the proceeds of any such investments shall be deposited in the Special Account.

Section 8. Execution of Notes. The Mayor of the City, the City Manager, or the Director of Finance (each an "Authorized Officer") is hereby authorized to execute the Notes by manual or facsimile signature, and the City Clerk of the City is hereby authorized to countersign the

same by manual or facsimile signature (although at least one of such signatures shall be manual) and to affix the seal of the City thereto by facsimile impression thereof, and said officers are hereby authorized to cause the blank spaces thereof to be filled in as may be appropriate.

Section 9. Transfer of Notes. Any Note may, in accordance with its terms, but only if the City determines to no longer maintain the book entry only status of the Notes, DTC determines to discontinue providing such services and no successor securities depository is named or DTC requests the City to deliver Note certificates to particular DTC Participants, be transferred, upon the books required to be kept pursuant to the provisions of Section 11 hereof, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Note for cancellation at the office of the City Clerk, accompanied by delivery of a written instrument of transfer in a form approved by the City, duly executed.

Whenever any Note or Notes shall be surrendered for transfer, the City shall execute and the Paying Agent shall authenticate and deliver a new Note or Notes, for like aggregate principal amount.

Section 10. Exchange of Notes. Any Note may, in accordance with its terms, but only if the City determines to no longer maintain the book entry only status of the Notes, DTC determines to discontinue providing such services and no successor securities depository is named or DTC requests the City to deliver Note certificates to particular DTC Participants, be exchanged at the office of the City Clerk for a like aggregate principal amount of Notes of authorized denominations and of the same maturity.

Section 11. Note Register. The City shall keep or cause to be kept sufficient books for the registration and transfer of the Notes if the book entry only system is no longer in effect and, in such case, the City Clerk shall register or transfer or cause to be registered or transferred, on said books, Notes as herein before provided. While the book entry only system is in effect, such books need not be kept as the Notes will be represented by one Note registered in the name of Cede & Co., as nominee for DTC.

Section 12. Temporary Notes. The Notes may be initially issued in temporary form exchangeable for definitive Notes when ready for delivery. The temporary Notes may be printed, lithographed or typewritten, shall be of such denominations as may be determined by the City, and may contain such reference to any of the provisions of this Resolution as may be appropriate. Every temporary Note shall be executed by the City upon the same conditions and in substantially the same manner as the definitive Notes. If the City issues temporary Notes it will execute and furnish definitive Notes without delay, and thereupon the temporary Notes may be surrendered, for cancellation, in exchange therefor at the office of the City Clerk and the City Clerk shall deliver in exchange for such temporary Notes an equal aggregate principal amount of definitive Notes of authorized denominations. Until so exchanged, the temporary Notes shall be entitled to the same benefits pursuant to this Resolution as definitive Notes executed and delivered hereunder.

Section 13. Notes Mutilated, Lost, Destroyed or Stolen. If any Note shall become mutilated the City, at the expense of the owner of said Note, shall execute and deliver a new Note of like maturity and principal amount in exchange and substitution for the Note so mutilated, but only upon surrender to the City Clerk of the Note so mutilated. Every mutilated Note so surrendered to the City Clerk shall be canceled and delivered to, or upon the order of, the City. If any Note shall be lost, destroyed or stolen, evidence of such loss, destruction or theft

may be submitted to the City and, if such evidence be satisfactory to the City and indemnity satisfactory to it shall be given, the City, at the expense of the owner, shall execute and deliver a new Note of like maturity and principal amount in lieu of and in substitution for the Note so lost, destroyed or stolen. The City may require payment of a sum not exceeding the actual cost of preparing each new Note issued under this Section 13 and of the expenses which may be incurred by the City in the premises. Any Note issued under the provisions of this Section 13 in lieu of any Note alleged to be lost, destroyed or stolen shall constitute an original additional contractual obligation on the part of the City whether or not the Note so alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Resolution with all other Notes issued pursuant to this Resolution.

Section 14. Covenants and Warranties. It is hereby covenanted and warranted by the City that all representations and recitals contained in this Resolution are true and correct, and that the City and its appropriate officials have duly taken all proceedings necessary to be taken by them, and will take any additional proceedings necessary to be taken by them, for the prompt collection and enforcement of the taxes, income, revenue, cash receipts and other moneys pledged hereunder in accordance with law and for carrying out the provisions of this Resolution.

Section 15. Tax Covenants.

- (a) No Arbitrage. The City shall not take, nor permit nor suffer to be taken any action with respect to the proceeds of the Notes which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date of issuance of the Notes (the "Closing Date") would have caused the Notes to be "arbitrage bonds" within the meaning of section 148 of the Internal Revenue Code of 1986 (the "Code").
- (b) Rebate Requirement. The City shall take any and all actions necessary to assure compliance with section 148(f) of the Code, relating to the rebate of excess investment earnings, if any, to the federal government.
- (c) *Private Activity Note Limitation*. The City shall assure that proceeds of the Notes are not so used as to cause the Notes to satisfy the private business tests of section 141(b) of the Code.
- (d) *Private Loan Financing Limitation*. The City shall assure that proceeds of the Notes are not so used as to cause the Notes to satisfy the private loan financing test of section 141(c) of the Code.
- (e) Federal Guarantee Prohibition. The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Notes to be "federally guaranteed" within the meaning of section 149(b) of the Code.
- (f) *Maintenance of Tax-Exemption*. The City shall take all actions necessary to assure the exclusion of interest on the Notes from the gross income of the owners of the Notes to the same extent as such interest is permitted to be excluded from gross income under the Code as in effect on the Closing Date.

Section 16. Official Statement. The City Council hereby approves the Official Statement describing the Notes, in substantially the form on file with the City Clerk, together with any

changes therein or additions thereto deemed advisable by an Authorized Officer. The City Council authorizes and directs an Authorized Officer on behalf of the City to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Official Statement prior to its distribution. The execution of the Official Statement, which shall include such changes and additions thereto deemed advisable by an Authorized Officer and such information permitted to be excluded from the Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the Official Statement by the City.

An Authorized Officer is authorized and directed to execute the Official Statement and a statement that the facts contained in the Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Notes, true and correct in all material respects and that the Official Statement did not, on the date of sale of the Notes, and does not, as of the date of delivery of the Notes, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. An Authorized Officer shall take such further actions prior to the signing of the Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The Official Statement is approved for distribution in the offering and sale of the Notes.

Section 17. <u>Sale of Notes</u>. An underwriter (the "Underwriter") to be designated by an Authorized Officer will purchase the Notes. An Authorized Officer is hereby authorized to designate the Underwriter, in consultation with the City's municipal advisor, NHA Advisors, LLC (the "Municipal Advisor") in one of the following ways:

- (a) Limited Negotiated. An Authorized Officer may direct the Municipal Advisor to contact a limited number of Underwriters and negotiate the sale of the Notes. An Authorized Officer is hereby authorized to cause Jones Hall, A Professional Law Corporation, as bond counsel to the City ("Bond Counsel"), to prepare and to execute and deliver a Note Purchase Agreement in connection with a negotiated sale of the notes in such form (including designation of the Underwriter) as an Authorized Officer shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof.
- (b) *Public Sale*. An Authorized Officer, in consultation with the Municipal Advisor, may determine to sell the Notes by competitive bid and award the sale of the Notes as set forth in an Official Notice of Sale (the "Official Notice of Sale"), the form of which is attached to this Resolution and is hereby approved, and which Bond Counsel is hereby authorized to finalize, consistent with this Resolution. If an Authorized Officer determines to proceed with a competitive bid, (a) Bond Counsel is hereby directed to arrange for the publication of a notice of intention of the sale of the Notes in accordance with Section 53692 of the Government Code and (b) an Authorized Officer is hereby directed to execute the Official Notice of Sale; to open the bids at the time and place specified in the Official Notice of Sale; to receive and record the receipt of all bids made pursuant to the Official Notice of Sale; to cause said bids to be examined for compliance with the Official Notice of Sale; to cause computations to be made as to which bidder has bid the lowest true interest cost, as provided in the Official Notice of Sale; to announce the bidder of the lowest true interest cost; and to award the sale to said bidder.

Page 10 of 88

An Authorized Officer is further authorized to determine the maximum principal amount of the Notes and the maximum interest rate on the Notes not to exceed the maximum principal amount and interest rate set forth in Section 2.

Section 18. Engagement of Professional Services. The City hereby approves the engagement of Jones Hall, A Professional Law Corporation as Bond Counsel and Disclosure Counsel and NHA Advisors, LLC as Municipal Advisor to the City in connection with the issuance and sale of the Notes. The City Attorney is authorized to execute a legal services agreement with Jones Hall, with Jones Hall's compensation to be contingent upon issuance of the Notes, and Jones Hall's compensation is not set by law but is negotiable.

Section 19. Preparation of Notes; Official Action. Jones Hall, A Professional Law Corporation, as bond counsel, is directed to cause suitable Notes to be prepared showing on their face that the same bear interest at the rate specified in the offer submitted by the successful bidder or bidders, and to cause the blank spaces therein to be filled in to comply with the provisions of this Resolution, and to procure their execution by the proper officers, and to cause the Notes to be delivered when so executed to DTC on behalf of the successful bidder or bidders therefor upon the receipt of the purchase price by the City Treasurer in accordance with such successful bid or bids.

An Authorized Officer is further authorized and directed to make, execute and deliver such certificates, agreements and other closing documents as are necessary to consummate the transactions contemplated by this Resolution.

Section 20. Effective Date. This Resolution shall take effect upon its adoption.

The foregoing Resolution was adopted by the Berkeley City Council on June 28, 2022 by the following vote:

| Ayes: | |
|-----------------------|-----------------------|
| Noes: | |
| Absent: | |
| | Jesse Arreguin, Mayor |
| Attest:
City Clerk | - |

EXHIBIT A

FORM OF NOTE

| No. 1 | | | ****\$**** |
|---|--|---|---|
| | CITY OF BERK | (ELEY, CALIFORNIA | |
| | 2022-23 TAX AND REV | ENUE ANTICIPATION N | IOTE |
| INTEREST RATE: | | | CUSIP: |
| % | , 2023 | , 2022 | |
| REGISTERED OWNER | R: CEDE & CO. | | |
| PRINCIPAL SUM: | **** | DOLLARS**** | |
| and by virtue of the oreceived hereby promise (the "Owner"), on the money of the United S rate per annum stated basis of 360-day year of | BERKELEY, a municipal of Constitution and laws of ses to pay to the Registe Maturity Date stated about tates of America, and to part above, payable on the composed of twelve 30-dable at maturity to the Own | the State of California
red Owner stated above
ove, the Principal Sum s
pay interest thereon in lib
Maturity Date stated about
ay months. Both the principal | (the "City"), for value, or registered assigns stated above, in lawful ke lawful money at the ove, calculated on the |
| Notes in the aggregate issued pursuant to the duly passed and adoption (commencing with second Government Code, and performed precedent to performed in regular a together with all other | ified, recited and declared principal amount of provisions of Resolution of the control of the c | Dollars (\$ Dollars (\$ of the Counter the "Resolution"), and put part 1, Division 2, Titel ins and acts required to the Notes exist, have happen anner as required by lactions of the City, does |), all of like tenor, city Council of the City cursuant to Article 7.6 tle 5, of the California exist, happen and be opened and have been by, and that this Note, |
| from taxes, income, rev | mount of the Notes, toget
venue, cash receipts and ot
the City for Fiscal Year | other moneys which are r | received by the City for |

principal of and interest on the Notes the City has pledged the first "unrestricted moneys" (as hereinafter defined) to be received by the City as follows: (a) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of January, 2023; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2023; and (c) an

amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2023 (such pledged amounts being hereinafter called the "Pledged Revenues"). The principal of the Notes and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues. To the extent not so paid from the Pledged Revenues, the Notes shall be paid from any other moneys of the City lawfully available therefor. In the event that there are insufficient "unrestricted moneys" received by the City to permit the deposit into the Special Account (as hereinafter defined) of the full amount of the Pledged Revenues to be deposited in any month by the last business day of such month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the repayment of the Notes and interest thereon. The term "unrestricted moneys" shall mean taxes, income, revenue, cash receipts, and other moneys received by the City for the General Fund of the City for Fiscal Year 2022-23 and which are generally available for the payment of current expenses and other obligations of the City.

The Notes are issuable as fully registered Notes, without coupons, in denominations of \$5,000 and any integral multiple thereof. Subject to the limitations and conditions as provided in the Resolution, Notes may be exchanged for a like aggregate principal amount of Notes of other authorized denominations and of the same maturity.

The Notes are not subject to redemption prior to maturity.

This Note is transferable by the Owner hereof, but only under the circumstances, in the manner and subject to the limitations provided in the Resolution. Upon registration of such transfer a new Note or Notes, of authorized denomination or denominations, for the same aggregate principal amount and of the same maturity will be issued to the transferee in exchange herefor.

The City may treat the Owner hereof as the absolute owner hereof for all purposes, and the City shall not be affected by any notice to the contrary.

Unless this Note is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

Page 13 of 88

IN WITNESS WHEREOF, the City of Berkeley has caused this Note to be executed by the City Manager and countersigned by the City Clerk of the City, all as of the Issue Date stated

| above. | |
|----------------|------------------|
| | CITY OF BERKELEY |
| | ByCity Manager |
| Countersigned: | |
| By City Clerk | |

OFFICIAL NOTICE OF SALE

2022-23 TAX AND REVENUE ANTICIPATION NOTES

\$_____*
City of Berkeley
(Alameda County, California)

NOTICE IS HEREBY GIVEN that electronic bid proposals (see "TERMS OF SALE --- Electronic Bids" below) for the purchase of the captioned notes (the "Notes") will be received by the City Berkeley, California (the "City"), through BiDCOMPTM/Parity® ("Parity") on:

TUESDAY, JULY 12, 2022

between 8:00 a.m. and 8:30 a.m. California Time.

Further information may be obtained from the municipal advisor to the City, NHA Advisors, 4040 Civic Center Drive, Suite 200, San Rafael, California 94903, Attn: Rob Schmidt, telephone: (415) 785-2025 ext. 2006, email: rob@NHAadvisors.com.

POSTPONEMENT: The City reserves the right to postpone or change the time or sale date upon notice delivered via Bloomberg News Service or Thomson Municipal Market Monitor (www.tm3.com).

ISSUE AND DENOMINATION; BOOK ENTRY ONLY SYSTEM; CUSIP NUMBER: The Notes consist of fully registered notes, without coupons. The Notes will be issued in minimum denominations of \$5,000. The Notes will be issued in a book entry only system with no physical distribution of the Notes made to the public. The Depository Trust Company, New York, New York ("DTC"), will act as depository for the Notes, which will be immobilized in its custody. The Notes will be registered in the name of Cede & Co., as nominee for DTC, on behalf of the participants in the DTC system and the subsequent beneficial owners of the Notes. Pursuant to MSRB Rule G-34, the City's Municipal Advisor will apply for CUSIP number assignment prior to the award of the issue, but the cost shall be payable by the underwriter.

DATE AND MATURITY: The Notes will be dated the date of delivery (expected to be July 26, 2022), and will mature on July 25, 2023 (the "Maturity Date").

INTEREST RATE: The maximum interest rate bid for the Notes may not exceed five percent (5%) per annum, payable upon maturity of the Notes. Bidders must specify the rate of interest which the Notes shall bear, provided that: (i) bids must be for all Notes; and (ii) the Notes shall bear interest from its date to its stated maturity at the interest rate specified in the bid.

REDEMPTION: The Notes are not subject to call and redemption prior to maturity.

924

^{*} Preliminary, subject to change

Page 15 of 88

PAYMENT: Both principal of and interest on the Notes will be payable on the Maturity Date, in lawful money of the United States of America, to DTC which will immediately credit the account of the successful bidder or bidders as participants in the DTC system.

PURPOSE OF ISSUE: The Notes are to be issued by the City and are authorized pursuant to the provisions of Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the California Government Code and the provisions of resolutions of the City for any purpose for which the City is authorized to expend moneys.

SECURITY: The Notes are an obligation of the City and are secured by a pledge of and first lien and charge against the first "unrestricted moneys," as hereinafter defined, to be received by the City, (a) in an amount equal to 50% of the principal amount of the Notes to be received by the City in January 2023, (b) in an amount equal to 50% of the principal amount of the Notes to be received by the City in May 2023, and (c) in an amount equal to all interest due on the Notes at maturity to be received by the City in June 2023. The term "unrestricted moneys" mean taxes, income, revenue and other moneys intended as receipts for the general fund of the City and which are generally available for the payment of current expenses and other obligations of the City.

Said pledged moneys shall be deposited by the City in a special fund established, created and maintained by the City. Moneys shall be withdrawn from said fund for the sole purpose of paying the principal of and the interest on the Notes at their maturity.

By statute, the Notes are declared to be general obligations of the City, and to the extent not paid from said pledged moneys shall be paid, with the interest thereon, from any other moneys of the City lawfully available therefor. Under provisions of the California Constitution, the City is generally prohibited from incurring any indebtedness or liability exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of its qualified electors voting at an election called for such purpose.

RATING: S&P Global Ratings, a business unit of Standard & Poor's Financial Services LLC, has given the Notes a rating of "_____".

Page 16 of 88

TERMS OF SALE

BEST BID: Bids must be for all of the Notes. The Notes will be awarded on the basis of the lowest net interest cost including premium offered in the proposals. No bid for less than par will be entertained. In the event two or more bids setting forth identical interest rates and premium per dollar principal amount, if any, and aggregating a principal amount in excess of the principal amount of unawarded Notes are received, the City's Finance Director, pursuant to delegation by the Council, reserves the right to exercise his discretion and judgment in making the award and may award the Notes on a pro rata basis in such denominations as he shall determine.

ELECTRONIC BIDS: Solely as an accommodation to bidders, the City will accept bids in electronic form solely from Ipreo, a KKR portfolio company, through its BiDCOMP Competitive Bid Calculation System and Parity Electronic Bid Submission System ("Ipreo"). For information about Ipreo, bidders may contact Ipreo at 395 Hudson Street, New York, New York 10014, telephone (212) 849-5023. If any provision of this Notice of Sale conflicts with information provided by Ipreo, this Notice of Sale shall control. Each bidder submitting an electronic bid understands and agrees by doing so that it is solely responsible for all arrangements with Ipreo, that the City does not encourage the use of Ipreo, and that Ipreo is not acting as an agent of the City. Instructions for submitting electronic bids must be obtained from Ipreo, and the City does not assume any responsibility for ensuring or verifying bidder compliance with Ipreo procedures. Ipreo has advised the City that bidders must subscribe to Ipreo if such bidders intend to use Ipreo to submit bids. The City shall be entitled to assume that any bid received via Ipreo has been made by a duly authorized agent of the bidder.

Neither the City, the Municipal Advisor nor Bond Counsel has any responsibility for proper functioning of the Ipreo system, for any error contained in any bid submitted electronically, or for failure of any bid to be transmitted, received or opened at the official time for receipt of bids. The official time for receipt of bids will be determined by the City at the place of bid opening, and the City will not be required to accept the time kept by Parity as the official time. The City assumes no responsibility for informing any bidder prior to the deadline for receiving bids that its bid is incomplete, or not received.

PROMPT AWARD: The City Representative, pursuant to delegation by the City, will take action awarding the sale of the Notes or reject all bids not later than forty-eight (48) hours after the expiration of time herein prescribed for the receipt of bids and until such expiration of time all bids received shall be irrevocable. Unless such time of award is waived by the successful bidder, the award may be made after the expiration of the specified time if the bidder shall not have given to the City representative notice in writing of the withdrawal of such proposal. Notice of the award will be given promptly to the successful bidder.

ESTABLISHMENT OF ISSUE PRICE: (a) The winning bidder shall assist the City in establishing the issue price of the Notes and shall execute and deliver to the City at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public of the Notes, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as Exhibit 1, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City and Bond Counsel. All actions to be taken by the City under this Notice of Sale to establish the issue price of the Notes may be taken on behalf of the City by the City's municipal advisor identified herein and any notice or report to be provided to the City may be provided to the City's municipal advisor.

(b) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Notes) will apply to the initial sale of the Notes (the "competitive sale requirements") because:

Page 17 of 88

- (1) the City shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
 - (2) all bidders shall have an equal opportunity to bid;
- (3) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the City anticipates awarding the sale of the Notes to the bidder who submits a firm offer to purchase the Notes at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Notes, as specified in the bid. By submitting a bid for the Notes, each bidder certifies that it has an established industry reputation for underwriting new issuances of municipal bonds. The City will not accept bids from firms without an established industry reputation for underwriting new issuances of municipal bonds.

- (c) In the event the City receives less than three bids that conform to the parameters contained herein such that the competitive sale requirements are not satisfied, the City intends to treat the initial offering price of the Notes set forth in the bid submitted by the winning bidder (the "initial offering price") as the issue price of the Notes (the "hold-the-offering-price rule"). Consequently, each bidder should assume for purposes of making its bid that the City will treat the initial offering price of the Notes as of the date that the Notes are awarded by the City to the successful bidder ("sale date") as the issue price of the Notes. The City will advise the winning bidder within one hour of receipt of bids if the hold-the-offering-price rule will apply. In the event that the competitive sale requirements are not satisfied and issue price is established pursuant to the hold-the-offering-price rule, the issue price certificate shall be modified as necessary in the reasonable judgment of Bond Counsel and the City.
- (d) By submitting a bid, the successful bidder shall, on behalf of the underwriters participating in the purchase of the Notes, (i) confirm that the underwriters have offered or will offer the Notes to the public on or before the sale date at the initial offering price set forth in the bid submitted by the winning bidder, and (ii) agree that the underwriters will neither offer nor sell the Notes to any person at a price that is higher than the initial offering price for the Notes during the period starting on the sale date and ending on the earlier of the following:
 - (1) the close of the fifth business day after the sale date; or
 - (2) the date on which the underwriters have sold at least 10% of the Notes to the public at a price that is no higher than the initial offering price for the Notes.

The winning bidder shall promptly advise the City when the underwriters have sold 10% of the Notes to the public at a price that is no higher than the initial offering price if that occurs prior to the close of the fifth (5th) business day after the sale date.

(e) The City acknowledges that, in making the representation set forth above, the successful bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Notes to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was

Page 18 of 88

employed in connection with the initial sale of the Notes to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the Notes.

- (f) By submitting a bid, each bidder confirms that:
- (1) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the sale of the Notes to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to
 - (A) report the prices at which it sells to the public the Notes until it is notified by the successful bidder that either the 10% test has been satisfied as to the Notes or all Notes have been sold to the public and
 - (B) comply with the hold-the-offering-price rule, if and for so long as directed by the successful bidder and in the related pricing wires, and
- (2) any agreement among underwriters relating to the sale of the Notes to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Notes to the public to require each broker-dealer that is a party to such retail distribution agreement to
 - (A) report the prices at which it sells to the public the unsold Notes allotted to it until it is notified by the successful bidder or such underwriter that either the 10% test has been satisfied as to the Notes or all the Notes have been sold to the public and
 - (B) comply with the hold-the-offering-price rule, if and for so long as directed by the successful bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Notes to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Official Notice of Sale.

- (g) For purposes of this Official Notice of Sale:
- (1) "public" means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an underwriter or a related party,
- (2) "underwriter" means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Notes to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Notes to the public (including a member of a selling

Page 19 of 88

group or a party to a retail distribution agreement participating in the initial sale of the Notes to the public),

(3) a purchaser of any of the Notes is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

In addition, the City reserves the right to cancel the public sale of the Notes if the City receives fewer than three bids that conform to the parameters contained herein such that the competitive sale requirements are not satisfied.

NO GOOD FAITH DEPOSIT: The City is not requiring the successful bidder to submit a good faith deposit.

DELIVERY AND PAYMENT: It is estimated that the delivery of the Notes will be made to DTC for the account of the successful bidders on or about July 26, 2022. Payment of the purchase price must be made in funds immediately available to the City by wire transfer or other means acceptable to the City.

RIGHT OF REJECTION: The City reserves the right, in its sole discretion, to reject any and all bids for the Notes and to waive any irregularity or informality in any bid.

CHANGE IN TAX EXEMPT STATUS: At any time before the Notes are tendered for delivery, any successful bidder may disaffirm and withdraw its proposal if the interest received by private holders from notes of the same type and character shall be declared to be taxable income under present federal income tax laws, either by ruling of the Internal Revenue Service or by a decision of any federal court, or shall be declared taxable or be required to be taken into account in computing any federal income taxes by the terms of any federal income tax law enacted subsequent to the date of this notice.

CONTINUING DISCLOSURE: In order to assist bidders in complying with S.E.C. Rule 15c2-12(b)(5), the City will undertake, pursuant to separate Continuing Disclosure Certificates, to provide notices of the occurrence of certain events, if material. A description of these undertakings is set forth in the preliminary official statement relating to the Notes (the "POS") and will also be set forth in a final official statement relating to the Notes (the "OS").

ACKNOWLEDGMENT OF NO FIDUCIARY DUTY: At closing, the City will execute a certificate to the effect that it acknowledges and agrees that (i) the purchase and sale of the Notes by the winning bidder (the "Purchaser") is an arm's-length commercial transaction between the City and the Purchaser, (ii) in connection with such transaction, the Purchaser is acting solely as a principal and not as an advisor, (including, without limitation, a Municipal Advisor (as such term is defined in Section 975(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act)), agent or a fiduciary of the City, (iii) the Purchaser has not assumed (individually or collectively) a fiduciary responsibility in favor of the City with respect to the offering of the Notes or the process leading thereto (whether or not the Purchaser, or any affiliate of an Purchaser, has advised or is currently advising the City on other matters) or any other obligation to the City except the obligation to purchase the Notes, (iv) the Purchaser has financial and other interests that differ

from those of the City and (v) the City has consulted with its own legal and municipal advisors to the extent it deemed appropriate in connection with the offering of the Notes.

CLOSING PAPERS; LEGAL OPINION: Each proposal will be conditioned upon the City furnishing to each successful bidder, without charge, concurrently with payment for and delivery of the Notes, the following closing papers, each dated the date of such delivery:

- (a) The opinion of Bond Counsel, approving the validity of the Notes and stating that, subject to certain qualifications, under existing law, the interest on the Notes is excluded from gross income for federal income tax purposes, such interest is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, although for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes), such interest is taken into account in determining certain income and earnings, and is exempt from State of California personal income taxes, a copy of which opinion (certified by the official in whose office the original is filed) will be delivered with the Notes without cost to the purchaser.
- (b) A certificate of the Finance Director or other appropriate official of the City that on the basis of the facts, estimates and circumstances in existence on the date of issue, it is not expected that the proceeds of the Notes will be used in a manner that would cause the Notes to be "arbitrage bonds" within the meaning of the Code;
- (c) A certificate on behalf of the City that there is no litigation threatened or pending affecting the validity of the Notes;
- (d) A certificate of the Finance Director or other appropriate official of the City, acting on behalf of the City solely in his or her official and not in his or her personal capacity, that at the time of the sale of the Notes and at all times subsequent thereto up to and including the time of the delivery of the Notes to the initial purchasers thereof, the OS did not, and does not, contain any untrue statement of a material fact or omit to state a material fact necessary which would make the statements misleading in the light of the circumstances under which they were made;
- (e) The signature certificate of the officials of the City, showing that they have signed the Notes and impressed the seal of the City thereon, and that they were respectively duly authorized to execute the same; and
 - (f) The receipt of the City showing that the purchase price of the Notes has been received.

OFFICIAL STATEMENT: The City has approved a preliminary Official Statement relating to the Notes. Copies of such preliminary Official Statement will be distributed to any bidder, upon request, prior to the sale in a form "deemed final" by the City for purposes of Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule"). Within seven business days from the sale date, the City will deliver to the purchaser copies of the final Official Statement, executed by an authorized representative of the City and dated the date of delivery thereof to the purchaser, in sufficient number to allow the purchaser to comply with paragraph (b)(4) of the Rule and to satisfy the Municipal Securities Rulemaking Board (the "MSRB") Rule G-32 or any other applicable rules adopted by the MSRB, which shall include information permitted to be omitted by paragraph (b)(1) of the Rule and such other amendments or supplements as shall have been approved by the City (the "Final Official Statement"). The purchaser agrees that it will not confirm the sale of any Notes unless the confirmation of sale is accompanied or preceded by the delivery of a copy of the Final Official Statement. The City will furnish to the successful bidder, at no charge, an electronic copy of the Official Statement for use in connection with any resale of the Notes, and up to 20 printed copies upon request.

Page 21 of 88

A letter of Jones Hall, A Professional Law Corporation, San Francisco, California, as disclosure counsel, will be addressed to the City and to the successful bidder, stating that, without passing upon or assuming any responsibility for the accuracy, completeness of fairness of the statements contained in the final Official Statement and making no representations that they have independently verified the accuracy, completeness or fairness of an such statements, based upon the information made available to them in the course of their participation in the preparation of the final Official Statement, nothing has come to such counsel's attention which would lead them to believe that the final Official Statement, including the cover page and all appendices thereto (but excluding therefrom financial statements and statistical data, and information regarding The Depository Trust Company, and its book entry system, as to which no opinion need be expressed) contains an untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading

GIVEN pursuant to a resolution of the City adopted June 28, 2022.

Dated: June 29, 2021

EXHIBIT 1 Issue Price Certificate

OITY OF BERKELEY 2022-23 TAX AND REVENUE ANTICIPATION NOTES

The undersigned, on behalf of [NAME OF UNDERWRITER] ("Underwriter"), hereby certifies as set forth below with respect to the sale of the above-captioned obligations (the "Notes").

1. Reasonably Expected Initial Offering Price.

- (a) As of the Sale Date, the reasonably expected initial offering prices of the Notes to the Public by Underwriter are the prices listed in Schedule A (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Notes used by the Underwriter in formulating its bid to purchase the Notes. Attached as Schedule B is a true and correct copy of the bid provided by Underwriter to purchase the Notes.
- (b) Underwriter was not given the opportunity to review other bids prior to submitting its bid.
- (c) The bid submitted by Underwriter constituted a firm offer to purchase the Notes.

2. **Defined Terms**.

- (a) *Issuer* means the City of Berkeley.
- (a) Reserved.
- (b) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.
- (c) Sale Date means the first day on which there is a binding contract in writing for the sale of the Notes. The Sale Date of the Notes is July 12, 2022.
- (d) Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Notes to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Notes to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Notes to the Public).

^{*} Preliminary, subject to change

Page 23 of 88

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents Underwriter's interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Certificate of Arbitrage and with respect to compliance with the federal income tax rules affecting the Notes, and by Jones Hall, A Professional Law Corporation in connection with rendering its opinion that the interest on the Notes is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Notes.

| | [UNDERWRITER] |
|---------------------|---------------|
| | By: |
| Dated: [ISSUE DATE] | Name: |

Page 24 of 88

SCHEDULE A

EXPECTED OFFERING PRICES

| Maturity Date | Principal | Interest | Reoffering |
|---------------|---------------|-------------|------------|
| (September 1) | <u>Amount</u> | <u>Rate</u> | Price * |
| | \$ | % | % |

Stated as a percentage of par.

Page 25 of 88

SCHEDULE B COPY OF UNDERWRITER'S BID

(attached)

[LETTERHEAD OF JONES HALL, APLC]

| | 20 | 22 |
|---|----|-----|
| , | 20 | '22 |

City Council
City of Berkeley
2180 Milvia Street
Berkeley, California 94704

OPINION: \$____ City of Berkeley, California
2022-23 Tax and Revenue Anticipation Notes

Members of the City Council:

We have acted as bond counsel to the City of Berkeley, California (the "City") in connection with the issuance by the City, of the tax and revenue anticipation notes captioned above, dated the date hereof (the "Notes"). In such capacity, we have examined such law and such certified proceedings, certifications and other documents as we deem necessary to render this opinion.

The Notes are issued pursuant to Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (the "Act"), and a resolution (the "Resolution") of the City Council of the City, adopted on , 2022.

Regarding questions of fact material to our opinion, we have relied upon certified proceedings and other certifications of public officials and others furnished to us, without undertaking to verify the same by independent investigation. Regarding certain questions of law material to our opinion, we have assumed the correctness of certain legal conclusions contained in the written opinions of the general counsel to the City, and others, without undertaking to verify the same by independent investigation

Based on the foregoing, we are of the opinion that, under existing law:

- 1. The City is a duly created and validly existing municipal corporation and charter city with the power to adopt the Resolution, perform the agreements on its part contained therein and issue the Notes.
- 2. The Resolution constitutes a valid and binding obligation of the City, enforceable against the City.
- 3. Pursuant to the Act, the Resolution creates a first lien on funds pledged by the Resolution for the security of the Notes.

| City of Berkeley | |
|------------------|--|
| , 2022 | |
| Page 2 | |

- 4. The Notes have been duly authorized and executed by the City and are valid and binding general obligations of the City.
- 5. The interest on the Notes is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax. The opinions set forth in the preceding sentence are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the Notes in order that the interest thereon be, and continue to be, excludable from gross income for federal income tax purposes. The City has made certain representations and covenants in order to comply with each such requirement. Inaccuracy of those representations, or failure to comply with certain of those covenants, may cause the inclusion of such interest in gross income for federal income tax purposes, which may be retroactive to the date of issuance of the Notes.
- 6. The interest on the Notes is exempt from personal income taxation imposed by the State of California.

We express no opinion regarding any other tax consequences arising with respect to the ownership, sale or disposition of, or the amount, accrual or receipt of interest on, the Notes.

The rights of the owners of the Notes and the enforceability of the Notes are limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights generally, and by equitable principles, whether considered at law or in equity.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur. Moreover, our opinions are not a guarantee of a particular result, and are not binding on the Internal Revenue Service or the courts; rather, our opinions represent our legal judgment based upon our review of existing law that we deem relevant to such opinions and in reliance upon the representations, covenants and opinions referenced above. Our engagement with respect to this matter has terminated as of the date hereof.

Respectfully submitted,

A Professional Law Corporation

Page 28 of 88

PRELIMINARY OFFICIAL STATEMENT DATED , 2022

NEW ISSUE BOOK-ENTRY ONLY

RATING S&P: "__" See "RATING."

In the opinion of Jones Hall, A Professional Law Corporation, San Francisco, California, Bond Counsel, subject, however to certain qualifications described in this Official Statement, under existing law, interest on the Notes is excluded from gross income for federal income tax purposes, and such interest is not an item of tax preference for purposes of the federal alternative minimum tax. In the further opinion of Bond Counsel, interest on the Notes is exempt from California personal income taxes. See "TAX MATTERS."



\$28,000,000* CITY OF BERKELEY 2022-23 TAX AND REVENUE ANTICIPATION NOTES

Dated: Date of Delivery Due: _____, 2023

The tax and revenue anticipation notes captioned above (the "**Notes**") will be issued in denominations of \$5,000 or any integral multiple thereof. Principal and interest on the Notes will be payable upon maturity. The Notes are to be delivered as fully registered Notes, without coupons and, when delivered, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("**DTC**"), New York, New York (as described in APPENDIX E – BOOK-ENTRY ONLY SYSTEM). DTC will act as securities depository of the Notes. Purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. *The Notes are not subject to redemption prior to maturity*.

The Notes are by statute general obligations of the City of Berkeley, California (the "City"), payable solely from taxes, income, revenues, cash receipts and other moneys that are received by the City for its General Fund for fiscal year 2022-23 and that are generally available for the payment of current expenses and other obligations of the City (the "Unrestricted Moneys"). The Notes are secured by a pledge of Unrestricted Moneys to be received by the City in (a) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of January, 2023; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2023; and (c) an amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2023 (such pledged amounts being hereinafter called the "Pledged Revenues"). The Pledged Revenues will be deposited into, and held by the City in, a special fund designated "City of Berkeley, California, 2022-23 Tax and Revenue Anticipation Notes Special Account," as established in the City's Resolution adopted on June 28, 2022.

Principal of and interest on the Notes are payable in lawful moneys of the United States of America upon maturity, and interest on the Notes will be computed on the basis of a 360-day year comprised of twelve 30-day months and accrues from the date of delivery.

The Notes are legal investments for commercial banks in California and are eligible to secure deposits of public moneys in California.

THIS COVER PAGE CONTAINS CERTAIN INFORMATION FOR QUICK REFERENCE ONLY. IT IS NOT A SUMMARY OF THIS ISSUE. INVESTORS MUST READ THE ENTIRE OFFICIAL STATEMENT TO OBTAIN INFORMATION ESSENTIAL TO THE MAKING OF AN INFORMED INVESTMENT DECISION.

The following firm, serving as municipal advisor to the City, has structured this issue.



MATURITY SCHEDULE

Interest Rate Reoffering Yield CUSIP[†]

The Notes are offered when, as and if issued and received by the Underwriter, subject to the approval of legality by Jones Hall, A Professional Law Corporation, San Francisco, California, Bond Counsel. Certain legal matters will be passed upon for the City by Jones Hall, A Professional Law Corporation, as Disclosure Counsel, and by the City Attorney. It is anticipated that the Notes, in definitive form, will be available for delivery through DTC in New York, New York on or about _______, 2022.

| Dated | , | 2022 |
|-------|---|------|
|-------|---|------|

^{*} Preliminary; subject to change.

Page 29 of 88

GENERAL INFORMATION ABOUT THIS OFFICIAL STATEMENT

No dealer, broker, salesman or other person has been authorized by the City to give any information or to make any representations with respect to the Notes other than those contained in this Official Statement and, if given or made, such information or representation must not be relied upon as having been authorized by the City. This Official Statement does not constitute an offer to sell nor the solicitation of an offer to buy, nor shall there be any sale of the Notes by any person to make such offer, solicitation or sale.

This Official Statement is not to be construed as a contract with the purchasers of the Notes. Statements contained in this Official Statement which involve estimates, forecasts or matters of opinion, whether or not expressly so described herein, are intended solely as such and are not to be construed as a representation of facts.

The information set forth in this Official Statement has been obtained from sources that are believed to be reliable, but is not guaranteed as to accuracy or completeness, and is not to be construed as a representation by the Underwriter. The information and expressions of opinion stated in this Official Statement are subject to change without notice and neither delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the information or opinions set forth herein or in the affairs of the City since the date hereof. This Official Statement is submitted in connection with the sale of the Notes referred to herein and may not be reproduced or used, in whole or in part, for any purpose, unless authorized in writing by the City.

The Notes have not been registered under the Securities Act of 1933, as amended (the "Securities Act"), in reliance upon an exemption contained in such Act. The Notes have not been registered under the securities laws of any state.

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITER MAY OVERALLOT OR EFFECT TRANSACTIONS THAT STABILIZE OR MAINTAIN THE MARKET PRICE OF THE NOTES AT LEVELS ABOVE THOSE WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME. THE UNDERWRITER MAY OFFER AND SELL THE NOTES TO CERTAIN DEALERS AND BANKS AT PRICES LOWER THAN THE PUBLIC OFFERING PRICE STATED ON THE COVER PAGE HEREOF AND SAID PUBLIC OFFERING PRICE MAY BE CHANGED FROM TIME TO TIME BY THE UNDERWRITER.

Certain statements included or incorporated by reference in this Official Statement constitute "forward-looking statements" within the meaning of the United States Private Securities Litigation Reform Act of 1995, Section 21E of the Securities Exchange Act of 1934, as amended, and Section 27A of the Securities Act. Such statements are generally identifiable by the terminology used such as "plan," "expect," "estimate," "budget" or other similar words.

The Underwriter has provided the following sentence for inclusion in this Official Statement. The Underwriter has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information.

THE ACHIEVEMENT OF CERTAIN RESULTS OR OTHER EXPECTATIONS CONTAINED IN SUCH FORWARD-LOOKING STATEMENTS INVOLVE KNOWN AND UNKNOWN RISKS, UNCERTAINTIES AND OTHER FACTORS WHICH MAY CAUSE ACTUAL RESULTS, PERFORMANCE OR ACHIEVEMENTS DESCRIBED TO BE MATERIALLY DIFFERENT FROM ANY FUTURE RESULTS, PERFORMANCE OR ACHIEVEMENTS EXPRESSED OR IMPLIED BY SUCH FORWARD-LOOKING STATEMENTS. THE CITY DOES NOT PLAN TO ISSUE ANY UPDATES OR REVISIONS TO THOSE FORWARD-LOOKING STATEMENTS IF OR WHEN ITS EXPECTATIONS, OR EVENTS, CONDITIONS OR CIRCUMSTANCES ON WHICH SUCH STATEMENTS ARE BASED OCCUR.

Although the City maintains an internet website for various purposes, none of the information on that website is incorporated by reference in this Official Statement or is intended to assist investors in making any investment decision or to provide any continuing information with respect to the Notes or any other bonds or obligations of the City.

CITY OF BERKELEY, CALIFORNIA

ELECTED OFFICIALS

Jesse Arreguín, Mayor
Rashi Kesarwani, Councilmember District 1
Terry Taplin, Councilmember District 2
Ben Bartlett, Councilmember District 3
Kate Harrison, Councilmember District 4
Sophie Hahn, Councilmember District 5
Susan Wengraf, Councilmember District 6
Rigel Robinson, Councilmember District 7
Lori Droste, Councilmember District 8

CITY OFFICIALS

Dee Williams-Ridley City Manager

Henry Oyekanmi
Director of Finance

Farimah Brown City Attorney

LaTanya Bellow Deputy City Manager

Paul Buddenhagen Deputy City Manager

> Jenny Wong City Auditor

PROFESSIONAL SERVICES

Municipal Advisor

NHA Advisors, LLC San Rafael, California

Bond Counsel and Disclosure Counsel

Jones Hall, A Professional Law Corporation San Francisco, California

TABLE OF CONTENTS

| INTRODUCTORY STATEMENT | |
|---|-----|
| THE NOTES | |
| Description of the Notes | |
| Purpose of Issue | |
| Book-Entry Only System | . 2 |
| SECURITY FOR AND SOURCES OF PAYMENT OF THE NOTES | |
| Security for the Notes | |
| Available Sources of Repayment | |
| Monthly Cash Flows | . 4 |
| CITY INVESTMENT POLICY AND PORTFOLIO | |
| SPECIAL RISK FACTORS | |
| Bankruptcy Considerations | . 8 |
| Limitations on Remedies | . 9 |
| COVID-19 Pandemic | . 9 |
| Climate Change | 10 |
| Cybersecurity | 11 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS AFFECTING CITY | |
| REVENUES AND APPROPRIATIONS | |
| Limitations on Revenues | |
| Expenditures and Appropriations | 14 |
| Future Initiatives | 14 |
| LEGAL OPINION | 15 |
| TAX MATTERS | |
| CONTINUING DISCLOSURE | 17 |
| ABSENCE OF MATERIAL LITIGATION | 17 |
| UNDERWRITING | |
| MUNICIPAL ADVISOR | |
| RATING | |
| ADDITIONAL INFORMATION | 19 |
| | |
| ADDENIDING A CONTAINUNEODMATION CONCEDNING THE OUTLOOF DEDUCTION | |
| APPENDIX A – CERTAIN INFORMATION CONCERNING THE CITY OF BERKELEY | |
| APPENDIX B – THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE | |
| FISCAL YEAR ENDED JUNE 30, 2021 | |
| APPENDIX C – FORM OF BOND COUNSEL OPINION | |
| APPENDIX D – FORM OF CONTINUING DISCLOSURE CERTIFICATE | |
| APPENDIX E - BOOK-ENTRY ONLY SYSTEM | |

i



\$28,000,000* CITY OF BERKELEY 2022-23 TAX AND REVENUE ANTICIPATION NOTES

INTRODUCTORY STATEMENT

This Official Statement, which includes the cover page, the appendices hereto and this introductory statement, is provided to furnish information in connection with the sale by the City of Berkeley, California (the "City"), of its 2022-23 Tax and Revenue Anticipation Notes (the "Notes").

The Notes are issued in full conformity with the Constitution and laws of the State of California (the "State"), including Article 7.6, Chapter 4, Part 1, Division 2, Title 5 (commencing with Section 53850 of the Government Code of the State), (the "Law") and under the Law are general obligations of the City payable solely from those taxes, income, revenues, cash receipts and other moneys that are received by the City for the General Fund for fiscal year 2022-23 and that are generally available for the payment of current expenses and other obligations of the City (the "Unrestricted Moneys"). The Notes are authorized by a resolution adopted by the City Council on June 28, 2022 (the "Resolution"). The City may, under the Law, issue the Notes only if the principal of and interest on the Notes will not exceed 85% of the estimated amount of the uncollected Unrestricted Moneys that will be available for the payment of said Notes. Proceeds from the sale of the Notes will be deposited into a segregated account in the General Fund and used and expended by the City for any purpose for which it is authorized to expend funds from the General Fund.

THE NOTES

Description of the Notes

The Notes will be issued in the principal amount and at the interest rate shown on the cover page of this Official Statement. Principal of and interest on the Notes are payable in lawful moneys of the United States of America upon maturity, and interest on the Notes will be computed on the basis of a 360-day year comprised of twelve 30-day months and accrues from the date of delivery.

The Notes will be dated the date of delivery and will mature on ______, 2023. The Notes are to be delivered as fully registered Notes, without coupons, and, when delivered, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("**DTC**"), New York, New York. DTC will act as securities depository of the Notes. Purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof.

^{*} Preliminary; subject to change.

Purpose of Issue

Proceeds of the Notes will provide moneys to meet the City's General Fund cash flow requirements during the 2022-23 fiscal year commencing July 1, 2022, and ending June 30, 2023, including current expenses, capital expenditures, and the discharge of other obligations or indebtedness.

Book-Entry Only System

DTC will act as securities depository for the Notes. The Notes will be issued as fully-registered certificates registered in the name of Cede & Co. (DTC's partnership nominee). One fully-registered certificate will be issued for each maturity of the Notes, each in the aggregate principal amount of such maturity, and will be deposited with DTC. See "APPENDIX E – BOOK-ENTRY ONLY SYSTEM."

So long as the Notes are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal and interest with respect to the Notes will be made to DTC as provided as in the representation letter delivered on the date of issuance of the notes. The City cannot and does not give any assurances that DTC, participants in DTC's book-entry only system ("DTC Participants") or others will distribute payments of principal, interest or premium, if any, with respect to the Notes paid to DTC or its nominee as the registered owner, or will distribute any prepayment notices or other notices, to the Beneficial Owners, or that they will do so on a timely basis or will serve and act in the manner described in this Official Statement. The City is not responsible or liable for the failure of DTC or any DTC Participant to make any payment or give any notice to a Beneficial Owner with respect to the Notes or an error or delay relating thereto.

SECURITY FOR AND SOURCES OF PAYMENT OF THE NOTES

Security for the Notes

The principal amount of the Notes, together with the interest thereon, is payable from Unrestricted Moneys, being the first taxes, income, revenue, cash receipts, and other moneys that are received by the City for the General Fund for fiscal year 2022-23 and which are generally available for the payment of current expenses and other obligations of the City. Estimated Unrestricted Moneys exceed estimated payment requirements by more than eight to one. See "THE NOTES – Available Sources of Payment."

As security for the repayment of principal of and interest on the Notes, the City has pledged to deposit into a special fund designated as the "2022-23 Tax and Revenue Anticipation Note Special Account" (the "Special Account") the first Unrestricted Moneys to be received by the City as follows: (a) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of January, 2023; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2023; and (c) an amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2023 (such pledged amounts, the "Pledged Revenues"). The Notes are equally and ratably secured by the City's pledge of the Pledged Revenues.

The principal of the Notes and the interest thereon shall constitute a first lien and charge against and shall be paid from the first moneys received by the City from such Pledged Revenues, and to the extent not so paid shall be paid from any other moneys of the City lawfully available

therefor. In the event there are insufficient Unrestricted Moneys received by the City to permit the deposits into the Special Account of the full amount of the Pledged Revenues to be deposited in the applicable month, by the last business day of such month, then the amount of such deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the payment of the Notes and the interest thereon.

All Pledged Revenues, as and when received, shall be deposited by the City into the Special Account, which will be held by the City for the payment of the principal of and interest on the Notes at maturity. Amounts deposited by the City into the Special Account shall be applied solely for the purpose of paying the principal of and interest on the Notes. Such amounts shall be invested by the City in legal investments, as permitted by Section 53601 of the Government Code of the State. See "CITY INVESTMENT POLICY AND PORTFOLIO."

Available Sources of Repayment

The Notes, in accordance with State law, are general obligations of the City, but are payable only out of Unrestricted Moneys, which include the taxes, income, revenues, cash receipts and other moneys that are received by the City for the General Fund for fiscal year 2022-23 and that are generally available for payment of current expenses and other obligations of the City. The Constitution of the State substantially limits the City's ability to levy ad valorem taxes. See "CONSTITUTIONAL AND STATUTORY PROVISIONS AFFECTING CITY REVENUES AND APPROPRIATIONS." The City may, under existing law, issue the Notes only if the principal of, and interest on, the Notes will not exceed 85% of the estimated uncollected Unrestricted Moneys that will be available for the repayment of the Notes.

The Note coverage ratio is shown in the following table and is the ratio of estimated Unrestricted Moneys to the amount of Unrestricted Moneys needed to pay principal of and interest on the Notes.

The table below gives detail as to the sources of estimated Unrestricted Moneys and the Note Coverage Ratio.

CITY OF BERKELEY Estimated Unrestricted Moneys Fiscal Year 2022-23

| Source Available Cash Balance, July 1, 2021 Taxes (including property tax, sales tax and other taxes) Other Revenue Proceeds of the Notes ^{(1)*} Transfers In | Amount
\$71,592,194
207,881,207
71,808,821
28,194,960
9,875,568 |
|--|--|
| TOTAL UNRESTRICTED MONEYS* | \$389,352,750 |
| ESTIMATED PRINCIPAL PLUS INTEREST NEEDED FOR NOTE REPAYMENT* | \$28,837,667 |
| NOTE COVERAGE RATIO* | 13.5 : 1 |

^{*} Preliminary; subject to change.

Source: City of Berkeley Finance Department.

Monthly Cash Flows

The City has prepared the accompanying monthly General Fund cash flow statements covering fiscal year 2021-22 and the projected fiscal year 2022-23. The General Fund is used to finance the ordinary operations of the City and is available for any legal authorized purposes. While expenditures generally occur evenly throughout the fiscal year, cash receipts occur unevenly. As a result, the General Fund cash balance tends to show a deficit during parts of the fiscal year. The projections are based on the City's budget and current financial condition.

⁽¹⁾ Excluding underwriter's discount and costs of issuance.

City of Berkeley
Fiscal Year 2021-22 Actual and Projected General Fund Cash Flows (1)(2)

| | July | August | September | October | November | December | January | February | March | April | May | June | TOTAL |
|--|----------------|--------------|--------------|---------------|-----------------|--------------|----------------|--------------|--------------|---------------|----------------|----------------|---------------|
| Beginning Balance | \$36,838,797 | \$26,408,105 | \$27,067,646 | \$31,146,094 | \$29,884,190 | \$28,435,280 | \$66,549,638 | \$49,533,907 | \$56,480,867 | \$68,807,680 | \$107,271,653 | \$86,776,374 | \$36,838,797 |
| CASH RECEIPTS | | | | | | | | | | | | | |
| Property Tax | \$3,294,550 | \$4.544.763 | \$12,004,210 | \$4,257,282 | \$6,038,056 | \$40,619,704 | \$6,888,656 | \$6,746,772 | \$13,768,260 | \$27,647,235 | \$6,274,698 | \$5,508,033 | \$137,592,219 |
| Sales Tax | 1,583,233 | 1.941.290 | 1.371.856 | 1.614.476 | 1.688.682 | 1.334.076 | 1,520,357 | 1.579.447 | 1,251,729 | 1.379.597 | 1.380.847 | 1.641.624 | 18.287.215 |
| Other Taxes | 2,382,425 | 2,026,013 | 2,201,668 | 2,052,993 | 2,478,184 | 9,922,082 | 4,188,977 | 7,698,924 | 7,614,385 | 19.647.155 | 1,943,420 | 1,924,369 | 64,080,596 |
| License and Permits | 132.652 | 152.900 | 97.903 | 81.559 | 48.324 | 55.643 | 45.864 | 63.695 | 71.599 | 109.691 | 35.036 | 51.698 | 946.565 |
| Franchises | 10.686 | 166.396 | | 10.125 | 162.878 | | | 161.505 | | 1.049.395 | 161.505 | 20.250 | 1.742.739 |
| Subventions & Grants | 54.116 | 100,390 | 60.418 | 10,123 | 1.685 | 1.172 | 140.772 | 20.744 | 255.458 | 1,049,393 | 650 | 189.290 | 725.355 |
| Service Fees | 436.602 | 648.085 | 449.735 | 602,534 | 504.841 | 521.717 | 511.175 | 768.713 | 1.095.113 | 644.664 | 181.540 | 372,832 | 6.737.551 |
| Fines and Penalties | 503,978 | 402.150 | 493,662 | 332,289 | 381.151 | 421.833 | 492,904 | 432,395 | 512,188 | 478,448 | 434,657 | 434,657 | 5,320,312 |
| Rents and Royalties | 15.885 | 30.913 | 34.705 | 18.570 | 17.685 | 45.009 | 19.331 | 25.988 | 22,323 | 19.462 | 1.338 | 19.728 | 270.936 |
| Interest Income and CalPERS Discount | 435,915 | 352,348 | 581,185 | 279,908 | 862,830 | 595,598 | 531,320 | 462,837 | 698,181 | 260,027 | 727,632 | 854,840 | 6,642,621 |
| Miscellaneous | 11.377 | 174.097 | 8.391 | 97.290 | 22,424 | 1.100 | 43.452 | 44.837 | 18.510 | 3.866 | 325 | 034,040 | 425.668 |
| | 6.714.709 | | | | | | | | | | | | |
| Transfers In/Indirect Costs | | 630,786 | 604,658 | 6,783,612 | 610,694 | 803,005 | 6,785,553 | 598,666 | 597,006 | 6,784,044 | 606,134 | 1,015,512 | 32,534,379 |
| CalPERS Prepayments from Other Depts | 2,811,166 | 3,307,254 | 3,307,254 | 3,307,254 | 3,307,254 | 4,960,882 | 3,307,254 | 3,307,254 | 3,307,254 | 3,307,254 | 3,307,254 | 5,456,970 | 42,994,308 |
| TRAN Proceeds | 45,003,435 | | | A40 407 000 |
040 404 000 | | | | | | 045.055.007 | | 45,003,435 |
| TOTAL RECEIPTS | \$63,390,730 | \$14,376,997 | \$21,215,645 | \$19,437,892 | \$16,124,688 | \$59,281,820 | \$24,475,615 | \$21,911,777 | \$29,212,007 | \$61,331,888 | \$15,055,037 | \$17,489,802 | \$363,303,898 |
| CASH DISBURSEMENTS | | | | | | | | | | | | | |
| General Government | \$3,129,393 | \$2,576,554 | \$2,727,518 | \$2,717,094 | \$2,322,808 | \$3,428,330 | \$2,428,121 | \$2,581,220 | \$2,560,210 | \$2.647.539 | \$2,309,443 | \$6,277,125 | \$35,705,356 |
| Public Safety | 7.607.679 | 9.400.913 | 9.735.623 | 9.805.707 | 9.292.776 | 13.708.021 | 9.629.304 | 9.164.701 | 10.291.438 | 10.066.753 | 9.697.323 | 16.191.309 | 124.591.546 |
| Highways and Streets | 108.063 | 255.883 | 192,190 | 279.445 | 233.928 | 409.111 | 361.088 | 304.300 | 327.261 | 243.149 | 311.374 | 713.195 | 3.738.987 |
| Health and Human Service | 1.059.361 | 1.475.165 | 1.284.059 | 1.810.382 | 1.084.455 | 1.368.053 | 1.457.506 | 1.257.831 | 1.974.185 | 1.415.283 | 1.107.161 | 3,733,180 | 19.026.620 |
| Culture - Recreation | 555.049 | 726.725 | 731.928 | 643.844 | 550.685 | 679.483 | 486.969 | 582.945 | 652.870 | 583.316 | 666.583 | 2.299.804 | 9.160.202 |
| Urban Redevelopment/Housing | 544.159 | 690.846 | 886,532 | 459,324 | 550,003 | 1,017,138 | 647.235 | 535,334 | 1.418.889 | 686.243 | 1.967.476 | 1,602,449 | 11,005,642 |
| Econ Dev & Assistance | 63.609 | 268,701 | 373,792 | 304,065 | 391.811 | 463.465 | 146.149 | 237,525 | 234,006 | 90,207 | 105,205 | 1,051,079 | 3.729.614 |
| Debt Service | 03,009 | 200,701 | 3/3,/92 | 304,003 | 391,011 | (3,774) | 140,149 | 237,323 | 234,000 | 90,207 | 105,205 | 1,051,079 | (3,774) |
| Debt Service: Workers Comp Loan Repayment | | | | | | (3,774) | | | | |
 | | (3,774) |
| Debt Service: Workers Comp Loan Repayment Debt Service: 2016 Parking Revenue Bonds | | | | | | | | | | | | | |
| | 9.351.678 | 162.752 | 162.752 | 3,726,326 |
162.752 | 4 700 447 | 3.726.326 |
162,752 | 162,752 | 3,726,326 | 162,752 | 162.752 | 22 400 204 |
| Transfers Out/Other | | - , - | | | - , - | 1,736,447 | -, -,- | | | | | | 23,406,361 |
| Transfer Out to Pension Section 115 Trust Fund | 2,000,000 | - | 369,840 | - | | 369,840 | - | - | 369,840 | - | | 369,840 | 3,479,360 |
| Transfer Out of Excess of Property Transfer Tax Transfer Out to Stabilization Reserve Fund | 1,375,000 | - | | - | | 2,261,005 | - | - | | - | | - | 3.636.005 |
| | | - | | - | | | - | - | | - | | - | |
| Transfer Out to Catastrophic Reserve Fund | 1,125,000 | - | | - | - | 1,849,913 | - | - | | | | - | 2,974,913 |
| Prepayment to CalPERS | 42,994,308 | - | - | - | - | | | - | - | - | | - | 42,994,308 |
| TRAN Principal Pledge | | | - | - | | | 22,330,000 | - | | - | 22,330,000 | | 44,660,000 |
| TRAN Interest Pledge | | (4.040.000) | | | | (0.440.500) | 070.040 | 400.000 | (4.400.050) | | (0.407.000) | 445,359 | 445,359 |
| Advances from GF/(Repayment to GF) | 3,908,124 | (1,840,083) | 672,963 | 953,609 | 2,984,365 | (6,119,569) | 278,649 | 138,208 | (1,106,256) | 3,409,100 | (3,107,000) | (172,110) | |
| TOTAL DISBURSEMENTS | \$73,821,423 | \$13,717,455 | \$17,137,197 | \$20,699,795 | \$17,573,598 | \$21,167,462 | \$41,491,346 | \$14,964,817 | \$16,885,194 | \$22,867,915 | \$35,550,316 | \$32,673,982 | \$328,550,501 |
| Interfund Borrowings | - | - | - | - | | | - | - | | - | | - | |
| Net Cash Flow | (\$10,430,693) | \$659,541 | \$4,078,448 | (\$1,261,904) | (\$1,448,911) | \$38,114,359 | (\$17,015,731) | \$6,946,960 | \$12,326,813 | \$38,463,973 | (\$20,495,279) | (\$15,184,180) | \$34,753,397 |
| Ending Balance | \$26,408,105 | \$27,067,646 | \$31,146,094 | \$29,884,190 | \$28,435,280 | \$66,549,638 | \$49,533,907 | \$56,480,867 | \$68,807,680 | \$107,271,653 | \$86,776,374 | \$71,592,194 | \$71,592,194 |

5

946

⁽¹⁾ Actual through April 30, 2022.
(2) Cash and investment balances provided in the table above represent the City's available cash balance (i.e., General Fund cash and investments less the Stabilization and Catastrophic Reserve Fund cash balances and short term liabilities). Source: City of Berkeley.

City of Berkeley Fiscal Year 2022-23 Projected General Fund Cash Flows (1) (Including the Notes)

| | July | August | September | October | November | December | January | February | March | April | May | June | TOTAL |
|---|--------------------------|---------------|--------------|---------------|--------------------------|--------------------|----------------|--------------------------|--------------|--------------------|----------------|----------------|----------------|
| Beginning Balance | \$71,592,194 | \$14,507,565 | \$12,899,285 | \$15,313,684 | \$8,308,402 | \$6,281,410 | \$45,105,665 | \$30,546,022 | \$35,989,838 | \$46,247,449 | \$78,237,036 | \$64,217,798 | \$71,592,194 |
| CASH RECEIPTS | | | | | | | | | | | | | |
| Property Tax | \$2,974,286 | \$4,102,966 | \$10,837,277 | \$3.843.431 | \$5,451,095 | \$36,671,051 | \$6,219,007 | \$6,090,917 | \$12,429,844 | \$24,959,640 | \$5,664,733 | \$4,972,596 | \$124,216,842 |
| Sales Tax | 846,376 | 1,218,713 | 1,426,569 | 1.678.864 | 1,756,030 | 1.387.282 | 1,580,992 | 1,642,438 | 1.301.650 | 1.434.618 | 2.235.918 | 2.507.095 | 19.016.546 |
| Other Taxes | 1.603.514 | 1,843,947 | 2,221,157 | 2,071,166 | 2,500,120 | 10.009.909 | 4,226,057 | 7,767,072 | 7.681.786 | 19.821.066 | 2,160,623 | 2.741.403 | 64.647.819 |
| License and Permits | 132.652 | 152,900 | 97.903 | 81,559 | 48,324 | 55.643 | 45,864 | 63,695 | 71.599 | 109,691 | 35,036 | 51.698 | 946,565 |
| Franchises | 9,893 | 154,036 | | 9,373 | 150,779 | | | 149,508 | 7 1,000 | 971.443 | 149,508 | 18.745 | 1,613,283 |
| Subventions & Grants | 54.116 | 104,000 | 60.418 | 5,575 | 1.685 | 1.172 | 140.772 | 20.744 | 255.458 | 1.050 | 650 | 189.290 | 725.355 |
| Service Fees | 443.082 | 657,704 | 456.410 | 611,477 | 512.334 | 529,460 | 518.762 | 780.122 | 1.111.367 | 654.232 | 184.235 | 378.365 | 6.837.551 |
| Fines and Penalties | 545.981 | 435.667 | 534.806 | 359.983 | 412,917 | 456.990 | 533.985 | 468,433 | 554.877 | 518,324 | 470,883 | 470.883 | 5,763,730 |
| Rents and Royalties | 21.748 | 42,323 | 47.514 | 25,424 | 24,212 | 61.621 | 26,466 | 35,580 | 30.562 | 26,645 | 1,832 | 27.009 | 370.936 |
| Interest Income and CalPERS Discount | 393,743 | 318,262 | 876,920 | 252,829 | 779,358 | 977.929 | 479,919 | 418,061 | 1.007.738 | 234,872 | 657,239 | 1,237,232 | 7.634.103 |
| Miscellaneous | 11.377 | 174.097 | 8.391 | 97.290 | 22,424 | 1.100 | 43.452 | 44.838 | 18.510 | 3,866 | 325 | 1,201,202 | 425.669 |
| Transfers In/Indirect Costs | 2,038,200 | 191,470 | 183,540 | 2,059,115 | 185,372 | 243.746 | 2,059,704 | 181,721 | 181,217 | 2,059,246 | 183,987 | 308,251 | 9,875,568 |
| CalPERS Prepayments from Other Depts | 2.922.562 | 3,653,202 | 3,653,202 | 3,653,202 | 3,653,202 | 5,479,803 | 3,653,202 | 3,653,202 | 3,653,202 | 3,653,202 | 3,653,202 | 6,210,444 | 47.491.629 |
| TRAN Proceeds | 28.194.960 | 3,033,202 | 3,033,202 | 3,033,202 | 3,033,202 | 3,479,003 | 3,033,202 | 3,033,202 | 3,033,202 | 3,033,202 | 3,033,202 | 0,210,444 | 28,194,960 |
| TOTAL RECEIPTS | \$40,192,490 | \$12,945,286 | \$20,404,106 | \$14,743,713 | \$15,497,852 | \$55,875,708 | \$19,528,182 | \$21,316,330 | \$28,297,810 | \$54,447,895 | \$15,398,172 | \$19,113,012 | \$317,760,556 |
| TOTAL RECEIFTS | φ 4 0,192,490 | \$12,543,200 | \$20,404,100 | \$14,743,713 | \$13,487,032 | \$55,675,700 | \$19,320,102 | \$21,310,330 | \$20,291,010 | φ34,447,093 | \$13,380,172 | \$19,113,012 | φ317,700,330 |
| CASH DISBURSEMENTS | | | | | | | | | | | | | |
| General Government | \$3.344.253 | \$2,753,457 | \$2,914,786 | \$2.903.646 | \$2,482,289 | \$3.663.715 | \$2,594,833 | \$2,758,444 | \$2,735,991 | \$2.829.315 | \$2,468,006 | \$6,708,105 | \$38.156.842 |
| Public Safety | 8,102,178 | 10,011,972 | 10,368,438 | 10,443,078 | 9,896,807 | 14,599,042 | 10,255,209 | 9,760,407 | 10,960,381 | 10.721.092 | 10,327,648 | 17,243,744 | 132.689.996 |
| Highways and Streets | 111.311 | 263,575 | 197.967 | 287.845 | 240.960 | 421,409 | 371,943 | 313,447 | 337.099 | 250,459 | 320,734 | 734.634 | 3.851.384 |
| Health and Human Service | 1.108.907 | 1.544.157 | 1.344.113 | 1.895.052 | 1,135,174 | 1.432.036 | 1,525,672 | 1,316,659 | 2.066,515 | 1.481.474 | 1,158,942 | 3,907,777 | 19.916.479 |
| Culture - Recreation | 591.127 | 773,962 | 779.504 | 685.694 | 586,479 | 723,649 | 518.622 | 620,837 | 695,307 | 621,231 | 709,911 | 2,449,292 | 9.755.615 |
| Urban Redevelopment/Housing | 596,680 | 757,524 | 972,098 | 503,657 | 603,104 | 1,115,309 | 709,705 | 587,004 | 1,555,837 | 752,478 | 2,157,372 | 1,757,114 | 12,067,882 |
| Econ Dev & Assistance | 67.744 | 286,167 | 398,088 | 323,829 | 417,279 | 493,590 | 155,649 | 252,964 | 249,216 | 96,070 | 112,043 | 1,119,399 | 3,972,039 |
| Debt Service: Workers Comp Loan Repayment | | | | | | | | , | , | | | | -,, |
| Debt Service: 2016 Parking Revenue Bonds | | | | | | | | | | | | | |
| Transfers Out/Other | 9.331.545 | 162,752 | 162.752 | 3.706.193 | 162,752 | 162.752 | 3.706.193 | 162.752 | 162,752 | 3,706,187 | 162,752 | 162.752 | 21.752.134 |
| Transfer Out to Pension Section 115 Trust Fund | 2.000.000 | .02,.02 | 351.961 | 0,700,700 | .02,.02 | 439,951 | 0,7 00,700 | .02,.02 | 377.101 | 0,700,707 | .02,.02 | 465,091 | 3.634.103 |
| Transfer Out of Excess of Property Transfer Tax | 18.031.745 | | | | | | | | | | | | 18,031,745 |
| Transfer Out to Stabilization Reserve Fund | 1,375,000 | | | _ | | | | | | | _ | | 1,375,000 |
| Transfer Out to Catastrophic Reserve Fund | 1,125,000 | | | | | | | | | | | | 1,125,000 |
| Prepayment to CalPERS | 47,491,629 | | | | | | | | | | | | 47.491.629 |
| TRAN Principal Pledge | 47,401,020 | | | _ | _ | | 14.000.000 | _ | | | 14,000,000 | | 28.000.000 |
| TRAN Interest Pledge | | | | _ | | | 14,000,000 | | | | 14,000,000 | 837.667 | 837.667 |
| Advances from GF/(Repayment to GF) | 4,000,000 | (2,000,000) | 500,000 | 1,000,000 | 2,000,000 | (6,000,000) | 250,000 | 100,000 | (1,100,000) | 2,000,000 | (2,000,000) | 1,250,000 | |
| TOTAL DISBURSEMENTS | \$97,277,119 | \$14.553.566 | \$17.989.708 | \$21,748,994 | \$17.524.845 | \$17,051,453 | \$34.087.825 | \$15.872.514 | \$18,040,199 | \$22,458,307 | \$29,417,409 | \$36,635,574 | \$342.657.514 |
| TOTAL DIODOROLMENTO | ψ31,211,113 | ψ14,555,500 | \$17,505,700 | Ψ21,740,334 | Ψ17,32 4 ,043 | Ψ17,031,433 | ψ54,007,025 | \$15,072,51 4 | ψ10,040,133 | Ψ22,430,307 | Ψ23,417,403 | Ψ30,033,374 | Ψ042,007,014 |
| Interfund Borrowings | | | | | | | | | | | | | |
| • | | | | | | | | | | | | | |
| Net Cash Flow | (\$57,084,629) | (\$1,608,280) | \$2,414,399 | (\$7,005,282) | (\$2,026,992) | \$38,824,255 | (\$14,559,643) | \$5,443,817 | \$10,257,610 | \$31,989,587 | (\$14,019,238) | (\$17,522,562) | (\$24,896,958) |
| Fadina Dalana | £44 507 505 | 640 000 005 | 645 040 004 | ¢0 200 400 | CC 004 440 | CAE 405 005 | ¢20 540 000 | 625 000 020 | ¢40 047 440 | 670 007 000 | CA 047 700 | £40.00F.000 | £40.00E.000 |
| Ending Balance | \$14,507,565 | \$12,899,285 | \$15,313,684 | \$8,308,402 | \$6,281,410 | \$45,105,665 | \$30,546,022 | \$35,989,838 | \$46,247,449 | \$78,237,036 | \$64,217,798 | \$46,695,236 | \$46,695,236 |

6

947

⁽¹⁾ Cash and investment balances provided in the table above represent the City's available cash balance (i.e., General Fund cash and investments less the Stabilization and Catastrophic Reserve Fund cash balances and short-term liabilities). Source: City of Berkeley.

CITY INVESTMENT POLICY AND PORTFOLIO

The authority to invest the City's funds is derived from a resolution adopted annually by the City Council delegating to the Director of Finance and the Treasurer of the City the authority to invest these funds within the guidelines of Section 53600 et seq. of the Government Code of the State (the "Government Code"). The Government Code also directs the City to present an annual investment policy (the "Investment Policy") for confirmation to the City Council. The City Council voted to affirm the Investment Policy and designate the investment authority on July 1, 2021. The Investment Policy may be revised by the City Council at any time.

The objectives of the Investment Policy are preservation of capital, liquidity and yield. The Investment Policy addresses the soundness of financial institutions in which the City may deposit funds, types of investment instruments permitted by the City and the Government Code, investment duration and the amount which may be invested in certain instruments. The Investment Policy also reflects and supports the City's policy positions on important social and environmental issues, as contained in formal City Council actions including the Nuclear-Free Berkeley Act, the Responsible Investment Ordinance, the Oppressive States Contract Resolution and Divestment from Publicly-Traded Fossil Fuel Companies and Gun Manufacturers and Tobacco companies. Summarized below are the permitted investments under the Investment Policy. These policies may further restrict investment options available to the City.

| Authorized Investment Type Bank/Time Deposit Accounts | Maximum
Maturity
5 years | Maximum Percentage/Dollar of Portfolio 100% | Maximum
Investment
in One
Issuer
N/A |
|---|--------------------------------|---|--|
| Money Market Funds | N/A | 100 | N/A |
| Repurchase Agreements | 1 year | 10 | N/A |
| Reverse Repurchase Agreements | 7 days | 10 | N/A |
| Banker's Acceptances | 7 days | 40 | 30% |
| U.S. Government Securities | | | |
| (Treasury bills, Notes and Bonds) | 10 years* | 100 | N/A |
| U.S. Agency Securities by Agency | 10 years* | 100 | N/A |
| Negotiable Certificates of Deposit | 10 years* | 30 | \$250,000 |
| Local Agency Bonds | 5 years* | 100 | N/A |
| Commercial Paper
Medium Term Notes | 180 days
10 years | 25 | \$5M or 2% |
| | 30 years* | 30 | 30% |

Source: City of Berkeley

^{*} Maturities over five years, up to 30 years, are authorized for Retiree Medical Plan Trust and debt service reserve funds.

As of March 31, 2022, the City portfolio included \$581,584,405 in pooled investments. The average life of the investments was 1,304 days and the weighted yield was 0.969%. The following is the market value of investments held by the City as of March 31, 2022:

| Security | Market
Value | % of Total Portfolio |
|-------------------------|------------------------------|----------------------|
| Certificates of Deposit | \$511,125 | 0.09% |
| Medium Term Notes | 116,481,431 | 20.03 |
| Federal Agency | 264,957,050 | 45.56 |
| Municipal Bonds | 5,092,050 | 0.88 |
| Money Market | 135,150,556 | 23.24 |
| Bank Account | <u>59,391,657</u> | <u>10.21</u> |
| TOTAL ⁽¹⁾ : | \$526,986,435 ⁽¹⁾ | 100.00% |

⁽¹⁾ Totals do not sum due to rounding. Source: City of Berkeley Finance Department.]

SPECIAL RISK FACTORS

The following information should be considered by prospective investors in evaluating the Notes; however, this information does not purport to be an exhaustive listing of the risks and other considerations, which may be relevant to an investment in the Notes.

Bankruptcy Considerations

In 1994, Orange County, California issued its 1994-1995 Tax and Revenue Anticipation Notes (the "Orange County Notes") under the same statutory authority as the Notes. On December 6, 1994, Orange County filed a petition in bankruptcy. Subsequently, Orange County declined to set aside the taxes and revenues it had pledged for the repayment of the Orange County Notes and a noteholder brought suit to compel Orange County to do so. A March 8, 1995, ruling of the United States Bankruptcy Court for the Central District of California, held that the lien securing the Orange County Notes did not attach to revenues received by Orange County after the filing of its bankruptcy petition on December 6, 1994, and therefore, Orange County was not required to set aside the revenues pledged under the note resolution following the bankruptcy. The Bankruptcy Court ruled that under the United States Bankruptcy Code (the "Bankruptcy Code"), the lien did not attach to revenues received by Orange County after December 6, 1994. because the lien was a consensual security interest rather than a statutory lien. In July 1995, the United Stated District Court for the Central District of California reversed the decision of the Bankruptcy Court. Orange County appealed the decision of the District Court to the United States Court of Appeals for the Ninth Circuit. Before the Ninth Circuit rendered a decision, the parties settled their disputes. Accordingly, if the City were to file for bankruptcy, it is not clear whether it would be required to set aside revenues pledged under the Resolution as described above.

In addition, the Pledged Revenues and other moneys that will be set aside to pay the Notes will be held in the City's General Fund, and these funds will be invested in the pooled investment fund. Should the City go into bankruptcy, a court might hold that the owners of the Notes do not have a valid lien on the Pledged Revenues. In that case, unless the owners could "trace" the funds, the owners would merely be unsecured creditors of the City. There can be no assurance that the owners of the Notes could successfully so "trace" the Pledged Revenues.

Limitations on Remedies

The rights of the owners of the Notes are subject to the limitations on legal remedies against cities in the State, including a limitation on enforcement of judgments against funds needed to serve the public welfare and interest. Additionally, enforceability of the rights and remedies of the owners of the Notes and the obligations incurred by the City, may become subject to the following: the Bankruptcy Code and applicable bankruptcy, insolvency, reorganization, moratorium, or similar laws relating to or affecting the enforcement of creditor's rights generally, now or hereafter in effect; equity principles which may limit the specific enforcement under State law of certain remedies; the exercise by the United States of America of the powers delegated to it by the Constitution; and the reasonable and necessary exercise in certain exceptional situations, of the police powers inherent in the sovereignty of the State and its governmental bodies in the interest of serving a significant and legitimate public purpose. Bankruptcy proceedings, or the exercise of powers by the federal or State government, if initiated, could subject the owners of the Notes to judicial discretion and interpretation of their rights in bankruptcy or otherwise, and consequently may entail risks of delay, limitation, or modification of their rights.

COVID-19 Pandemic

General. The spread of the novel strains of coronavirus that causes the disease known as COVID-19 ("COVID-19") and local, state, and federal actions in response to COVID-19, is having a significant impact on the economy and on the City's operations and finances. On February 11, 2020, the World Health Organization announced the official name for the outbreak of COVID-19, an upper respiratory tract illness. COVID-19 has since spread across the globe. The COVID-19 pandemic has had an adverse effect on, among other things, the world economy, global supply chain, international travel, and a number of travel-related industries. The temporary and permanent business closures caused by the COVID-19 pandemic have led to a stark increase in unemployment across the County and the nation. Depending on the length and the breadth of the impacts of the COVID-19 pandemic, the economic costs may be very significant for the City and the region's economy. On June 8, 2020, the National Bureau of Economic Research announced that the United States of America (the "U.S.") officially entered into a recession in February 2020. In addition, capital markets in the United States and globally have been volatile.

In mid-March 2020, based on guidance and directives from the State and public health agencies, all counties in the Bay Area and the City implemented and revised Shelter-in-Place ("Shelter-in-Place") emergency orders or directives, which directed individuals to stay home, except for limited travel for the conduct of essential services. Most retail establishments (including restaurants, bars and nightclubs, entertainment venues and gyms) were closed in response to the Shelter-in-Place orders or directives. The Governor of the State announced similar Shelter-in-Place emergency orders effective for the entire State, which were lifted in June 2021.

In December 2020, two vaccines were approved for emergency use in the United States and vaccinations began in California. A third vaccine was approved for emergency use in February 2021. In July 2021, as a result of the Delta variant, all Bay Area counties and the City issued recommendations that all persons wear masks in indoor settings, regardless of vaccination status, and the recommendation became mandatory in August 2021. Also in August 2021, booster shots became available to all Americans. In January 2022, the Omicron variant surged in the State, and began to wane in February 2022 and on February 16, 2022, the State and the City lifted the indoor bask mandate in most public settings for vaccinated people.

Impacts of COVID-19 Emergency Uncertain. The COVID-19 pandemic is still ongoing; however, indications are strong that the pandemic is transitioning to its endemic stage though its dynamic nature leads to uncertainties. There are many variables that will continue to contribute to the economic impact of the COVID-19 pandemic and the recovery, including the length of time social distancing measures are in place, the effectiveness of State and Federal governments' relief programs and the timing for the containment and treatment of COVID-19. The ultimate impact of COVID-19 on the City's operations and finances is not fully known, and it may be some time before the full impact of the COVID-19 pandemic is known.

Climate Change

The adoption by the State of the California Global Warming Solutions Act of 2006 (AB 32) and subsequent companion bills demonstrate the commitment by the State to take action and reduce greenhouse gases ("**GHG**") to 1990 levels by 2020 and 80% below 1990 levels by 2050. The State Attorney General's Office, in accordance with SB 375, now requires that local governments examine local policies and large-scale planning efforts to determine how to reduce greenhouse gas emissions. Additionally, the State adopted Senate Bill No. 32, which established a revised statewide GHG emission reduction target of 40% below 1990 levels by 2030.

The City is vulnerable to the impacts of climate change. The severity of these impacts will depend on the amount of greenhouse gas emissions produced worldwide over the coming decades and the City's ability to adapt to the changing climate. These impacts will continue to grow in intensity and will disproportionately affect vulnerable communities such as the elderly, children, people with disabilities, and people with low incomes. In order to mitigate climate change locally, the City developed the Berkeley Climate Action Plan (CAP). The CAP sets a target of achieving 80% GHG reductions below 2000 levels by 2050. The City also has goals to achieve net zero carbon emissions by 2050, become a fossil fuel free city, and reach 100% renewable electricity citywide by 2035. From 2000 to 2016, the City has reduced its greenhouse gas emissions by 15% despite a population increase of approximately 18% in that same period. The City's mitigation efforts include developing plans, programs and policies to:

- Reduce energy use in building construction and operation, in transportation by shifting travel to walking, biking, and transit, and by minimizing landfilled waste;
- Clean the electricity used in the City and
- Electrify transportation and buildings to significantly reduce natural gas and petroleum use.

It is also critical that the City adapt to current and projected climate change impacts, including sea level rise, drought, severe storms, and extreme heat, in order to protect its community, infrastructure, buildings, and economy. The City has several plans that address climate adaptation including the Local Hazard Mitigation Plan, the Resilience Strategy, and the Climate Action Plan. The City is also developing a sea level rise plan for the Berkeley Marina and a green infrastructure plan. Some key climate resilience actions that the City is taking include implementing green infrastructure projects and identifying opportunities for clean energy assurance solutions, such as solar plus storage, for buildings. The City also actively participates in regional organizations such as the Bay Area Climate Adaptation Network to develop regional strategies and solutions to adapt to climate change.

Climate change will have new, direct impacts and will also exacerbate existing local natural hazards. Rising sea levels have the potential to impact infrastructure and community

members in west Berkeley and the Berkeley waterfront. This could increase the City's exposure to tsunami inundation and to flooding of critical infrastructure in these areas, which includes sanitary sewers, state highways, and railroad lines. Increased temperatures, when coupled with prolonged drought events, can increase the intensity of wildfires that may occur, and pose significant health and safety risks for vulnerable communities. Shorter, more intense wet seasons could make flooding more frequent, and may increase the landslide risk in the Berkeley hills. California may experience greater water and food insecurity, and drought may become a more persistent issue as the effects of climate change deepen.

Cybersecurity

The City and its departments face multiple cyber threats including, but not limited to, hacking, viruses, malware and other attacks on computers and other sensitive digital networks and systems. There have been, however, only limited cyber-attacks on the computer systems of the City. No assurances can be given that the security and operational control measures of the City will be successful in guarding against any and each cyber threat and attack. The results of any attack on the computer and information technology systems could have a material adverse impact on the operations of the City and damage the digital networks and systems. The resulting costs and/or impacts on operations and General Fund revenues could be material.

CONSTITUTIONAL AND STATUTORY PROVISIONS AFFECTING CITY REVENUES AND APPROPRIATIONS

Limitations on Revenues

Article XIIIA of the California Constitution. Article XIIIA of the State Constitution, adopted and known as Proposition 13, was approved by the voters in June 1978. Section 1(a) of Article XIIIA limits the maximum ad valorem tax on real property to one percent of "full cash value," and provides that such tax shall be collected by the counties and apportioned according to State law. Section 1(b) of Article XIIIA provides that the one-percent limitation does not apply to ad valorem taxes levied to pay interest and redemption charges on (i) indebtedness approved by the voters prior to July 1, 1978, or (ii) bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast on the proposition, or (iii) bonded indebtedness incurred by a school district or community college district for the construction, reconstruction, rehabilitation or replacement of school facilities or the acquisition or lease of real property for school facilities, approved by 55% of the voters of the district, but only if certain accountability measures are included in the proposition. The tax for payment of the City's general obligation bonds falls within the exception for bonds approved by a two-thirds vote.

Section 2 of Article XIIIA defines "full cash value" to mean the county assessor's valuation of real property as shown on the fiscal year 1975-76 tax bill, or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred. The full cash value may be adjusted annually to reflect inflation at a rate not to exceed two percent per year, or to reflect a reduction in the consumer price index or comparable data for the area under taxing jurisdiction or may be reduced in the event of declining property value caused by substantial damage, destruction or other factors. Legislation enacted by the State Legislature to implement Article XIIIA provides that, notwithstanding any other law, local agencies may not levy any ad valorem property tax except the 1% base tax levied by each County and taxes to pay debt service on indebtedness approved by the voters as described above.

Since its adoption, Article XIIIA has been amended a number of times. These amendments have created a number of exceptions to the requirement that property be reassessed when purchased, newly constructed or a change in ownership has occurred. These exceptions include certain transfers of real property between family members, certain purchases of replacement dwellings for persons over age 55 and by property owners whose original property has been destroyed in a declared disaster, and certain improvements to accommodate disabled persons and for seismic upgrades to property. These amendments have resulted in marginal reductions in the property tax revenues of the City.

Both the California State Supreme Court and the United States Supreme Court have upheld the validity of Article XIIIA.

Article XIIIC and Article XIIID of the California Constitution. On November 5, 1996, the voters of the State approved Proposition 218, known as the "Right to Vote on Taxes Act." Proposition 218 adds Articles XIIIC and XIIID to the California Constitution and contains a number of interrelated provisions affecting the ability of the City to levy and collect both existing and future taxes, assessments, fees and charges.

On November 2, 2010, California voters approved Proposition 26, entitled the "Supermajority Vote to Pass New Taxes and Fees Act." Section 1 of Proposition 26 declares that

Proposition 26 is intended to limit the ability of the State Legislature and local government to circumvent existing restrictions on increasing taxes by defining the new or expanded taxes as "fees." Proposition 26 amended Articles XIIIA and XIIIC of the State Constitution. The amendments to Article XIIIA limit the ability of the State Legislature to impose higher taxes (as defined in Proposition 26) without a two-thirds vote of the Legislature. The amendments to Article XIIIC define "taxes" that are subject to voter approval as "any levy, charge, or exaction of any kind imposed by a local government," with certain exceptions.

<u>Taxes</u>. Article XIIIC requires that all new local taxes be submitted to the electorate before they become effective. Taxes for general governmental purposes of the City ("**general taxes**") require a majority vote; taxes for specific purposes ("**special taxes**"), even if deposited in the City's General Fund, require a two-thirds vote. The voter approval requirements of Proposition 218 reduce the flexibility of the City to raise revenues for the General Fund, and no assurance can be given that the City will be able to impose, extend or increase such taxes in the future to meet increased expenditure needs.

Property-Related Fees, Charges and Assessments. Article XIIID also adds several provisions making it generally more difficult for local agencies to levy and maintain property-related fees, charges, and assessments for municipal services and programs. These provisions include, among other things, (i) a prohibition against assessments which exceed the reasonable cost of the proportional special benefit conferred on a parcel, (ii) a requirement that assessments must confer a "special benefit," as defined in Article XIIID, over and above any general benefits conferred, (iii) a majority protest procedure for assessments which involves the mailing of notice and a ballot to the record owner of each affected parcel, a public hearing and the tabulation of ballots weighted according to the proportional financial obligation of the affected party, and (iv) a prohibition against fees and charges which are used for general governmental services, including police, fire or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

Reduction or Repeal of Taxes, Fees and Charges. Article XIIIC also removes limitations on the initiative power in matters of reducing or repealing local taxes, assessments, fees or charges. No assurance can be given that the voters of the City will not, in the future, approve an initiative or initiatives which reduce or repeal local taxes, assessments, fees or charges currently comprising a substantial part of the City's General Fund. If such repeal or reduction occurs, the City's ability to pay debt service on the Notes could be adversely affected.

Burden of Proof. Article XIIIC provides that local government "bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity." Similarly, Article XIIID provides that in "any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance" with Article XIIID.

Impact on City's General Fund. The approval requirements of Articles XIIIC and XIIID reduce the flexibility of the City to raise revenues for the General Fund, and no assurance can be given that the City will be able to impose, extend or increase the taxes, fees, charges or taxes in the future that the City may need to meet increased expenditure needs.

The City does not believe that any material source of General Fund revenue is subject to challenge under Articles XIIIC or XIIID.

<u>Judicial Interpretation</u>. The interpretation and application of Articles XIIIC and XIIID will ultimately be determined by the courts with respect to a number of the matters discussed below, and it is not possible at this time to predict with certainty the outcome of such determination.

Expenditures and Appropriations

Article XIIIB of the California Constitution. In addition to the limits Article XIIIA imposes on property taxes that may be collected by local governments, certain other revenues of the State and local governments are subject to an annual "appropriations limit" or "Gann Limit" imposed by Article XIIIB of the State Constitution, which effectively limits the amount of such revenues that government entities are permitted to spend. Article XIIIB, approved by the voters in June 1979, was modified substantially by Proposition 111 in 1990. The appropriations limit of each government entity applies to "proceeds of taxes," which consist of tax revenues, state subventions and certain other funds, including proceeds from regulatory licenses, user charges or other fees to the extent that such proceeds exceed "the cost reasonably borne by such entity in providing the regulation, product or service." "Proceeds of taxes" exclude tax refunds and some benefit payments such as unemployment insurance. No limit is imposed on the appropriation of funds which are not "proceeds of taxes," such as reasonable user charges or fees, and certain other non-tax funds.

Article XIIIB also does not limit appropriation of local revenues to pay debt service on bonds existing or authorized by January 1, 1979, or subsequently authorized by the voters, appropriations required to comply with mandates of courts or the federal government, appropriations for qualified capital outlay projects, and appropriation by the State of revenues derived from any increase in gasoline taxes and motor vehicle weight fees above January 1, 1990, levels. The appropriations limit may also be exceeded in cases of emergency; however, the appropriations limit for the three years following such emergency appropriation must be reduced to the extent by which it was exceeded, unless the emergency arises from civil disturbance or natural disaster declared by the Governor, and the expenditure is approved by two-thirds of the legislative body of the local government.

The State and each local government entity have their own appropriations limit. Each year, the limit is adjusted to allow for changes, if any, in the cost of living, the population of the jurisdiction, and any transfer to or from another government entity of financial responsibility for providing services. Each school district is required to establish an appropriations limit each year. In the event that a school district's revenues exceed its spending limit, the district may increase its appropriations limit to equal its spending by taking appropriations limit from the State.

Proposition 111 requires that each agency's actual appropriations be tested against its limit every two years. If the aggregate "proceeds of taxes" for the preceding two-year period exceed the aggregate limit, the excess must be returned to the agency's taxpayers through tax rate or fee reductions over the following two years.

Future Initiatives

Article XIIIA, Article XIIIB, Article XIIIC, Article XIIID and Proposition 111 were each adopted as measures that qualified for the ballot pursuant to California's initiative process. From time to time other initiative measures could be adopted, further affecting City revenues or the City's ability to expend revenues. The nature and impact of these measures cannot be predicted by the City.

LEGAL OPINION

The statements of law and legal conclusions set forth in this Official Statement under the heading "TAX MATTERS" have been reviewed by Bond Counsel. Bond Counsel's employment is limited to a review of the legal proceedings required for the authorization of the Notes and to rendering the opinion discussed below. Such opinion will not consider or extend to any documents, agreements, representations, offering circulars or other material of any kind concerning the Notes not mentioned in this paragraph. Bond Counsel takes no responsibility for the accuracy, completeness or fairness of this Official Statement. Bond Counsel's compensation is contingent upon the delivery of the Notes. Certain legal matters will be passed upon for the City by the City Attorney.

TAX MATTERS

In the opinion of Jones Hall, A Professional Law Corporation, San Francisco, California, Bond Counsel, subject, however to the qualifications set forth below, under existing law, the interest on the Notes is excluded from gross income for federal income tax purposes and such interest is not an item of tax preference for purposes of the federal alternative minimum tax.

The opinions set forth in the preceding paragraph are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended (the "**Tax Code**") that must be satisfied subsequent to the issuance of the Notes. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of such interest in gross income for federal income tax purposes to be retroactive to the date of issuance of the Notes.

Tax Treatment of Original Issue Discount and Premium. If the initial offering price to the public at which a Note is sold is less than the amount payable at maturity thereof, then such difference constitutes "**original issue discount**" for purposes of federal income taxes and State of California personal income taxes. If the initial offering price to the public at which a Note is sold is greater than the amount payable at maturity thereof, then such difference constitutes "**original issue premium**" for purposes of federal income taxes and State of California personal income taxes. *De minimis* original issue discount and original issue premium are disregarded.

Under the Tax Code, original issue discount is treated as interest excluded from federal gross income and exempt from State of California personal income taxes to the extent properly allocable to each owner thereof subject to the limitations described in the first paragraph of this section. The original issue discount accrues over the term to maturity of the Note on the basis of a constant interest rate compounded on each interest or principal payment date (with straight-line interpolations between compounding dates). The amount of original issue discount accruing during each period is added to the adjusted basis of such Notes to determine taxable gain upon disposition (including sale, redemption, or payment on maturity) of such Note. The Tax Code contains certain provisions relating to the accrual of original issue discount in the case of purchasers of the Notes who purchase the Notes after the initial offering of a substantial amount of such maturity. Owners of such Notes should consult their own tax advisors with respect to the tax consequences of ownership of Notes with original issue discount, including the treatment of purchasers who do not purchase in the original offering, the allowance of a deduction for any loss

Page 47 of 88

on a sale or other disposition, and the treatment of accrued original issue discount on such Notes under federal alternative minimum taxes.

Under the Tax Code, original issue premium is amortized on an annual basis over the term of the Note (said term being the shorter of the Note's maturity date or its call date). The amount of original issue premium amortized each year reduces the adjusted basis of the owner of the Note for purposes of determining taxable gain or loss upon disposition. The amount of original issue premium on a Note is amortized each year over the term to maturity of the Note on the basis of a constant interest rate compounded on each interest or principal payment date (with straight-line interpolations between compounding dates). Amortized Note premium is not deductible for federal income tax purposes. Owners of premium Notes, including purchasers who do not purchase in the original offering, should consult their own tax advisors with respect to State of California personal income tax and federal income tax consequences of owning such Notes.

In the further opinion of Bond Counsel, interest on the Notes is exempt from California personal income taxes.

Owners of the Notes should also be aware that the ownership or disposition of, or the accrual or receipt of interest on, the Notes may have federal or state tax consequences other than as described above. Bond Counsel expresses no opinion regarding any federal or state tax consequences arising with respect to the Notes other than as expressly described above.

A copy of the proposed form of opinion of Bond Counsel is attached hereto as APPENDIX C.

CONTINUING DISCLOSURE

The City has covenanted for the benefit of the holders of the Notes to provide notices of the occurrence of certain enumerated events. The notices of enumerated events will be filed by the City with the Municipal Securities Rulemaking Board. The specific nature of the information to be contained in the notices of enumerated events is summarized under the caption "APPENDIX D – Form of Continuing Disclosure Certificate." These covenants have been made in order to assist the purchaser of the Notes in complying with Rule 15c2- 12(b)(5) promulgated under the Securities Exchange Act of 1934, as amended (the "**Rule**").

The City and its related governmental entities have previously entered into numerous disclosure undertakings under the Rule in connection with the issuance of long-term obligations See Note 8 of the City's Annual Comprehensive Financial Report attached to this Official Statement as APPENDIX B.

In the previous five years, the City failed to timely file a material event notice in connection with a rating change for one series of the City's outstanding bonds. To ensure future compliance with its continuing disclosure undertakings, the City has developed procedures for including all required continuing disclosure information in the supplementary section of its audited financial statements. In addition, the City has engaged NHA Advisors, LLC, to review this information annually to ensure compliance with its continuing disclosure undertakings, including the undertaking to be entered into in connection with the Notes.

ABSENCE OF MATERIAL LITIGATION

No litigation is pending or threatened concerning the validity of the Notes, and a certificate to that effect will be furnished to the underwriter at the time of the original delivery of the Notes. The City is not aware of any litigation pending or threatened questioning the political existence of the City or contesting the City's ability to receive ad valorem taxes or to collect other Unrestricted Moneys or contesting the City's ability to issue and retire the Notes.

There are a number of lawsuits and claims pending against the City. The aggregate amount of the uninsured liabilities of the City, and the timing of any anticipated payments of judgments that may result from suits and claims, will not, in the opinion of the City, materially affect the finances of the City or impair its ability to repay the Notes. A certificate of the City to this effect will be available at the time of original delivery of the Notes.

Page 49 of 88

UNDERWRITING

| The Notes were | purchased by | (the "Underwrite | r ") at a price of \$ | |
|--------------------------|-------------------------------|--------------------|------------------------------|----------|
| (representing \$ | aggregate principal amou | unt of the Notes p | lus a purchase pren | nium of |
| \$, less an U | nderwriter's discount of \$ |). The purch | nase contract for the | Notes |
| provides that the Under | writer will purchase all the | Notes if any are p | ourchased, the obliga | ation to |
| make such purchase b | eing subject to certain term | s and conditions | set forth in such pu | ırchase |
| contract, the approval o | f certain legal matters by co | unsel and certain | other conditions. | |

The Underwriter may offer and sell Notes to certain dealers and others at prices lower than the offering price stated on the cover page hereof. The offering price may be changed from time to time by the Underwriter.

MUNICIPAL ADVISOR

The City has retained NHA Advisors, LLC, San Rafael, California, as municipal advisor (the "Municipal Advisor") in connection with the preparation of this Official Statement and with respect to the issuance of the Notes. The Municipal Advisor is not obligated to undertake, and has not undertaken to make, an independent verification or assume responsibility for the accuracy, completeness, or fairness of the information contained in this Official Statement. The Municipal Advisor is a municipal advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities. The Municipal Advisor's compensation is contingent upon the delivery of the Notes.

RATING

S&P Global Ratings, a business unit of Standard & Poor's Financial Services LLC, has assigned a rating to the Notes as shown on the cover of this Official Statement. The City supplied certain information to the rating agency to be considered in evaluating the Notes. The rating issued reflects only the views of such rating agency, and any explanation of the significance of such rating should be obtained from the rating agency. There is no assurance that the rating will be retained for any given period of time or that the same will not be revised downward or withdrawn entirely by such rating agency if, in its judgment, circumstances so warrant. Any downward revision or withdrawal of the rating obtained may have an adverse effect on the market price of the Notes.

ADDITIONAL INFORMATION

The purpose of this Official Statement is to supply information to purchasers of the Notes. Quotations from and summaries and explanations of the Notes and the Resolution and of statutes and documents contained herein do not purport to be complete, and reference is hereby made to the Resolution, statutes and documents for full and complete statements of their provisions. Additional information can be obtained from the City's Director of Finance.

This Official Statement speaks only as of its date, and the information presented in this Official Statement is subject to change. Any statements in this Official Statement involving matters of opinion, whether or not expressly stated, are intended as such and not as representations of fact. This Official Statement is not to be construed as a contract or agreement among the City and any purchaser or owners of the Notes. This Official Statement and its distribution have been authorized and approved by the City Council of the City.

| By: | | |
|--------------|--------------|--|
| - , · | O:4 - M | |
| | City Manager | |

CITY OF BERKELEY

APPENDIX A

CERTAIN INFORMATION CONCERNING THE CITY OF BERKELEY

Introduction

The City of Berkeley, California (the "City") is located in Alameda County (the "County") on the east side of the San Francisco Bay, approximately 10 miles northeast of San Francisco. The City encompasses a total area of approximately 19 square miles and had an estimated population of 124,563 as of January 1, 2022, giving it the highest population density of any city in the East Bay. The City is defined to a large degree, both culturally and economically, by the presence of the University of California campus located on the eastern side of the City. The University of California is a major component of the City's economy, employing more than 232,500 full and part-time workers across all University of California campuses statewide.

The City is among the oldest in California. The City was founded in 1864, incorporated as a town in 1878, and incorporated as a city in 1909. The City's first charter was adopted in 1895.

Population

Population figures for the City, County and State for the last five years are shown in the following table.

CITY OF BERKELEY Population Estimates As of January 1

| City of | County of | State of |
|----------|--|--|
| Berkeley | Alameda | California |
| 121,763 | 1,651,760 | 39,519,535 |
| 122,297 | 1,659,608 | 39,605,361 |
| 122,364 | 1,663,114 | 39,648,938 |
| 121,269 | 1,662,370 | 39,303,157 |
| 124,563 | 1,651,979 | 39,185,605 |
| | 121,763
122,297
122,364
121,269 | Berkeley Alameda 121,763 1,651,760 122,297 1,659,608 122,364 1,663,114 121,269 1,662,370 |

Source: State Department of Finance estimates (as of January 1).

City Government

The City operates under a Council-Manager form of government. The City is governed by a nine-member City Council, eight of whom are elected by district, plus the Mayor, who is elected on a city-wide basis. The Mayor and the City Council members serve four-year terms. The Council appoints a City Manager who is responsible for daily administration of City affairs and preparation and submission of the annual budget under the direction of the Mayor and the City Council for the Mayor's submission to the City Council. The City Manager appoints a Director of Finance to supervise the City's financial affairs. The Director of Finance also serves as the City's Treasurer.

The City Attorney, City Clerk and Director of Finance are appointed by the City Manager subject to City Council approval. The City Auditor is elected at the same time as the Mayor. Current members of the City Council are shown below:

| <u>Member</u> | <u>District</u> | Term Expires |
|-----------------|-----------------|--------------|
| Jesse Arreguín | Mayor | 11/30/2024 |
| Rashi Kesarwani | 1 | 11/30/2022 |
| Terry Taplin | 2 | 11/30/2024 |
| Ben Bartlett | 3 | 11/30/2024 |
| Kate Harrison | 4 | 11/30/2022 |
| Sophie Hahn | 5 | 11/30/2024 |
| Susan Wengraf | 6 | 11/30/2024 |
| Rigel Robinson | 7 | 11/30/2022 |
| Lori Droste | 8 | 11/30/2022 |

CITY FINANCIAL INFORMATION

Although the City is including information about the City's finances in this Appendix A, it is important to understand that the Bonds described in this Official Statement are voter-approved general obligations of the City payable solely from the levy and collection of ad valorem property taxes, unlimited as to rate or amount, and are not payable from the general fund of the City.

Possible Impacts of COVID-19

As described in this Official Statement, while indications are that the COVID-19 pandemic is transitioning to its endemic stage, many variables will continue to contribute to the economic impact of the COVID-19 pandemic and the recovery. The ultimate impact of COVID-19 on the City's operations and finances is not fully known, and it may be some time before the full impact of the COVID-19 pandemic is known. The Bonds described in this Official Statement are not secured by the City's general fund, but rather are voter-approved general obligations of the City payable solely from the levy and collection of *ad valorem* property taxes, unlimited as to rate or amount, and are not payable from the general fund of the City. See "SECURITY FOR THE BONDS – COVID-19 Global Pandemic."

Accounting Policies and Financial Reporting

The accounts of the City are organized on the basis of funds and account groups, to account for different activities. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which the spending activities are controlled. The City's general fund and other governmental fund types use the modified accrual basis of accounting. All of the City's other funds, including proprietary fund types and fiduciary fund types use the accrual basis of accounting. The basis of accounting for all funds is more fully explained in the "Notes to the Financial Statements" contained in APPENDIX B.

The City Council employs, at the beginning of each fiscal year, an independent certified public accountant who, at such time or times as specified by the City Council, at least annually, and at such other times as he or she shall determine, examines the combined financial statements of the City in accordance with generally accepted auditing standards, including such tests of the accounting records and such other auditing procedures as such accountant considers necessary. As soon as practicable after the end of the fiscal year, a final audit and report is submitted by such

accountant to the City Council and a copy of the financial statements as of the close of the fiscal year is published.

The City, all its funds and the funds of certain other component entities of the City are audited annually by a certified public accounting firm. The firm of Badawi and Associates, Certified Public Accounts, Oakland, California, is the City's current auditor (the "Auditor"). The annual comprehensive financial report of the City for fiscal year 2020-21 is attached hereto as APPENDIX B. The City's financial statements are public documents and are included within this Official Statement without the prior approval of the Auditor.

The Governmental Accounting Standards Board ("GASB") published its Statement No. 34 "Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments" on June 30, 1999. Statement No. 34 provides guidelines to auditors, state and local governments and special purpose governments such as school districts and public utilities, on new requirements for financial reporting for all governmental agencies in the United States. Generally, the basic financial statements and required supplementary information should include (i) Management's Discussion and Analysis; (ii) government-wide financial statements prepared using the economic measurement focus and the accrual basis of accounting and fund financial statements prepared using both the current financial resources measurement focus and the modified accrual method of accounting (governmental funds) and funds using the economic measurement focus and the accrual basis of accounting (proprietary funds) and (iii) required supplementary information. The City's financial statements are prepared in conformance with the requirements of Statement No. 34.

Comparative Financial Statements

The following tables provide a recent history of the City's Comparative Balance Sheet, and both a recent history of General Fund revenues, expenditures, transfers, and ending fund balances and recently budgeted amounts.

CITY OF BERKELEY GENERAL FUND BALANCE SHEET (Fiscal Year Ending June 30) (Dollar amounts in thousands)

| | Actual
<u>2017-18</u> | Actual
<u>2018-19</u> | Actual
<u>2019-20</u> | Actual
<u>2020-21</u> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| ASSETS: | | | | |
| Cash and investments in treasury* | \$108,058 | \$107,360 | \$100,577 | \$146,849 |
| Receivables (net of allowance as applicable) | | | | |
| Accounts | 6,951 | 4,980 | 3,131 | 4,782 |
| Interest | 763 | 778 | 398 | 834 |
| Taxes | 8,623 | 9,953 | 6,502 | 13,092 |
| Subventions/grants | 180 | 450 | 1,582 | 1 |
| Due from other funds | 6,659 | 6,973 | 7,533 | 12,814 |
| Notes receivable | 3,755 | 3,697 | 4,820 | 6,197 |
| Other | 5 | 320 | 5 | 5 |
| Prepaid Items | 142 | | | |
| Total assets | 135,136 | 134,512 | 160,020 | 184,574 |
| LIABILITIES: | | | | |
| Accounts payable | 3,610 | 6,736 | 8,755 | 10,444 |
| Accrued salaries and wages | 5,473 | 5,989 | 7,009 | 8,081 |
| Accrued interest payable | | | 694 | 740 |
| Advances from other funds | 6,287 | 4,059 | 3,113 | 1,760 |
| Deposits held | 974 | 781 | 770 | 921 |
| Unearned revenue | | | | |
| Tax and revenue anticipation notes | 25,550 | 14,000 | 34,780 | 42,405 |
| Other liabilities | 3,755 | 3,899 | 3,975 | 4,955 |
| Total liabilities | 45,649 | 35,463 | 59,095 | 69,307 |
| Deferred Inflows of Resources | 5,601 | 5,813 | 2,856 | 3,385 |
| FUND BALANCES | | | | |
| Reserved for: | | | | |
| Assigned to | 33,373 | 42,667 | 44,705 | 19,577 |
| Nonspendable | 143 | | | · |
| Restricted and Committed | 3,755 | 3,697 | 4,820 | 35,941 |
| Unreserved/Unassigned, report in: | • | | | · |
| General fund | 46,614 | 46,872 | 48,544 | 56,364 |
| Total fund balances | 83,885 | 92,236 | 98,069 | 111,882 |
| Total liabilities and fund balances | <u>\$135,136</u> | <u>\$135,512</u> | <u>\$160,020</u> | <u>\$184,574</u> |

^{*} Cash and investments in treasury includes restricted cash and investments. Source: City of Berkeley, Annual Comprehensive Financial Reports.

CITY OF BERKELEY STATEMENT OF GENERAL FUND REVENUES, EXPENDITURES, TRANSFERS AND BALANCES (Fiscal Year Ending June 30) (Dollar amounts in thousands)

| | Actual
2017-18 | Actual
2018-19 | Actual
2019-20 | Actual
2020-21 |
|---|-------------------|-------------------|-------------------|-------------------|
| REVENUES: | | | | |
| Taxes | \$161,666 | \$173,216 | \$182,470 | \$187,395 |
| Licenses and Permits | 834 | 1,405 | 2,099 | 1,805 |
| Subvention and Grants/Intergovernmental | 1,129 | 1,868 | 1,771 | 3,700 |
| Service Fees | 9,862 | 8,433 | 8,597 | 6,990 |
| Fines and Forfeitures | 6,933 | 5,443 | 4,166 | 3,579 |
| Rents | 284 | 289 | 203 | 189 |
| Franchises | 1,990 | 1,800 | 1,812 | 1,714 |
| Private contribution | | | 179 | 184 |
| Interest | 2,416 | 6,915 | 9,287 | 8,110 |
| Other | 237 | 1,722 | 356 | 74 |
| TOTAL REVENUES | 185,351 | 201,090 | 210,941 | 213,740 |
| EXPENDITURES: | | | | |
| General Government | 30,143 | 27,410 | 24,693 | 27,357 |
| Public Safety | 95,503 | 103,084 | 118,793 | 120,179 |
| Highways and Streets | 1,900 | 2,904 | 2,289 | 3,163 |
| Health and Human Services | 9,725 | 13,319 | 20,423 | 19,320 |
| Culture-Recreation | 5,476 | 5,943 | 7,014 | 7,362 |
| | · | 8,264 | • | • |
| Community Development Economic Development | 7,153
2,576 | 0,204
2,845 | 9,041
5,879 | 9,258
2,534 |
| Debt Service | 2,576
252 | 2,045
270 | • | 2,534
139 |
| | | | 473 | |
| TOTAL EXPENDITURES | 152,728 | 164,040 | 188,605 | 189,313 |
| Excess Revenues Over (Under) Expenditures | 32,623 | 37,050 | 22,334 | 24,427 |
| Transfers In(out)/Other | (12,396) | (27,699) | (17,502) | (10,614) |
| Net Change in Fund Balance | 20,227 | 9,351 | 4,883 | 13,813 |
| Fund Balance, July 1
Prior Period Adjustment | 63,658 | 83,885 | 93,236 | 98,069 |
| Fund Balance, June 30* | \$83,885 | \$93,236 | \$98,069 | \$111,882 |

^{*} Totals may not sum due to rounding.

Source: City of Berkeley Annual Comprehensive Financial Reports

General Fund Budget

Budgetary Process and Administration. The City employs a two-year budget process. In year one of the biennial budget cycle, the City Council formally adopts authorized appropriations for the first fiscal year and approves "planned" appropriations for the second fiscal year. In year two, the City Council considers revisions and formally adopts authorized appropriations for the second fiscal year. Although the budget cycle covers a two-year period, the City Charter requires that the City Council adopt an annual appropriations ordinance for each budget year.

From January to May of each year, the City Council meets publicly to discuss policies and priorities for the upcoming budget. The City Manager prepares a proposed budget based on input from department heads and presents this to the City Council by the first Monday in May of a budget year or as fixed by the City Council. The City also maintains additional budgetary controls to ensure compliance with the annual appropriated budget. The City Manager is authorized to transfer budgeted amounts within funds as deemed necessary to meet the City's needs; however, revisions that alter the total budget or move amounts from one fund to another must be approved by the City Council.

Revenues and expenditures relating to the City's general governmental operations are budgeted and accounted for in the City's general fund, including public safety, highways and streets, health, housing and human services, culture and recreation, community development and economic development. General taxes and fees support most of these activities. The "business" or proprietary activities of the City are accounted for in each of eight enterprise funds, which include those established for Refuse Collection, Marina Operations, Sanitary Sewers, Clean Storm Water, Permit Service Center, Off-Street Parking, Parking Meter, and Building Purchases & Management. These activities are intended to be completely or largely self-supporting through user fees and charges.

The balance of this Appendix is concerned with the operations and performance of the City's General Fund, unless otherwise noted.

Adopted Biennial Budget. The City generally adopts a biennial budget. For Fiscal Year 2021-22 only, on June 29, 2021, the City adopted a one year budget that authorized expenditures of \$234.8 million based on revenues of approximately \$236 million, that was later adjusted to authorize expenditures of \$259.8 million based on additional revenues received. At the time of this Official Statement, the City expects to end Fiscal Year 2021-22 with a small surplus.

The General Fund comprises less than one-half of the total budget, with the remainder of the budget consisting of various special funds that are restricted in purpose. Fifty-five percent of the City's General Fund revenue is derived from real and unsecured property, sales and soda taxes, and business license taxes.

On April 13, 2022, The City's Budget and Finance Policy Committee was presented with a report regarding the revenue and expenditure projections and assumptions being used to develop the biennial budget for Fiscal Years 2022-23 and 2023-24. For Fiscal Year 2022-23, baseline revenues are projected to be \$232.8million, while baseline expenditures are projected to be \$247.7 million, resulting in a deficit of \$14.9 million. The City expects local revenues to continue to improve in Fiscal Year 2023-24, while expenditures are expected to remain fairly constant, resulting in a projected deficit of approximately \$18 million in Fiscal Year 2023-24.

The City is projecting a structural deficit and is in the process of developing solutions on how to close the gap.

Preliminary Five-Year Forecast

Also on April 13, 2022, the Budget and Finance Policy Committee was presented with a preliminary five-year forecast, showing a structural deficit in Fiscal Years 2022-23 and 2023-24. If the City's revenues continue to grow while expenditures stay relatively flat, the City could lessen the likelihood of a deficit by Fiscal Year 2025-26. The following table shows the projected revenues and expenditures over the next five fiscal years for the City's General Fund and Special Funds.

CITY OF BERKELEY Preliminary Five-Year Forecast Fiscal Year 2023-2026

| | 2021-2022 | 2022-2023 | 2023-2024 | 2024-2025 | 2025-2026 |
|----------------------------|--------------|--------------|--------------|--------------|--------------|
| Beginning Fund Balance | \$36,838,797 | \$38,150,513 | \$23,800,863 | \$16,127,157 | \$16,414,380 |
| Total Revenues | 236,066,207 | 232,802,561 | 242,467,333 | 252,603,388 | 263,234,553 |
| Total Expenditures | 234,754,491 | 247,152,211 | 250,141,039 | 252,316,165 | 255,040,928 |
| Annual Surplus/(Shortfall) | 1,311,716 | (14,349,650) | (7,673,706) | 287,223 | 8,193,625 |
| Projected Ending Balance | 38,150,513 | 23,800,863 | 16,127,157 | 16,414,380 | 24,608,005 |

Source: City of Berkeley Annual Comprehensive Financial Reports

Given the decreasing level of precision to be expected in the later years of a multi-year forecast, the significance of the projections in the out years is not so much in terms of their absolute amounts, but rather in the relative size of the decrease or increase from the prior year. This information should be used to provide a multi-year perspective to budgetary decision-making, rather than as a precise prediction of what will occur.

General Fund Reserves

Establishment of General Fund Reserve. On December 13, 2016, the City Council adopted a General Fund reserve policy, establishing a General Fund reserve (the "**Reserve**"), to prepare for the impact of economic cycles and catastrophic events and assure fluctuations in revenue do not impede the City's ability to meet expenditure obligations. When revenues fail to meet the City's normal operating requirements, or the need for disbursements temporarily exceeds receipts, the Reserve, upon a 2/3 vote of the City Council, may be used in accordance with the standards set forth therein.

The Reserve is composed of two elements, a Stability Reserve and a Catastrophic Reserve:

1) A Stability Reserve is maintained to mitigate loss of service delivery and financial risks associated with unexpected revenue shortfalls during a single fiscal year or during a prolonged recessionary period. The purpose of the Stability Reserve is to provide fiscal stability

in response to unexpected downturns or revenue shortfalls, and not to serve as a funding source for new programs or projects.

2) A Catastrophic Reserve is maintained for the purpose of sustaining General Fund operations in the case of a public emergency, such as a natural disaster or other catastrophic event. The Catastrophic Reserve will be used to respond to extreme, onetime events, such as earthquakes, fires, floods, civil unrest, and terrorist attacks. The Catastrophic Reserve will not be accessed to meet operational shortfalls or to fund new programs or projects.

The Reserve is accounted for in the Unassigned fund balance of the City's balance sheet.

Target Reserve Levels. 55% of the Reserve is allocated to the Stability Reserve and 45% to the Catastrophic Reserve.

The long-term goal for the Reserve is a minimum of 30% of the adopted General Fund revenues, to be achieved by 2026-27 ("Long-Term Goal"). Based on a risk assessment (according to best practices), to be updated at least every five years, the City Council may consider increasing or lowering the Reserve level.

As of March 31, 2022, the Stability Reserve has \$19,235,236, and the Catastrophic Reserve has \$14,419,828, which total 13.7% of adopted General Fund revenues, significantly below the long-term goal.

Replenishment of the General Fund Reserve. The City Manager will recommend a replenishment schedule for all monies proposed for appropriation from the Reserve. The replenishment schedule will be adopted simultaneous with the appropriation to withdraw Reserve funds or, if infeasible due to emergency circumstances, no more than three months from the date of the withdrawal appropriation. Repayment shall begin no more than five years from the date of withdrawal and be completed within 10 years from the date of withdrawal.

While staff envisions that, in most cases, repayment will start as soon as possible, the repayment guidelines are meant to reflect a commitment to maintain a sufficient Reserve, while also recognizing that a use of Reserve amounts may occur during an economic downturn, and it may be necessary to postpone repayment while the economy improves. In Fiscal Year 2020-21, the City repaid \$1,836,309 to the Stability Reserve, and \$3,636,005 was repaid in Fiscal Year 2021-22. In Fiscal Year 2020-21, the City repaid \$1,502,434 to the Catastrophic Reserve and \$2,974,913 was repaid in Fiscal Year 2021-22.

Unfunded Liability Obligations and Unfunded Infrastructure Needs

General. On March 16, 2021, the City Manager presented a biennial report of the City's unfunded liability obligations and unfunded infrastructure needs (the "**Report**"). The Report includes, among other things:

- 1. Employee and retiree benefit costs over a 10-year horizon
- 2. Costs for current active employees including:
 - a. total payroll costs for active employees during the current year;
 - b. projected payroll costs for the same number of employees for the next 10-year period.

- 3. A summary of all current City obligations including:
 - a. general obligation bonds;
 - b. certificates of participation;
 - c. loans;
 - d. all other current long-term obligations.
- 4. Summary of all capital assets and infrastructure including:
 - a. Appraisal of Public Buildings valued at \$5 million or more
 - b. Condition of Streets and Roads, projecting costs to bring streets and roads condition to an average Pavement Condition Index of 75 within 5 years.
 - c. Sewers: updated asset management plan for public sewers including projected costs for succeeding 5 years and projected revenue from sewer fees for the succeeding 5 years.

Certain provisions of the Report, which is available on the City's internet website but is not incorporated by reference herein, are described below. The link to the Report on the City's internet website is the following:

https://www.cityofberkeley.info/uploadedFiles/Clerk/FY%202021%20Unfunded%20Liability%20Obligations%20and%20Unfunded%20Infrastructure%20Needs%20Report.pdf.

The Report concludes that maintaining a careful balance between cash on hand to fund daily operations and liquidity to cover unfunded liabilities is a key challenge for all governments, and reports that liabilities tied to benefits total \$751 million (of which only 63.1% is funded), and the City's unfunded infrastructure needs total \$1.1 billion.

Unfunded Liabilities. Due to projected increases in expenses, primarily pension and medical expenses, the City is projecting a General Fund structural deficit.

The City provides retirement benefits to its employees through three plans in the California Public Employees' Retirement System ("CalPERS"). See "- Retirement Programs" below for additional information. The City has a significant pension liability that is anticipated to grow, increasing by more than \$40 million over the next ten years, which will put a strain on resources and services.

In addition, the City's retiree health plans are significantly underfunded, as detailed in the Report.

Unfunded Infrastructure Needs. The City has an extensive portfolio of capital assets and infrastructure, including 95 buildings, 254 miles of public sanitary mains and 130 miles of sewer laterals, 216 centerline miles (450 lane miles) of public streets, 52 parks, 2 pools, 3 camps and 42 facilities served by the City's IT systems. In addition, Berkeley is a relatively older city, and faces related challenges with its aging infrastructure. Despite the passage of several local bond measures to support capital facilities, there are significant unfunded needs related to parks, pools, camps, waterfront property, streets, sidewalks, storm drain/watershed, sewer, transportation and buildings/facilities. As needed improvements continue to be deferred, operating and maintenance costs rise and rehabilitation and replacement costs increase substantially. The Report details available annual funding and unfunded needs for capital and major maintenance.

As a result of the age of the City's infrastructure and limited resources allocated to infrastructure, the projected costs of the City's aging infrastructure needs are anticipated to reach more than \$1.1 billion by Fiscal Year 2025-26.

The Report also highlights that the City is located on the east side of the San Francisco bay, and has waterfront property with docks, pilings, parking lots and streets that have reached the end of their useful life. The City's mechanism for managing its waterfront revenues and expenditures (the "Marina Fund") is projected to be insolvent during Fiscal Year 2021-22 due to decreasing revenues and increasing expenditures, a trend that could be aggravated by failure to maintain the marina infrastructure. The City has created the Berkeley Marina Area Specific Plan to address an estimated \$113 million in infrastructure repairs but has not identified any specific funding sources.

State Budget and its Impact on the City

Fiscal Year 2022-2023 State Budget. On January 10, 2022, the Governor released the proposed State budget for fiscal year 2022-23 (the "Proposed 2022-23 State Budget"). The Proposed 2022-2023 State Budget is anticipated to represent a \$286.4 billion operating budget that is balanced.

Impact of State Budget on City. The City receives a portion of its funding from the State. The City's projects that approximately [__%] of the City's General Fund revenues will come from State sources.

Voters approved Proposition 1A in November 2004 to amend the State Constitution to place constraints on the State's ability to divert certain specified revenues from local agencies to the State. Subsequently, in November 2010, voters approved Proposition 22 to amend the State Constitution to further constrain or eliminate the State's ability to redirect revenues from local agencies. "CONSTITUTIONAL AND STATUTORY PROVISIONS AFFECTING CITY REVENUES AND APPROPRIATIONS – Proposition 1A" and "– Proposition 22."

Additional Information. Information about the Proposed 2022-23 State Budget and other State budgets is available at www.ebudget.ca.gov. An impartial analysis of the budget is posted by the Legislative Analyst Office at www.lao.ca.gov. In addition, various State official statements, many of which contain a summary of the current and past State budgets, may be found at the website of the State Treasurer, www.treasurer.ca.gov. The information referred to in this paragraph is prepared by the respective State agency maintaining each website and not by the City. The City takes no responsibility for the continued accuracy of the Internet addresses or for the accuracy or timeliness of information posted there, and such information is not incorporated in this Official Statement by these references.

Ad Valorem Property Taxes

Tax Levies and Collections. Property taxes collected by the City increased \$11.7 million, or 11.6%, to \$112.6 million in fiscal year 2020-21, up from \$100.9 million in fiscal year 2019-20, primarily as a result of increases in the following revenue sources:

- Real property taxes increased \$4.2 million, or 7.1%, to \$63.3 million in fiscal year 2020-21, up from \$59.1 million in fiscal year 2019-20. This increase was consistent with the fiscal year 2002-21 increase in assessed valuation of 7.7%.
- Property transfer taxes increased \$4.9 million, or 22.8%, to \$26.4 million in fiscal year 2020-21, up from \$21.5 million in fiscal year 2019-20. This

resulted primarily from a significant increase in the dollar value of property sales during fiscal year 2020-21.

- Property transfer tax-Measure P increased \$1.8 million, or 18.2%, to \$11.7 million in fiscal year 2020-21, from \$9.9 million in fiscal year 2019-20. This increase resulted from a significant increase in the number of properties selling for more than \$1.5 million in fiscal year 2020-21.
- Vehicle in-lieu taxes increased \$1.0 million, or 7.7%, in fiscal year 2020-21, to \$14.4 million from \$13.4 million in fiscal year 2019-20. This was consistent with the 7.7% increase in fiscal year 2020-21 assessed values reported by the County.

Taxes are levied for each fiscal year on taxable real and personal property that is situated in the City as of the preceding January 1. A supplemental roll is developed when property changes hands, which produces additional revenue.

A ten percent penalty attaches to any delinquent payment for secured roll taxes. In addition, property on the secured roll with respect to which taxes are delinquent becomes tax-defaulted. Such property may thereafter be redeemed by payment of the delinquent taxes and the delinquency penalty, plus a redemption penalty to the time of redemption. If taxes are unpaid for a period of five years or more, the property is subject to auction sale by the County Tax Collector.

In the case of unsecured property taxes, a 10% penalty attaches to delinquent taxes on property on the unsecured roll, and an additional penalty of 1.5% per month begins to accrue beginning November 1 of the fiscal year, and a lien is recorded against the assessee. The taxing authority has four ways of collecting unsecured personal property taxes: (1) a civil action against the taxpayer; (2) filing a certificate in the office of the County Clerk specifying certain facts in order to obtain a judgment lien on specific property of the taxpayer; (3) filing a certificate of delinquency for recording in the County Recorder's office in order to obtain a lien on specified property of the taxpayer; and (4) seizure and sale of personal property, improvements or possessory interests belonging or assessed to the assessee.

The County levies (except for levies to support prior voter-approved indebtedness) and collects all property taxes for property falling within that county's taxing boundaries.

See Table 1 of the forepart of this Official Statement for a table summarizing the historical and current assessed valuation of the taxable property in the City.

The City does <u>not</u> participate in the Teeter Plan. See Table 4 of the forepart of this Official Statement for a history of secured tax charges and delinquencies within the City during the past 10 years.

Other General Fund Revenues and Transfers

In addition to property taxes, the City has several other major tax and fee revenue sources, as described below. The following table summarizes the City's actual audited general fund revenues and transfers from fiscal year 2017-18 through fiscal year 2020-21 and budgeted general fund revenues and transfers for fiscal year 2021-22.

CITY OF BERKELEY GENERAL FUND REVENUES AND TRANSFERS

| | Actual | Actual | Actual | Actual |
|--|----------------------|----------------------|----------------------|----------------------|
| | Revenue | Revenue | Revenue | Revenue |
| | FY 2018 | FY 2019 | FY 2020 | FY 2021 |
| Real Property | \$56,038,218 | \$59,178,773 | \$63,192,678 | \$68,166,155 |
| Unsecured Property | 2,687,198 | 2,878,275 | 3,164,168 | 3,448,412 |
| Supplemental Taxes | 2,237,649 | 2,174,903 | 2,334,597 | 2,249,517 |
| Property Transfer Tax | 18,911,368 | 19,952,981 | 22,095,507 | 21,469,955 |
| Property Transfer Tax-Measure P | | 2,932,313 | 9,512,603 | 10,919,576 |
| Sales Tax | 17,435,591 | 18,663,550 | 17,557,539 | 15,792,305 |
| Soda Tax | 1,457,003 | 1,547,349 | 1,331,313 | 953,069 |
| Business License | 19,878,912 | 19,848,804 | 20,863,685 | 17,809,332 |
| Business License – Cannabis Recreation | | 1,168,794 | 1,300,887 | 1,712,641 |
| Measure U1 | 4,511,615 | 4,828,443 | 5,597,359 | 4,818,740 |
| Utility Users Tax | 14,828,120 | 13,973,744 | 13,475,915 | 13,892,200 |
| Hotel Tax | 7,807,273 | 7,995,188 | 6,387,495 | 2,292,480 |
| Vehicle In-Lieu | 11,822,917 | 12,540,784 | 13,356,044 | 14,380,453 |
| Parking Fines | 6,608,001 | 6,002,211 | 3,900,595 | 3,571,391 |
| Moving Violations | 188,443 | 177,824 | 200,894 | 131,756 |
| Interest | 3,638,989 | 4,334,404 | 6,702,564 | 5,917,722 |
| Ambulance Fees | 4,343,453 | 4,424,808 | 4,996,193 | 3,081,204 |
| Franchise Fees | 2,009,931 | 1,821,316 | 1,839,102 | 1,726,470 |
| Other Revenue | 18,446,960 | 18,662,025 | 20,074,732 | 18,514,060 |
| Transfers | <u>5,792,575</u> | <u>5,356,132</u> | <u>5,386,188</u> | 21,180,762 |
| TOTAL | <u>\$198,642,216</u> | <u>\$208,462,620</u> | <u>\$223,364,309</u> | <u>\$232,028,200</u> |

Source: City of Berkeley Budget Office. Revenues were recorded using the budget basis of accounting (i.e., Cash).

Sales and Use Tax. The sales tax is an excise tax imposed on retailers for the privilege of selling or leasing tangible personal property. The use tax is an excise tax imposed for the storage, use, or other consumption of tangible personal property purchased from any retailer. The total sales tax rate within the City is currently 9.25%. The proceeds of sales and uses taxes imposed within the City are distributed by the State to various agencies, with the City receiving 1.0% of the amount collected.

Collection of the sales and use tax is administered by the California Department of Tax and Fee Administration (the "CDTFA"). This process was formerly administered by the State Board of Equalization. The Taxpayer Transparency and Fairness Act of 2017, which took effect July 1, 2017, restructured the State Board of Equalization and separated its functions among three separate entities: the State Board of Equalization, the CDTFA and the Office of Tax Appeals. The State Board of Equalization will continue to perform the duties assigned to it by the state Constitution, while all other duties will be transferred to the newly established CDTFA and the Office of Tax Appeals. CDTFA will handle most of the taxes and fees previously collected by the State Board of Equalization, including sales and use tax. According to the CDTFA, it distributes quarterly tax revenues to local jurisdictions (like the City) using the following method:

Using the prior year's like quarterly tax allocation as a starting point, the CDTFA first eliminates nonrecurring transactions such as fund transfers, audit payments and refunds, and then adjusts for growth, in order to establish the estimated base amount. The CDTFA disburses 90% of the base amount to each local jurisdiction in three monthly installments (advances) prior to the final computation of the quarter's actual receipts. Ten percent is withheld as a reserve against unexpected occurrences that can affect tax

collections (such as earthquakes, fire or other natural disaster) or distributions of revenue such as unusually large refunds or negative fund transfers. The first and second advances each represent 30% of the 90% distribution, while the third advance represents the remaining 40%. One advance payment is made each month, and the quarterly reconciliation payment (clean-up) is distributed in conjunction with the first advance for the subsequent quarter. Statements showing total collections, administrative costs, prior advances and the current advance are provided with each quarterly clean-up payment.

The CDTFA receives an administrative fee based on the cost of services provided by the Board to the City in administering the City's sales tax, which is deducted from revenue generated by the sales and use tax before it is distributed to the City.

Sales tax revenues increased \$0.7 million or 4.1% to \$17.6 million in in fiscal year 2020-21 from \$16.9 million in fiscal year 2019-20 and were being significantly impacted by the Governor's shelter in place orders issued in March 2020, as almost all business-related activity came to a halt. The City currently projects that sales tax revenue will increase by 14.4% and 8.4%, respectively in fiscal years 2021-22 and 2022-23.

CITY OF BERKELEY TAXABLE TRANSACTIONS (Figures in Thousands)

| | 2017 | 2018 | 2019 | 2020 | 2021 |
|----------------------------------|--------------------|------------------|--------------------|--------------------|--------------------|
| Retail and Food Services: | | | | | |
| Apparel Stores | \$52,645 | \$52,991 | \$42,772 | \$20,385 | \$37,002 |
| Gen. Merchandise Stores | 17,178 | 20,782 | 21,434 | 16,902 | 19,066 |
| Food Stores | 150,894 | 149,662 | 155,025 | 169,569 | 162,717 |
| Eating and Drinking Places | 371,299 | 374,792 | 391,474 | 208,146 | 282,810 |
| Home Furnishings and Appliances | 72,358 | 69,746 | 66,188 | 45,479 | 69,016 |
| Bldg. Materials, Farm Implements | 107,333 | 109,052 | 101,937 | 113,116 | 141,793 |
| Auto Dealers, Auto Supplies | 117,513 | 119,883 | 119,679 | 94,927 | 114,160 |
| Gas/Service Stations | 84,041 | 93,694 | 94,217 | 57,950 | 87,761 |
| Other Retail Stores | <u>243,881</u> | <u>262,209</u> | <u>261,020</u> | <u> 188,434</u> | 236,204 |
| Total Retail and Food Services | 1,217,142 | 1,252,813 | 1,263,746 | 914,910 | 1,150,530 |
| All Other Outlets | <u>364,736</u> | <u>361,292</u> | <u>372,108</u> | <u>315,081</u> | 341,752 |
| TOTAL ALL OUTLETS | <u>\$1,581,878</u> | <u>1,614,105</u> | <u>\$1,635,854</u> | <u>\$1,229,990</u> | <u>\$1,492,282</u> |

Source: State Department of Tax and Fee Administration.

Factors that have historically affected sales tax revenues include the overall economic growth of the Bay Area, competition from neighboring cities, the growth of specific industries within the City, the City's business attraction and retention efforts, and catalog and Internet sales.

Utility Users Tax. The City imposes a 7.5% tax on users of gas, electricity and telephone, as well as cellular telephone services for billing addresses within the City. The tax is not applicable to State, County, or City agencies, or to insurance companies and banks. Some of the factors affecting this revenue stream include consumer demand for these utilities, legislative and regulatory action, rate changes, and the evolution of technology. Approximately 62% of the utility users tax revenue is generated from utility usage from gas and electric services and 38% from telecommunications during fiscal year 2019-20. For fiscal year 2020-21, utility users tax revenue totaled \$13.8 million, which was \$0.3 million or 2.4% more than the \$13.5 million received in fiscal year 2019-20. Utility users tax is projected to level off in fiscal years 2021-22 and 2022-23, respectively.

Business License Tax. The City requires all businesses within the City to be licensed and imposes a business license tax on all business locations and a new license registration fee on applicants for a new license. The annual tax is generally determined based on the type of business and the business's gross receipts. The tax rate varies between \$0.60 per \$1,000 gross receipts for grocers, on the low end, and \$50.00 per \$1,000 gross receipts for adult cannabis sales on the high end. Most types of businesses are required to pay a minimum tax of at least \$51 per year. The overall revenue from this tax is dependent on the number of license renewals each year and the growth of businesses and industries within the City and the Bay Area more generally. The City is currently projecting an increase by 5% in fiscal year 2022-23.

Property Transfer Tax. The City's transfer tax rate is 1.5% for properties with a consideration up to \$1.5 million and 2.5% for transferred properties with a consideration over \$1.5 million. The \$1.5 million threshold will be adjusted annually to capture approximately the top 33% of such transfers based on transfers that occurred in the 12 months preceding September 1 of the preceding year. However, the threshold cannot be reduced below \$1.5 million, meaning that the tax on properties transferred for \$1.5 million or less would remain at 1.5%, notwithstanding any adjustment. The tax is due when the transfer is recorded with the County. Title companies collect the tax as part of the sale closing process and remit the funds to the County when sales or transfers are finalized. The County remits the amounts due monthly, and the amounts are credited to the general fund. A buyer of residential housing built before 1989 may voluntarily choose to reserve up to one-third of the transfer tax to perform seismic upgrades. Buyers typically have up to one year to complete the work and file for a rebate. Previously, title companies held the reserved amount in escrow until the work was completed, but since May 2007, the City has held the money in escrow accounts, with the interest going to the City.

Prior to fiscal year 2017-18, it was the City Council's policy that property transfer tax in excess of \$10.5 million was treated as one-time revenue to be transferred to the Capital Improvement Fund for capital infrastructure needs, but that amount was increased to \$12.5 million in fiscal year 2017-18.

Parking Fines. The City issues and adjudicates citations and civil penalties for parking violations through its own administrative structure. It has a great degree of control over the administration of parking fines, although issuing agencies within the County try to standardize parking penalties to the extent possible. Revenue from parking fines is affected by the penalties imposed for violations, the number of employees issuing tickets, how many tickets employees are able to issue, and the number of working parking meters, among other factors. Currently, the City must remit an additional \$12.50 per citation to the State/County for State and County construction funds, Maddy emergency medical fund, and DNA identification fund.

Vehicle in Lieu Fees. Vehicle license fees ("VLF") imposed for the operation of vehicles on state highways are collected by the State Department of Motor Vehicles in lieu of personal property taxes on vehicles. In connection with the offset of the VLF, the State Legislature authorized appropriations from the State General Fund to "backfill" the offset so that local governments, which receive all of the vehicle license fee revenues, would not experience any loss of revenues. The legislation that established the VLF offset program also provided that if there were insufficient State General Fund moneys to fully "backfill" the VLF offset, the percentage offset would be reduced proportionately (i.e., the license fee payable by drivers would be increased) to assure that local governments would not be underfunded.

As part of the 2004 Budget Act negotiations, an agreement was made between the State and local government officials under which the VLF rate was permanently reduced from 2% to

0.65%. In order to protect local governments, the reduction in VLF revenue to cities and counties from this rate change was replaced by an increase in the amount of property tax they receive. Commencing in fiscal year 2004-05, local governments began to receive their full share of replacement property taxes, and those replacement property taxes now enjoy constitutional protection against certain transfers by the State because of the approval of Proposition 1A at the November 2004 election.

As a part of its fiscal year 2009-10 budget, California increased the vehicle license fee from 0.65% to 1.15% for registration fees due on or after the May 19, 2009 special election. This provision expired on July 1, 2011. On July 1, 2011, vehicle license fees returned to 0.65%, and the City is unaware of any current State legislative efforts likely to increase these in fees in the future.

Vehicle in-lieu taxes increased \$1.0 million or 7.7% in fiscal year 2020-21 to \$14.4 million from \$13.4 million in fiscal year 2020-21. This was consistent with the 7.7% increase in fiscal year 2020-21 assessed values reported by the County.

Other Revenues. The City also collects additional general fund revenues from franchise fees, transient occupancy taxes, ambulance fees, a tax on sugar-sweetened beverages, and other more minor sources. Under the City's cable and electric and gas franchise fee arrangements, the local cable provider pays an annual franchise fee of 5% of gross revenues, and the electricity and gas providers pay the greater of 2% of gross receipts attributable to miles of line operated or 0.5% of gross receipts. The transient occupancy tax, also known as the hotel tax, is a 12% tax on the room charge for rental of transient lodging, which was significantly reduced due to restrictions on travel and events due to COVID-19. The City also has an agreement with the County to be the exclusive provider of all emergency ground ambulance services within the City; the specific ambulance fee depends on the type of service delivered and is billed to clients or their insurance companies. Finally, other more minor revenue sources include payments for moving violations, interest on existing funds, and other service fees.

Retirement Programs

PERS Plan Description. The City contributes to three plans in California Public Employees' Retirement System ("**PERS**"). The first plan covers all of the City's full-time and part-time benefited sworn uniformed fire employees and all chiefs (and is referred to as the Safety Fire Plan in this Official Statement). The second covers all of the City's full-time and part-time benefited sworn uniformed police employees and all chiefs (and is referred to as the Safety Police Plan in this Official Statement). The third plan covers all remaining eligible City employees (and is referred to as the Miscellaneous Plan in this Official Statement). These plans are agent multiple-employer defined benefit pension plans administered by PERS, which acts as a common investment and administrative agent for participating public employers within the State of California.

PERS Plan Eligibility. For a more detailed discussion of the eligibility requirements for the City's PERS retirement plans, see Appendix B, Note 12.

PERS Plan Contributions. The City is required to contribute the actuarially determined remaining amounts necessary to fund the benefits for its members. The actuarial methods and assumptions used are those adopted by the PERS Board of Administration (the "**Board of Administration**"). For the measurement period ended June 30, 2021 (the measurement date), the average active employee contribution rate is 8.0% of annual pay for the Miscellaneous Plan and 9.0% of annual pay for the Safety Plan (Fire and Police), and the employer contribution rate

is 32.500% of annual payroll for the Miscellaneous Plan, 48.200% of annual payroll for the Public Safety Fire Plan, and 66.600% of annual payroll for the Public Safety Police Plan. The contribution requirements of the plan members are established by State statute, and the employer contribution rates are established and may be amended by PERS.

Implementation of GASB Nos. 68. Commencing with fiscal year ended June 30, 2015, the City implemented the provisions of GASB Statement Nos. 68, which require certain new pension disclosures in the notes to its audited financial statements commencing with the audit for fiscal year 2014-15. Statement No. 68 generally requires the City to recognize its proportionate share of the unfunded pension obligation by recognizing a net pension liability measured as of a date (the measurement date) no earlier than the end of its prior fiscal year. As a result of the implementation of GASB Statement Nos. 68, the City reflected a restatement of its beginning net position as of July 1, 2014.

For a more detailed discussion of the eligibility requirements for the City's retirement plans, see Appendix B, Note 12 for detailed information about the actuarial assumptions underlying the contributions. The City's fiscal year 2020-21 contributions to the pension plans and the funded status of the pension plans are set forth below.

Plan

Plan Net

| Fiscal Year
Ended | Total Pension
Liability | Plan
Fiduciary
Net Position | Net Pension
Liability | Fiduciary Net Position as a Percentage of the Total Pension Liability | Covered
Employee
Payroll | Pension Liability as a Percentage of Covered Employee Payroll | Contributions
Employer |
|----------------------|----------------------------|-----------------------------------|--------------------------|---|--------------------------------|---|---------------------------|
| PERS | - Miscellaneous F | Plan | | | | | |
| 6/30/2020 | \$1,115,293,404 | \$787,103,725 | \$328,189,679 | 70.57% | \$100,639,199 | 326.11% | \$24,065,716 |
| PERS | – Public Safety Fi | re Plan | | | | | |
| 6/30/2020 | \$290,583,174 | \$207,608,776 | \$82,974,398 | 71.45% | \$17,619,953 | 470.91% | \$8,703,901 |
| PERS | - Public Safety Po | olice Plan | | | | | |
| 6/30/2020 | \$444,977,237 | \$275,649,869 | \$169,327,368 | 61.95% | \$21,101,838 | 802.43% | \$10,777,599 |

Recent Actions by PERS. At its April 17, 2013, meeting, the Board of Administration approved a recommendation to change the PERS amortization and smoothing policies. Prior to this change, PERS employed an amortization and smoothing policy that spread investment returns over a 15-year period with experience gains and losses paid for over a rolling 30-year period. After this change, PERS will employ an amortization and smoothing policy that will pay for all gains and losses over a fixed 30-year period with the increases or decreases in the rate spread directly over a 5-year period. The new amortization and smoothing policy were used for the first time in the June 30, 2013, actuarial valuations in setting employer contribution rates for fiscal year 2015-16.

On February 18, 2014, the Board of Administration approved new demographic actuarial assumptions based on a 2013 study of recent experience. The largest impact, applying to all benefit groups, is a new 20-year mortality projection reflecting longer life expectancies and that longevity will continue to increase. Because retirement benefits will be paid out for more years, the cost of those benefits will increase as a result. The Board of Administration also assumed earlier retirements for Police 3%@50, Fire 3%@55, and Miscellaneous 2.7%@55 and 3%@60,

which will increase costs for those groups. As a result of these changes, rates will increase beginning in fiscal year 2016-17 (based on the June 30, 2014 valuation) with full impact in fiscal year 2020-21.

On November 18, 2015, the Board of Administration adopted a funding risk mitigation policy intended to incrementally lower its discount rate - its assumed rate of investment return - in years of good investment returns, help pay down the pension fund's unfunded liability, and provide greater predictability and less volatility in contribution rates for employers. The policy establishes a mechanism to reduce the discount rate by a minimum of 0.05 percentage points to a maximum of 0.25 percentage points in years when investment returns outperform the existing discount rate, currently 7.5%, by at least four percentage points. PERS staff modeling anticipates the policy will result in a lowering of the discount rate to 6.5% in about 21 years, improve funding levels gradually over time and cut risk in the pension system by lowering the volatility of investment returns. More information about the funding risk mitigation policy can be accessed through PERS' web site at following website address: https://www.calpers.ca.gov/page/newsroom/calpersthe news/2015/adopts-funding-risk-mitigation-policy. The reference to this Internet website is provided for reference and convenience only. The information contained within the website may not be current, has not been reviewed by the City and is not incorporated in this Official Statement bv reference.

On December 21, 2016, the Board of Administration voted to lower its discount rate from the current 7.5% to 7.0% over three years according to the following schedule.

| <u>Fiscal Year</u> | Discount Rate |
|--------------------|---------------|
| 2018-19 | 7.375% |
| 2019-20 | 7.250 |
| 2020-21 | 7.000 |

For public agencies like the City, the new discount rate would take effect July 1, 2018. Lowering the discount rate means employers that contract with PERS to administer their pension plans will see increases in their normal costs and unfunded actuarial liabilities. Active members hired after January 1, 2013, under the Public Employees' Pension Reform Act will also see their contribution rates rise. The three-year reduction of the discount rate will result in average employer rate increases of about 1 percent to 3 percent of normal cost as a percent of payroll for most miscellaneous retirement plans, and a 2 percent to 5 percent increase for most safety plans. Additionally, many PERS employers will see a 30 to 40 percent increase in their current unfunded accrued liability payments. These payments are made to amortize unfunded liabilities over 20 years to bring the pension fund to a fully funded status over the long-term.

On November 15, 2021 the CalPERS Board selected a new asset allocation mix that will guide the fund's investment portfolio for the next four years, while at the same time retaining the reduction of discount rate from 7.0% to 6.8%. Notable changes for employers include a decrease in median total employer contribution rates, from less than 1% in miscellaneous plans to a decrease of more than 2% in some safety plans. Contribution changes will take effect in fiscal year 2023-24 for public agencies.

Dollar Contribution Based on Projected PERS Rate Increases. The City's projected annual financial contributions as a result of the PERS rate changes for the next four years are shown in the table below, with dollar amounts shown in millions:

| | 2019-20 | 2020-21 | 2021-2022
Projected | 2022-2023
Projected |
|------------------|---------|---------|------------------------|------------------------|
| Miscellaneous(1) | \$33.67 | \$36.55 | \$41.83 | \$43.30 |
| Police | 16.27 | 17.6 | 18.58 | 19.16 |
| Fire | 8.78 | 9.46 | 9.55 | 9.90 |
| Total | \$58.72 | \$63.61 | \$69.96 | \$72.36 |

⁽¹⁾ Miscellaneous includes the 8% employee share paid by the City on behalf of the employees and negotiated employee contributions to the City's rate.

Berkeley Police Retirement Income Benefit Plan. Prior to December 22, 2012, the City maintained the Berkeley Police Retirement Income Benefit Plan ("**BPRIBP**"), a single-employer defined benefit income plan, for its police retirees and surviving spouses. Effective September 19, 2012, police retired on or after this date are no longer covered by BPRIBP. The City replaced this plan with the "Retiree Health Premium Assistance Coverage Plan."

The City's fiscal year 2020-21 contribution to the BPRIBP and the funded status of the BPRIBP is set forth below.

| | | | | Plan | | Plan Net | |
|-------------|----------------------|----------------|--------------|---------------|--------------|-----------------|---------------|
| | | | | Fiduciary Net | | Pension | |
| | | | | Position as a | | Liability as a | |
| | | | | Percentage | | Percentage | |
| | | | Plan Net | of the Total | | of Covered | |
| Fiscal Year | Total Pension | Plan Fiduciary | Pension | Pension | Covered | Employee | Contributions |
| Ended | Liability | Net Position | Liability | Liability | Payroll | Payroll | Employer |
| 6/30/2021 | \$81,521,206 | \$5,623,753 | \$75,897,453 | 6.90% | \$21,718,842 | 379.40% | \$2,150,175 |

For a more detailed discussion of the BPRIBP, see APPENDIX B to this Official Statement.

Peace Officers Research Association of California. Effective December 23, 2012, the City established a new sick leave program called Peace Officers Research Association of California ("PORAC"). If a sworn member of the Berkeley Police department has an accrued sick leave balance on December 23, 2012 that exceeds 200 hours, one half of all those hours in excess of 200 shall be maintained in a separate account. The financial value of those hours shall be converted and deposited into the employee's PORAC medical trust account over five successive years in equal installments commencing on January 1, 2013. The conversion was at the employee's rate of pay on December 23, 2012. The City may accelerate the payment of hours to be converted. The remaining fifty percent of the sick leave balance in excess of 200 hours was credited into the employee's separate "catastrophic/service time" bank no later than February 1, 2013, up to a maximum of 500 hours.

The City's contribution to PORAC for the calendar year ending December 31, 2021 was \$420,828.

Safety Members Pension Fund. In addition, the City maintains the Safety Members Pension Fund ("**SMPF**"), a defined benefit plan for fire and police officers who retired prior to March 1973. In March 1973, all active fire and police officers were transferred from SMPF to PERS. The City pays the benefits to SMPF members on a pay-as-you-go basis, primarily through a Funding Agreement, purchased by the Berkeley Civic Improvement Corporation on behalf of the City in 1989. For the fiscal year ended June 30, 2021, the City's contribution to SMPF was \$480,630.

The funded status of the SMPF as of June 30, 2021, the most recent actuarial date, is set forth below:

| | | | | Plan | | Plan Net |
|-----------|---------------|----------------------|-------------|---------------|---------|-----------------|
| | | | | Fiduciary Net | | Pension |
| | | | | Position as a | | Liability as a |
| | | | | Percentage | | Percentage |
| Actuarial | Plan | | Plan Net | of the Total | | of Covered |
| Valuation | Fiduciary Net | Total Pension | Pension | Pension | Covered | Employee |
| Date | Position | Liability | Liability | Liability | Payroll | Payroll |
| 6/30/2021 | | \$1 548 284 | \$1.548.284 | % | N/A | NI/Δ |

For a more detailed discussion of the SMPF, see APPENDIX B of this Official Statement.

Post-Employment Health Benefits

The City offers certain post-employment health benefits to retirees. There are three plans: (i) the City of Berkeley Fire Employees Retiree Health Plan ("FRHF"), (ii) the City of Berkeley Miscellaneous Employees Retiree Health Plan ("RHPAP") and (iii) the Police Retiree Premium Assistance Plan ("PRPAP").

The City has adopted Government Accounting Standards Board Statement 75 which requires governmental agencies to change their accounting for Other Post-Employment Benefits ("OPEB") from pay-as-you-go to an accrual basis.

See Appendix B, Note 3 for information about the City's OPEB liabilities.

City of Berkeley Fire Employees Retiree Health Plan. The FRFH is a single-employer defined benefit medical plan. To be eligible for benefits, sworn Fire employees must retire from the City on or after July 1, 1997, be vested in a PERS pension, and retire from the City on or after age 50. Benefits commence immediately upon retirement. Benefits are payable for the retiree's lifetime and continue for his or her covered spouse's/domestic partner's lifetime. The amount the City contributes toward the Fire Employees Retiree Health Plan is 4.5% per year regardless of the amount of increase in the underlying premium rate. The establishment and amendments of benefit provisions are negotiated between the employee bargaining units and the City Labor Negotiating Team, and are approved by the City Manager and City Council. As of June 30, 2021, there were 124 active employees, 65 retirees deferred and 30 retirees receiving benefits.

The City's targeted funding policy is equal to the service cost for active employees plus an amount to amortize unfunded liabilities over 30 years (rolling 30-year amortization) as a level percentage of payroll. The City strives to contribute the annual required contribution of the employer (ARC), an amount actuarially determined in accordance with the parameters of GASB Statement 45.

For the FRFH, the City's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB asset for fiscal year 2020-21 and the four preceding years were as follows:

| Fiscal Year
Ended | Annual OPEB Cost | Percentage of
Annual OPEB Cost
Contributed | Net OPEB
Liability |
|----------------------|------------------|--|-----------------------|
| 6/30/2017 | \$1,991,925 | 43% | \$17,530,174 |
| 6/30/2018 | 2,163,028 | 34 | 17,251,382 |
| 6/30/2019 | 2,326,493 | 36 | 19,633,312 |
| 6/30/2020 | 2,104,622 | 36 | 21,177,486 |
| 6/30/2021 | 2,575,970 | 35 | 23,873,248 |

The funded status of the FRFH as of June 30, 2021, the date of the most recent actuarial report, is set forth below:

| | | | Unfunded | | | UAAL |
|-----------|--------------|------------------|--------------|--------|--------------|------------|
| | | Actuarial | Actuarial | | | as |
| Actuarial | Actuarial | Accrued | Accrued | | | Percentage |
| Valuation | Value of | Liability (AAL)- | Liability- | Funded | Covered | of covered |
| Date | Assets | Unit Credit | UAAL | Ratio | Payroll | Payroll |
| 7/1/2020 | \$12,657,941 | \$36.531.189 | \$23.873.248 | 34.6% | \$15,282,868 | 156.21% |

City of Berkeley Miscellaneous Employees Retiree Health Premium Assistance Plan. The RHPAP is a single-employer defined benefit medical plan. It provides retiree health benefits to eligible retirees and his/her spouse or domestic partner. The establishment and amendments of benefit provisions are negotiated between the employee bargaining units and the City and are approved by the City Council.

Retirees who are at least age 50, with at least 8 years of service with the City at the time of separation from service are eligible to receive retiree health benefits commencing at age 55. Benefits are payable for the retiree's lifetime and continue for his or her covered spouse's/domestic partner's lifetime. The City pays the monthly cost of the monthly premiums up to a participant's applicable percentage of the base dollar amount and subject to annual 4.5% increases regardless of the amount of increase in the underlying premium rate. As of June 30, 2021, there were 1,086 active employees.

The City's targeted funding policy is equal to the normal cost for active employees plus an amount to amortize unfunded liabilities over 30 years as a level percentage of payrolls. The City is required to contribute the annual required contribution of the employer (ARC), an amount actuarially determined in accordance with the parameters of GASB Statement 45. Any changes to the contribution requirements of the plan are negotiated by the bargaining units and City negotiating staff, and approved by the City Council.

For the RHPAP, the City's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for fiscal year 2020-21 and the four preceding years were as follows:

| | | Percentage of | |
|----------------------|------------------|---------------------------------|---------------------|
| Fiscal Year
Ended | Annual OPEB Cost | Annual OPEB Cost
Contributed | Net OPEB Obligation |
| 6/30/2017 | \$4,610,828 | 72.7% | \$37,900,578 |
| 6/30/2018 | 4,729,448 | 42.3 | 34,215,614 |
| 6/30/2019 | 5,051,655 | 43.3 | 37,219,746 |
| 6/30/2020 | 5,534,572 | 32.7 | 60,659,492 |
| 6/30/2021 | 4,871,995 | 42.9 | 41,895,470 |

The funded status of the RHPAP as of June 30, 2021, the most recent actuarial report, is set forth below:

| | | | Unfunded | | | UAAL |
|-----------|-----------------|--------------|--------------|--------|--------------|------------|
| | | | Actuarial | | | as |
| Actuarial | Actuarial | Actuarial | Accrued | | | Percentage |
| Valuation | Accrued | Value of | Liability- | Funded | Covered | of covered |
| Date | Liability (AAL) | Assets | UAAL | Ratio | Payroll | Payroll |
| 7/1/2021 | \$73 385 473 | \$31 490 003 | \$41 895 470 | 42 9% | \$99 542 579 | 42 09% |

Police Retiree Premium Assistance Plan. Effective September 19, 2012, the City replaced the "Berkeley Police Retirement Income Benefit Plan" with the "Retiree Health Premium Assistance Coverage Plan" for any police employees hired on or after that date, as well as any current employees who retire on or after such date. Under the newly established retiree health premium assistance plan, benefits will be the paid by the City directly to the provider who is providing retiree health coverage to the retiree or his or her surviving spouse. The maximum amount will be equal in value to the City sponsored health plan.

In order to be eligible for the Retiree Health Premium Assistance Coverage a "Retiree" must meet all of the following criteria:

- (a) A person who is vested in, and
- (b) Has reached the age of 50, and
- (c) Has retired from the City at age 50 or thereafter, and
- (d) Has applied for and is receiving a pension from at the time of retirement.

The maximum amount the City will contribute toward the payment of medical insurance premiums is based on the employee's years of service as a sworn member of the Berkeley Police Department at time of retirement. The retiree must have at least 10 years of service as a sworn member of the Berkeley Police Department to qualify for this benefit.

| Years of Service | City Percentage |
|------------------|-----------------|
| 10 to 14 | 25% |
| 15 to 19 | 50 |
| 20 or more | 100 |

Beginning September 19, 2012, each month after the employee retires the City will pay the health care service provider an appropriate percentage based on years of service above an amount equal to \$1,200 per month for two-party coverage for the retiree and a qualifying spouse/domestic partner or \$600 per month for single party coverage. Upon death of either the retiree or the retiree's spouse, the City will only pay the appropriate percentage of the single party rate to the provider on behalf of the surviving retiree or spouse/domestic partner. If there is no spouse/domestic partner at the time of retirement, the City shall only pay the single party rate.

The retiree and/or surviving spouse/domestic partner will be responsible for payment of the difference between the amount the City contributes toward payment of the premium and the actual premium cost. The funds for this difference will come from the retiree's retirement account and the retiree must authorize such withdrawal of funds.

Beginning July 1, 2013 and effective each July 1 thereafter, the base rates the City contributes toward payment of the premium amount described in the preceding paragraph shall be increased by either the amount Kaiser increases the retiree medical premium for that year, or 6%, whichever is less. The retiree and/or surviving spouse/domestic partner shall pay the difference between the amount the City contributes toward payment of the premium and the actual premium cost. As of June 30, 2020, there were 158 active employees, 16 active retirees, and 15 retirees entitled to, but not yet receiving, benefits.

For the retiree health premium assistance plan, the City's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB asset for fiscal year 2020-21 and the four preceding years were as follows:

| | | Percentage of | |
|-------------|------------------|------------------|--------------|
| Fiscal Year | | Annual OPEB Cost | Net OPEB |
| Ended | Annual OPEB Cost | Contributed | Liability |
| 6/30/2017 | \$5,105,429 | 11.0% | \$45,508,847 |
| 6/30/2018 | 4,929,429 | 6.0 | 41,652,588 |
| 6/30/2019 | 5,155,293 | 6.0 | 46,252,565 |
| 6/30/2020 | 4,432,549 | 4.0 | 57,472,394 |
| 6/30/2021 | 5,076,625 | 4.0 | 49,355,501 |

The actuarial cost method used for determining the benefit obligations is the Projected Unit Credit Cost Method. Under this method, the actuarial present value of projected benefits is the value of benefits expected to be paid for current actives and retirees and is calculated based on the assumptions and census data described this report. The Actuarial Accrued Liability (AAL) is the actuarial present value of benefits attributed to employee service rendered prior to the valuation date. The AAL equals the present value of benefits multiplied by a fraction equal to service to data over service at expected retirement. The Normal Cost is the actuarial present value of benefits attributed to one year of service. This equals the present value of benefits divided by service at expected retirement. Since retirees are not accruing any more service, their normal cost is zero. In determining the Annual Required Contribution, the Unfunded AAL is amortized as a level percentage of payroll over 30 years.

As of July 1, 2020, the most recent actuarial valuation date, the plan was 5.0% funded. The actuarial accrued liability for benefit was \$51.9 million, and the actuarial value of assets was \$2.6 million, resulting in an unfunded accrued liability of \$49.4 million. The covered payroll (annual payroll of active employees covered by the plan) was approximately \$21.7 million. The fair value of the assets was determined using market values as of the date of the actuarial report. The schedule of funding progress, presented as required supplementary information following the notes to the financial statements, presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits. Funded status of the plan as of June 30, 2021, the most recent actuarial valuation date is as follows:

| | | | Unfunded | | | UAAL |
|-----------|-------------|------------------|--------------|--------|--------------|------------|
| | | Actuarial | Actuarial | | | as |
| Actuarial | Actuarial | Accrued | Accrued | | | Percentage |
| Valuation | Value of | Liability (AAL)- | Liability- | Funded | Covered | of covered |
| Date | Assets | Unit Credit | UAAL | Ratio | Payroll | Payroll |
| 7/1/2021 | \$2,581,188 | \$51,936,689 | \$49,355,501 | 5.0% | \$21,718,889 | 227.2% |

Defined Contribution Plans

The City offers certain supplemental retirement and income plans to retirees. See Appendix B, Note 12 for information about the City's defined contribution plans.

Labor Relations

As of February 28, 2022, the City employed approximately 1,794.91 full-time equivalent budgeted employees. There are six employee unions as shown below. In addition, the City employs approximately 519 unrepresented employees that include Executive Management, Confidential professional or Confidential Office support positions. The City has not experienced any work stoppages or strikes by its employees.

CITY OF BERKELEY Labor Relations

| <u>Labor Organization</u> | <u>Employees</u> | Contract Expiration
<u>Date</u> |
|---|------------------|------------------------------------|
| Berkeley Fire Fighters Association/I.A.F.F. Local 1227 | 132 | 6/30/2023 |
| Berkeley Police Association | 150 | 6/30/2023 |
| I. B. E. W. Local 1245 | 8 | 6/27/2022 |
| Service Employees International Local 1021 Maintenance and Clerical Chapters | 444 | 6/26/2024 |
| Service Employees International Local 1021 Community Services and Part-Time Recreation Leaders Association Chapters | 493 | 6/26/2024 |
| Public Employees Local 1 | 187 | 6/27/2024 |
| Unrepresented Employees | _519 | n/a |

Source: City of Berkeley.

Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, or restriction of assets; errors or omissions; injuries to employees; or acts of God.

The City is self-insured for liability claims below \$350,000. The City is a member of the Bay Cities Joint Powers Insurance Authority ("**BCJPIA**"). The BCJPIA consists of 20 municipal or public agency members, all located within the metropolitan San Francisco Bay Area. The BCJPIA provides general liability, auto liability, and errors and omissions coverage between \$350,000 and \$1,000,000. The California Affiliated Risk Management Authority ("**CARMA**") provides additional coverage to the BCJPIA and its member entities for claims in excess of \$1,000,000, up to \$29,000,000.

The City is self-insured for workers' compensation. Payments are made to the Workers' Compensation Self-Insurance Internal Service Fund by transfers from the City's general fund and other funds of the City on a pay-as-you-go basis.

The City requires pre-employment physical examinations for high risk, high hazard employees as well as annual examination for all uniformed officers. As part of its workers' compensation program, copies of all injured employee medical reports are monitored by a third-party agent to ensure that injured employees receive proper care.

At June 30, 2021, \$4,923,541 and \$36,538,000 have been accrued for public liability, and workers' compensation claims, respectively. These accruals represent estimates of amounts to ultimately be paid for reported claims and, upon past experience, recent claim settlement trends and other information. It is the City's practice to obtain an actuarial study on an annual basis. Although the amount of actual losses incurred through June 30, 2021 are dependent on future developments, based upon information from the administrators and others involved with the administration of the programs, the City's management believes that the aggregate accrual is adequate to cover such losses.

City Debt Structure

Short-Term Debt. The City has issued Tax and Revenue Anticipation Notes ("**TRANs**") in each recent year. The City's TRANs are a general obligation of the City, payable from the City's general fund and any other lawfully available moneys. The fiscal year 2021-22 TRANs have an outstanding principal amount of \$44,660,000 and mature on July 25, 2022.

General Fund Obligations. The City currently has outstanding long-term General Fund debt and lease obligations described below. The City has never defaulted on the payment of principal of or interest on any of its indebtedness.

Certificates of Participation. On June 2, 2021, Berkeley Joint Powers Financing Authority (the "Authority") executed and delivered certificates of participation in the aggregate principal amount of \$3,975,000 (the "Certificates of Participation"). The City's underlying rental obligation is a general fund obligation of the City. The bonds bear interest at rates between 2.00%-5.00%, and the final maturity date is October 1, 2031. As of April 1, 2022, the principal balance outstanding was \$3,975,000.

Lease Revenue Bonds. In October 2012, Authority issued lease revenue bonds on behalf of the City in the aggregate principal amount of \$27,260,000 to refund the Authority's 1999 Lease Revenue Bonds and 2003 Certificates of Participation. The City's underlying rental obligation is a general fund obligation of the City. The bonds bear interest at rates between 3.00%-5.00%, and the final maturity date is October 1, 2037. As of April 1, 2022, the principal balance outstanding was \$16,445,000

General Obligation Bonds. The City has previously issued general obligation and general obligation refunding bonds that are secured by ad valorem taxes levied and collected in the City. See "DEBT SERVICE SCHEDULES.- Combined Debt Service Schedule" in the front part of this Official Statement for a summary of the City's outstanding general obligations.

Employment

The unemployment rate in the Oakland-Hayward-Berkeley MD was 2.9% in April 2022, down from a revised 3.3% in March 2022, and below the year-ago estimate of 7.0%. This compares with an unadjusted unemployment rate of 3.8% for California and 3.3% for the nation during the same period. The unemployment rate was 2.8% in the County and 3.1% in Contra Costa County.

The table below list employment by industry group for Alameda and Contra Costa Counties for the years 2017 to 2021.

OAKLAND- HAYWARD-BERKELEY MD (Alameda and Contra Costa Counties) Annual Averages Civilian Labor Force, Employment and Unemployment, Employment by Industry (March 2021 Benchmark)

| | 2017 | 2018 | 2019 | 2020 | 2021 |
|--|-----------|-----------|-----------|-----------|-----------|
| Civilian Labor Force (1) | 1,396,000 | 1,401,700 | 1,403,400 | 1,362,300 | 1,352,300 |
| Employment | 1,343,400 | 1,357,700 | 1,360,500 | 1,239,100 | 1,268,700 |
| Unemployment | 52,600 | 44,000 | 42,900 | 123,200 | 83,600 |
| Unemployment Rate | 3.8% | 3.1% | 3.1% | 9.0% | 6.2% |
| Wage and Salary Employment: (2) | | | | | |
| Agriculture | 1,400 | 1,300 | 1,400 | 1,500 | 1,600 |
| Mining and Logging | 200 | 200 | 200 | 200 | 200 |
| Construction | 71,200 | 74,900 | 75,500 | 70,700 | 73,000 |
| Manufacturing | 95,700 | 100,600 | 101,000 | 98,700 | 105,200 |
| Wholesale Trade | 48,700 | 47,500 | 45,400 | 42,100 | 41,300 |
| Retail Trade | 114,400 | 114,500 | 111,800 | 101,100 | 105,300 |
| Transportation, Warehousing, Utilities | 41,300 | 42,300 | 43,700 | 45,200 | 48,600 |
| Information | 26,900 | 27,600 | 27,600 | 25,800 | 25,000 |
| Finance and Insurance | 38,900 | 37,500 | 37,200 | 35,900 | 34,700 |
| Real Estate and Rental and Leasing | 17,400 | 17,800 | 18,100 | 16,700 | 16,800 |
| Professional and Business Services | 184,500 | 189,500 | 193,200 | 184,800 | 189,900 |
| Educational and Health Services | 191,500 | 194,300 | 198,400 | 191,300 | 198,200 |
| Leisure and Hospitality | 114,900 | 117,700 | 121,000 | 84,700 | 91,700 |
| Other Services | 40,200 | 41,000 | 41,200 | 33,100 | 35,000 |
| Federal Government | 13,800 | 13,400 | 13,400 | 14,200 | 13,500 |
| State Government | 39,300 | 39,400 | 39,600 | 38,200 | 37,900 |
| Local Government | 121,500 | 121,800 | 121,800 | 113,500 | 111,900 |
| Total, All Industries (3) | 1,161,800 | 1,181,300 | 1,190,300 | 1,097,700 | 1,129,700 |

⁽¹⁾ Labor force data is by place of residence; includes self-employed individuals, unpaid family workers, household domestic workers, and workers on strike.

Source: State of California Employment Development Department.

⁽²⁾ Industry employment is by place of work; excludes self-employed individuals, unpaid family workers, household domestic workers, and workers on strike.

⁽³⁾ Totals may not add due to rounding.

The following tables show the major employers in the City and the County.

CITY OF BERKELEY Major Employers 2021

| | Number of | % of Total |
|--|------------------|-------------------|
| <u>Employer</u> | Employees | Employment |
| University of California Berkeley | 13,699 | 20.26% |
| Lawrence Berkeley National Laboratory | 3,836 | 5.67 |
| Sutter East Bay Medical Foundation/Hospitals | 2,040 | 3.02 |
| City of Berkeley | 1,480 | 2.19 |
| Bayer Corporation | 1,082 | 1.60 |
| Berkeley Unified School District | 865 | 1.28 |
| Kaiser Permanente Medical Group | 771 | 1.14 |
| Siemens Corporation/Healthcare Diagnostics, Inc. | 678 | 1.00 |
| Berkeley Bowl Produce | 558 | 0.83 |
| Lifelong Medical Care | 441 | 0.65 |

Source: City of Berkeley, Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021.

COUNTY OF ALAMEDA Major Employers (Listed Alphabetically) June 2022

| Employer Name | Location | Industry |
|--------------------------------------|-------------|--|
| Alameda County Law Enforcement | Oakland | Government Offices-County |
| Alameda County Sheriff's Ofc | Oakland | Sheriff |
| Alameda Health System | San Leandro | Health Care Management |
| Alta Bates Summit Med Ctr Alta | Berkeley | Hospitals |
| Alta Bates Summit Med Ctr Lab | Oakland | Laboratories-Medical |
| BART PD | Oakland | Transit Lines |
| California State Univ East Bay | Hayward | Schools-Universities & Colleges Academic |
| Cooper Vision Inc | Pleasanton | Optical Goods-Wholesale |
| Dell EMC | Pleasanton | Computer Storage Devices (mfrs) |
| East Bay Mud | Oakland | Water & Sewage Companies-Utility |
| Ebmud | Oakland | Utilities |
| Grifols Diagnostic Solutions | Emeryville | Pharmaceutical Research Laboratories |
| Highland Hospital | Oakland | Hospitals |
| Kaiser Permanente Oakland Med | Oakland | Hospitals |
| Lawrence Berkeley Lab | Berkeley | Laboratories-Research & Development |
| Lawrence Livermore Natl Lab | Livermore | University-College Dept/Facility/Office |
| San Francisco Bay Area Rapid Transit | Oakland | Transit Lines |
| Transportation Dept-California | Oakland | Government Offices-State |
| UCSF Benioff Children's Hosp | Oakland | Hospitals |
| University of CA Berkeley | Berkeley | Schools-Universities & Colleges Academic |
| University of CA-BERKELEY | Berkeley | University-College Dept/Facility/Office |
| University-Ca-Berkeley Dept | Berkeley | University-College Dept/Facility/Office |
| Valley Care Health System | Livermore | Health Services |
| Washington Hospital Healthcare | Fremont | Health Care Management |
| Western Digital Corp | Fremont | Computer Storage Devices (mfrs) |

Source: State of California Employment Development Department, extracted from The America's Labor Market Information System (ALMIS) Employer Database, 2022 2nd Edition.

Effective Buying Income

"Effective Buying Income" is defined as personal income less personal tax and nontax payments, a number often referred to as "disposable" or "after-tax" income. Personal income is the aggregate of wages and salaries, other labor-related income (such as employer contributions to private pension funds), proprietor's income, rental income (which includes imputed rental income of owner-occupants of non-farm dwellings), dividends paid by corporations, interest income from all sources, and transfer payments (such as pensions and welfare assistance). Deducted from this total are personal taxes (federal, state and local), nontax payments (fines, fees, penalties, etc.) and personal contributions to social insurance. According to U.S. government definitions, the resultant figure is commonly known as "disposable personal income."

The following table summarizes the total effective buying income for the City of Berkeley, the County of Alameda, the State and the United States for the period 2018 through 2022.

CITY OF BERKELEY AND COUNTY OF ALAMEDA Effective Buying Income As of January 1, 2018 through 2022

| | | Total Effective
Buying Income | Median
Household
Effective Buying |
|-------------|----------------|----------------------------------|---|
| <u>Year</u> | Area | (000's Omitted) | Income |
| 2018 | Berkeley | \$5,070,468 | \$66,382 |
| | Alameda County | 61,987,949 | 73,633 |
| | California | 1,113,648,181 | 59,646 |
| | United States | 8,640,770,229 | 50,735 |
| 2019 | Berkeley | \$5,517,451 | \$72,412 |
| | Alameda County | 67,609,653 | 79,446 |
| | California | 1,183,264,399 | 62,637 |
| | United States | 9,017,967,563 | 52,841 |
| 2020 | Berkeley | \$5,843,576 | \$76,294 |
| | Alameda County | 72,243,436 | 84,435 |
| | California | 1,243,564,816 | 65,870 |
| | United States | 9,487,165,436 | 55,303 |
| 2021 | Berkeley | \$6,203,796 | \$79,437 |
| | Alameda County | 77,794,202 | 88,389 |
| | California | 1,290,894,604 | 67,956 |
| | United States | 9,809,944,764 | 56,790 |
| 2022 | Berkeley | \$6,646,946 | \$88,676 |
| | Alameda County | 85,225,529 | 99,940 |
| | California | 1,452,426,153 | 77,058 |
| | United States | 11,208,582,541 | 64,448 |

Source: The Nielsen Company (US), Inc for 2018; Claritas, LLC for 2019 through 2022.

Construction Activity

Provided below are the building permits and valuations for the City of Berkeley for calendar years 2017 through 2021.

CITY OF BERKELEY Total Building Permit Valuations (Valuations in Thousands)

| | 2017 | 2018 | 2019 | 2020 | 2021 |
|----------------------------|------------------|------------|-----------------|-----------------|-----------------|
| Permit Valuation | | | | | |
| New Single-family | \$14,776.2 | \$13,808.7 | \$9,666.3 | \$6,444.7 | \$13,533.1 |
| New Multi-family | 47,723.2 | 24,506.9 | 7,513.6 | 12,643.5 | 53,032.6 |
| Res. Alterations/Additions | <u>45,215.9</u> | 80,130.0 | 40,596.9 | <u>26,204.9</u> | <u>47,099.2</u> |
| Total Residential | 107,715.3 | 118,445.6 | 57,776.8 | 45,293.1 | 113,664.9 |
| | | | | | |
| New Commercial | 24,576.3 | 18,732.1 | 10,816.3 | 25,867.1 | 15,167.2 |
| New Industrial | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| New Other | 3,636.5 | 3,236.6 | 4,718.7 | 272.0 | 1,760.3 |
| Com. Alterations/Additions | <u> 26,597.7</u> | 52,522.6 | <u>12,885.4</u> | 23,290.5 | <u>65,213.8</u> |
| Total Nonresidential | 54,810.5 | 74,491.3 | 28,420.4 | 49,429.6 | 82,141.3 |
| New Dwelling Units | | | | | |
| Single Family | 43 | 63 | 46 | 21 | 69 |
| Multiple Family | 402 | <u>129</u> | | 117 | <u>286</u> |
| TÖTAL | 445 | 192 | <u>42</u>
88 | 138 | 355 |
| | | | | | |

Source: Construction Industry Research Board, Building

Page 80 of 88

APPENDIX B

THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR YEAR ENDED JUNE 30, 2021

Page 81 of 88

APPENDIX C FORM OF OPINION OF BOND COUNSEL

[to come]

APPENDIX D

FORM OF CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "**Disclosure Certificate**") is executed and delivered by the City of Berkeley (the "**City**") in connection with the issuance by the City, of the \$_____ City of Berkeley 2022-23 Tax and Revenue Anticipation Notes (the "**Notes**"). The Notes are being issued pursuant to a resolution adopted by the City Council of the City on June 28, 2022 (the "**Resolution**"). The City covenants and agrees as follows:

Section 1. <u>Purpose of the Disclosure Certificate</u>. This Disclosure Certificate is being executed and delivered by the City for the benefit of the holders and beneficial owners of the Notes and in order to assist the Participating Underwriters in complying with S.E.C. Rule 15c2-12(b)(5).

Section 2. <u>Definitions</u>. In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Dissemination Agent" shall mean NHA Advisors, LLC, or any successor Dissemination Agent designated in writing by the City and which has filed with the City a written acceptance of such designation.

"Listed Events" shall mean any of the events listed in Section 3(a) of this Disclosure Certificate.

"MSRB" means the Municipal Securities Rulemaking Board, which has been designated by the Securities and Exchange Commission as the sole repository of disclosure information for purposes of the Rule.

"Participating Underwriter" shall mean any of the original underwriters of the Notes required to comply with the Rule in connection with offering of the Notes.

"*Rule*" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

Section 3. Reporting of Significant Events.

- (a) Pursuant to the provisions of this Section 3, the City shall give, or cause to be given, notice of the occurrence of any of the following Listed Events with respect to the Notes:
 - (1) Principal and interest payment delinquencies.
 - (2) Non-payment related defaults, if material.
 - (3) Unscheduled draws on debt service reserves reflecting financial difficulties.
 - (4) Unscheduled draws on credit enhancements reflecting financial difficulties.
 - (5) Substitution of credit or liquidity providers, or their failure to perform.

- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security.
- (7) Modifications to rights of security holders, if material.
- (8) Bond calls, if material, and tender offers.
- (9) Defeasances.
- (10) Release, substitution, or sale of property securing repayment of the securities, if material.
- (11) Rating changes.
- (12) Bankruptcy, insolvency, receivership or similar event of the City or other obligated person.
- (13) The consummation of a merger, consolidation, or acquisition involving the City or an obligated person, or the sale of all or substantially all of the assets of the City or an obligated person (other than in the ordinary course of business), the entry into a definitive agreement to undertake such an action, or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material.
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.
- (15) Incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material.
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.
- (b) Whenever the City obtains knowledge of the occurrence of a Listed Event, the City shall, or shall cause the Dissemination Agent (if not the City) to, file a notice of such occurrence with the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of 10 business days after the occurrence of the Listed Event. Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8) and (9) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to holders of affected Notes under the Resolution.
- (c) The City acknowledges that the events described in subparagraphs (a)(2), (a)(7), (a)(8) (if the event is a bond call), (a)(10), (a)(13), and (a)(14) of this Section 3 contain the qualifier

"if material." The City shall cause a notice to be filed as set forth in paragraph (b) above with respect to any such event only to the extent that the City determines the event's occurrence is material for purposes of U.S. federal securities law.

- (d) For purposes of this Disclosure Certificate, any event described in paragraph (a)(12) above is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.
- (e) For purposes of Section 3(a)(15) and (16), "financial obligation" means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term financial obligation shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.
- Section 4. <u>Termination of Reporting Obligation</u>. The City's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Notes. If such termination occurs prior to the final maturity of the Notes, the City shall give notice of such termination in the same manner as for a Listed Event under Section 3(b).
- Section 5. <u>Dissemination Agent</u>. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be NHA Advisors, LLC.
- Section 6. <u>Amendment; Waiver</u>. Notwithstanding any other provision of this Disclosure Certificate, the City may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:
- (a) if the amendment or waiver relates to the provisions of Section 3(a) it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of an obligated person with respect to the Notes, or type of business conducted;
- (b) the undertakings herein, as proposed to be amended or waived, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the primary offering of the Notes, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and
- (c) the proposed amendment or waiver either (i) is approved by holders of the Notes, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or beneficial owners of the Notes.

Section 7. <u>Additional Information</u>. Nothing in this Disclosure Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the City chooses to include any information in any notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the City shall have no obligation under this Disclosure Certificate to update such information or include it in any future notice of occurrence of a Listed Event.

Section 8. <u>Default</u>. In the event of a failure of the City to comply with any provision of this Disclosure Certificate any holder or beneficial owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an Event of Default under the Resolution, and the sole remedy under this Disclosure Certificate in the event of any failure of the City to comply with this Disclosure Certificate shall be an action to compel performance.

Section 9. <u>Duties, Immunities and Liabilities of Dissemination Agent.</u> The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the City agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the City under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Notes.

Section 10. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the City, the Dissemination Agent, the Participating Underwriters and holders and beneficial owners from time to time of the Notes and shall create no rights in any other person or entity.

| Date:, 2022 | |
|-------------|------------------|
| | CITY OF BERKELEY |
| | By |
| | City Manager |

APPENDIX E

DTC AND THE BOOK-ENTRY ONLY SYSTEM

The following description of the Depository Trust Company ("DTC"), the procedures and record keeping with respect to beneficial ownership interests in the Notes, payment of principal, interest and other payments on the Notes to DTC Participants or Beneficial Owners, confirmation and transfer of beneficial ownership interest in the Notes and other related transactions by and between DTC, the DTC Participants and the Beneficial Owners is based solely on information provided by DTC. Accordingly, no representations can be made concerning these matters and neither the DTC Participants nor the Beneficial Owners should rely on the foregoing information with respect to such matters, but should instead confirm the same with DTC or the DTC Participants, as the case may be.

Neither the issuer of the Notes (the "Issuer") nor the trustee, fiscal agent or paying agent appointed with respect to the Notes (the "Agent") take any responsibility for the information contained in this Appendix.

No assurances can be given that DTC, DTC Participants or Indirect Participants will distribute to the Beneficial Owners (a) payments of interest, principal or premium, if any, with respect to the Notes, (b) certificates representing ownership interest in or other confirmation or ownership interest in the Notes, or (c) redemption or other notices sent to DTC or Cede & Co., its nominee, as the registered owner of the Notes, or that they will so do on a timely basis, or that DTC, DTC Participants or DTC Indirect Participants will act in the manner described in this Appendix. The current "**Rules**" applicable to DTC are on file with the Securities and Exchange Commission and the current "**Procedures**" of DTC to be followed in dealing with DTC Participants are on file with DTC.

- 1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for each issue of the Securities, each in the aggregate principal amount of such issue, and will be deposited with DTC. If, however, the aggregate principal amount of any issue exceeds \$500 million, one certificate will be issued with respect to each \$500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.
- 2. DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust

companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

- 3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.
- 4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.
- 5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.
- 6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.
- 7. Neither DTC nor Cede & Co. (nor such other DTC nominee) will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI

Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

- 8. Redemption proceeds, distributions, and interest payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts, upon DTC's receipt of funds and corresponding detail information from Issuer or Agent on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of Issuer or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.
- 9. DTC may discontinue providing its services as securities depository with respect to the Securities at any time by giving reasonable notice to Issuer or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.
- 10. Issuer may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.
- 11. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that Issuer believes to be reliable, but Issuer takes no responsibility for the accuracy thereof.



PUBLIC HEARING June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: goBerkeley SmartSpace Pilot Program Implementation Recommendations

RECOMMENDATION

Conduct a public hearing, and upon conclusion:

- 1. Adopt an Ordinance repealing and reenacting Berkeley Municipal Code Chapter 14.52 Parking Meters to enable demand-responsive paid parking for non-RPP permit holders in the 2700 blocks of Durant Avenue, Channing Way, and Haste Street and the 2300-2400 blocks of Piedmont Avenue (a portion of Residential Preferential Parking Program Area I) for the duration of the grant-funded goBerkeley SmartSpace pilot program, and allow payment via license plate entry pay stations ("pay-by-plate") to improve convenience and enforcement; and
- 2. Adopt a Resolution approving the pilot proposals to be implemented and evaluated as part of the goBerkeley SmartSpace pilot program.

SUMMARY

The recommended actions are for the implementation of the goBerkeley SmartSpace pilot program, which will evaluate strategies to reduce the "two-hour shuffle" in residential areas adjacent to the Elmwood and Southside/Telegraph commercial districts. The two-hour shuffle occurs when those without permits re-park their vehicles every two hours to avoid being cited for parking longer than posted time limits. The new proposals reflect public input, and those marked with an asterisk (*) are recommended for Council approval based on spring 2022 community feedback.

Elmwood

- Introduce a limited number of RPP parking passes for local employees*
- Facilitate a transit pass program for local employees*
- Test longer time RPP time limits

Southside/Telegraph

Implement a smaller visitor paid parking pilot closer to the UC Campus*

¹ Berkeley City Council Resolution No. 67,382-N.S. https://bit.ly/3MfXO3q

- Encourage business/employee parking in the Telegraph/Channing Garage*
- Facilitate a transit pass program for local employees*
- Introduce a limited number of RPP parking passes for local employees

The pilot is expected to launch later this summer and conclude by the end of calendar year 2023.

FISCAL IMPACTS OF RECOMMENDATION

The SmartSpace pilot program is funded by a \$950,000 Congestion Management and Air Quality (CMAQ) grant from the Federal Highway Administration (FHWA) via the Metropolitan Transportation Commission (MTC). The City is reimbursed for 80% of all eligible non-infrastructure pilot program expenses, with 20% supplemented by local match funding.

\$100,000 in non-grant-related funding will be included in the FY 2023 Budget in the Parking Meter Fund (631-54-622-665-0000-000-472-612990- PWTRPK1401) pending the approval of the first Amendment to the Annual Appropriations, as part of a separate project to facilitate the implementation of the pilot.

CURRENT SITUATION AND ITS EFFECTS

Public engagement for the goBerkeley SmartSpace pilot program began in late 2019 with the launch of the <u>project website</u>², public surveys, and in-person outreach. Staff also convened a Community Advisory Group in early 2020 to provide input on the pilot development and evaluation. With the advent of the coronavirus pandemic and shelter-in-place orders, the project was put on hold for approximately one year due to impacts on the local business community and commute patterns, two major factors in this study.

Outreach resumed in mid-2021 and included three sets of virtual community meetings held on Zoom, an online survey and a comment form on the project website, a presentation to the Transportation Commission, meetings with merchant and neighborhood groups, email updates to website sign-ups, and correspondence with community members. Virtual meetings for each pilot area were held via Zoom in November 2021, December 2021, and April 2022. An additional "hybrid" Zoom and inperson meeting in December 2021 was organized by a consortium of neighborhood groups and provided an additional opportunity for public comment on initial proposals. ³

Attendance at the virtual meetings dropped over time, and participation at the Southside/Telegraph pilot area meetings was particularly difficult to attract. In spring

² Project website available at https://smartspace.goberkeley.info.

³ Summaries of all public meetings are available in the "Additional Resources" section of the project website at https://smartspace.goberkeley.info.

2022, City staff conducted additional surveying to better understand existing conditions, particularly among merchants and employees, and to inform new proposals.

Pilot Program Recommendations

In fall 2021, City staff introduced initial concepts for demand-responsive visitor paid parking throughout both pilot areas, removing the two-hour free grace period and extending time limits to increase options for visitors. These concept proposals were met with opposition from both residents and merchants, and are not recommended for implementation. Rather, in response to public input, City staff developed new pilot proposals that either derive from or have been modified by community suggestions. City staff have confirmed with MTC that the new proposals are in alignment with the goals of the grant funding. Those marked with asterisks (**) are recommended for Council approval based on spring 2022 community feedback.

Elmwood Pilot Area

| Recommendation | Description | Spring
2022
Feedback | Source
Numbers | Dates/Time of Input |
|--|---|--|---------------------------------|-----------------------------------|
| **Introduce a
limited number of
RPP parking
permits for local
employees. | Sell transferable employee parking permits for nearby RPP areas. City to determine maximum number of permits based on a review of available parking supply. | 40% Yes
and 60%
wanted
more info.
None
opposed. | 15 Zoom
poll
participants | April 27,
2022 Zoom
meeting |
| **Facilitate a
transit pass
program for
employees of
local businesses. | Provide staff support to set up and administer an AC Transit EasyPass program for local employees in the Elmwood district. | 80% Yes | 20 Zoom
poll
participants | April 27,
2022 Zoom
meeting |

| Recommendation | Description | Spring
2022
Feedback | Source
Numbers | Dates/Time of Input |
|---|---|--|--|--|
| Test 3-hour RPP time limits in a small portion of the pilot area. | Extend RPP time limits from two (2) to three (3) hours in portions of RPP areas east of College Avenue. | 27% Yes,
20% No,
53% more
info;
72% of
survey
takers said
two-hour
limit
sufficient | 15 Zoom
poll
participants;
87
Elmwood
area
residents
via online
survey | April 27,
2022
meeting &
Feb/Mar
2022 online
survey |

Southside/Telegraph Pilot Area

| Recommendation | Description | Spring 2022
Feedback | Source
Numbers | Dates/Time of Input |
|---|--|---|---|---|
| **Implement
smaller visitor
paid parking pilot
closer to the UC
Campus. | Test goBerkeley demand-responsive pricing and longer time limits for non-permit holders in a portion of RPP Area I. ⁴ Install license plate entry pay stations to simplify payment and enforcement. | 40% Yes,
30% No,
30% more
info;
50% of
survey
takers said
two-hour limit
insufficient | 9 Zoom poll
participants;
26 Area I
RPP permit
holders in
pilot area
via online
survey | April 28,
2022 Zoom
meeting &
March 2022
online
survey |
| **Encourage local merchants and/or employees to park at Telegraph/ Channing Garage. | The City would set aside a maximum number of stalls at the garage for local businesses and encourage garage parking as a first choice. | 66% Yes,
11% No,
22% more
info. | 9 Zoom poll participants | April 28,
2022 Zoom
meeting |

Page 4 1002

⁴ Visitor paid parking would be implemented in the 2700 blocks of Durant Ave, Channing Way, and Haste St, and the 2300-2400 blocks of Piedmont Ave. RPP Area I permit holders would be exempt from hourly paid parking. Payment would be accepted by ParkMobile mobile payment service and new license-plate entry pay stations from 8am-7pm, matching current RPP enforcement hours.

| Recommendation | Description | Spring 2022
Feedback | Source
Numbers | Dates/Time of Input |
|--|---|--|---------------------------------|-----------------------------------|
| **Facilitate a
transit pass
program for
employees of
local businesses. | Provide staff support
to set up and
administer an AC
Transit EasyPass
program for local
employees in the
Telegraph district. | 90% Yes,
10% more
info. | 10 Zoom
poll
participants | April 28,
2022 Zoom
meeting |
| Introduce a limited number of RPP parking permits for local employees. | Sell transferable employee parking permits for nearby RPP areas. City to determine maximum number of permits based on a review of available parking supply. | 20% Yes,
60% No,
20% more
info. | 10 Zoom
poll
participants | April 28,
2022 Zoom
meeting |

Pilot Implementation

Prior to launching the pilot, staff will develop detailed policies guiding the implementation, and update the community via our website, mailing list, and other communication channels. The pilot is expected to launch later this summer, will be in place for at least six (6) months, and conclude by the end of calendar year 2023. New data collection will occur in fall 2022 and spring 2023 to support project evaluation and determine if a price adjustment is needed for the Southside/Telegraph visitor paid parking area following goBerkeley program guidelines. Staff will continue to engage with major stakeholders and the general public after the pilot begins, and expect to return to Council in mid-2023 with an evaluation of the project and further recommendations on whether the strategies should be discontinued, retained, or expanded.

BACKGROUND

During the first goBerkeley parking pilot program (2013-2015), the City received feedback about the "two-hour shuffle" in residential areas adjacent to commercial districts. While staff could not study this behavior comprehensively during the first pilot, the City was awarded a \$950,000 grant from the MTC in late 2015 to study the two-hour shuffle in more detail as part of the goBerkeley Residential Shared Parking Pilot. The pilot program was rebranded "goBerkeley SmartSpace" in 2019. The goals of the pilot include:

- Reduce occurrences of the "two-hour shuffle" in residential neighborhoods to alleviate inconvenience for local merchants and employees and reduce greenhouse gas emissions associated with the behavior;
- Increase parking availability on residential streets;

- Increase information about and/or facilitate access to alternatives to driving and parking; and
- Improve customer service and technology related to the City's parking program, making parking easier to find and understand.

Finally, the goBerkeley SmartSpace pilot is a Strategic Plan Priority Project, advancing our goals to:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.
- be a customer-focused organization that provides excellent, timely, easilyaccessible service and information to the community.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This pilot project will test ways to reduce greenhouse gas emissions among commuters to the Elmwood and Southside/Telegraph commercial districts, particularly those parking in nearby residential neighborhoods. Reducing greenhouse gas emissions produced by vehicular traffic is one of the City's 2009 Climate Action Plan goals.

While the effectiveness of the recommendations is not yet known, parking management based on user demand in the smaller Southside/Telegraph visitor paid parking pilot is expected to improve residential on-street parking availability and lessen vehicle emissions, as drivers spend less time searching for available parking spaces. Likewise, providing some local employees with parking permits could reduce emissions associated with frequent shuffling of vehicles. Employees who receive transit passes may choose to use transit more often, alleviating parking demand.

RATIONALE FOR RECOMMENDATION

The recommendations in this report reflect public feedback received during outreach in fall 2021 and winter 2022. As such, they reflect community priorities for addressing the "two-hour shuffle" in residential neighborhoods as part of this grant-funded pilot program.

ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to approve any of the recommendations for the pilot, which would require additional effort to develop new proposals and could further delay the program. Council could also choose to approve some but not all of the recommended proposals, including those that were not recommended for approval.

CONTACT PERSON

Farid Javandel, Deputy Director, Public Works, 510-981-7061 Danette Perry, Parking Services Manager, Public Works, 510-981-7057 Gordon Hansen, Senior Planner, Public Works, 510-981-7064

PUBLIC HEARING June 28, 2022

Attachments:

- 1: Ordinance
- 2: Resolution
- 3: Public Hearing Notice

Page 7 1005

ORDINANCE NO. -N.S.

REPEAL AND REENACT BERKELEY MUNICIPAL CODE CHAPTER 14.52 TO ALLOW PAYMENT AT LICENSE PLATE ENTRY ("PAY-BY-PLATE") PAY STATIONS AND IMPLEMENT PAID PARKING IN PORTIONS OF RESIDENTIAL PREFERENTIAL PARKING (RPP) AREA I AS PART OF THE GOBERKELEY SMARTSPACE PILOT PROGRAM

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

<u>Section 1.</u> That Berkeley Municipal Code Chapter 14.52 is repealed and reenacted to read as follows:

14.52.010 Parking meter zones.

A. goBerkeley Program parking meter zones are those streets or portions of streets in the City located within the goBerkeley Areas hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay stations, and/or a City-approved software application that processes pay-by-phone payments from a mobile phone at fees set in 14.52.120:

Acton Street, both sides, from 150 feet north of University Avenue to University Avenue.

Addison Street, both sides, from Oxford Street to Martin Luther King Jr. Way.

Addison Street, north side, from Martin Luther King Jr. Way to 170 feet west of Martin Luther King Jr. Way.

Adeline Street, east side, from Ward Street to Essex Street.

Adeline Street, west side, from Russell Street to Ashby Avenue.

Alcatraz Avenue, south side, from 75 feet east of College Avenue to College Avenue.

Allston Way, both sides, from Oxford Street to Martin Luther King Jr. Way.

Ashby Avenue, both sides, from Domingo Avenue to Claremont Avenue.

Ashby Avenue, north side, from College Avenue to Benvenue Avenue.

Ashby Avenue, south side, from Benvenue Avenue to Elmwood Avenue.

Ashby Place, east side, from Ashby Avenue to a point 80 feet north of Ashby Avenue.

Bancroft Way, both sides, from Piedmont Avenue to Milvia Street.

Benvenue Avenue, west side, from Ashby Avenue to 100 feet south of Ashby Avenue.

Berkeley Square, both sides, from Addison Street to Center Street.

Berkeley Way, north side, from Oxford Street to Shattuck Avenue.

Page 10 of 25

Berkeley Way, south side, from Oxford Street to 385 feet west of Shattuck Avenue.

Blake Street, both sides, from Telegraph Avenue to 125 feet west of Telegraph Avenue.

Blake Street, south side, from Shattuck Avenue to 80 feet west of Shattuck Avenue.

Bonar Street, east side, from University Avenue to 150 feet south of University Avenue.

Bonar Street, west side, from University Avenue to Addison Street.

Bonita Avenue, east side, from University Avenue to Berkeley Way.

Bowditch Street, east side, from Bancroft Way to Dwight Way.

California Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Camelia Street, north side, from Tenth Street to Ninth Street.

Camelia Street, north side, from San Pablo Avenue to 100 feet west of San Pablo Avenue.

Center Street, both sides, from Oxford Street to Martin Luther King Jr. Way.

Channing Way, north side, from Shattuck Avenue to 250 feet west of Shattuck Avenue.

Channing Way, north side, from College Avenue to Dana Street.

Claremont Avenue, east side, from Russell Street to Ashby Avenue.

Claremont Avenue, west side, from Russell Street to Claremont Boulevard.

Colby Street, west side, from Webster Street to South Hospital Drive.

College Avenue, east side, from Bancroft Way to 200 feet south of Dwight Way.

College Avenue, west side, from Bancroft Way to Dwight Way.

College Avenue, east side, from 75 feet south of Webster Street to 175 feet north of Russell Street.

College Avenue, west side, from 140 feet north of Russell Street to Webster Street.

College Avenue, east side, from 150 feet north of Alcatraz Avenue to Berkeley-Oakland city limits south of Alcatraz Avenue.

College Avenue, west side, from Alcatraz Avenue to Berkeley-Oakland city limit, south of Alcatraz Avenue.

Colusa Avenue, east side, from Catalina Avenue to 225 feet south of Solano Avenue

Colusa Avenue, west side, from Catalina Avenue to 180 feet south of Solano Avenue.

Page 11 of 25

Curtis Street, both sides, from 100 feet north of University Avenue to University Avenue.

Dana Street, both sides, from Bancroft Way to Channing Way.

Dana Street, west side, from Haste Street to 150 feet south of Haste Street.

Delaware Street, south side, from 60 feet east of Shattuck Avenue to Shattuck Avenue.

Derby Street, north side, from 150 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.

Derby Street, south side, from 150 feet east of Telegraph Avenue to Telegraph Avenue.

Derby Street, south side, from 300 feet east of Milvia Street to Milvia Street.

Domingo Avenue, both sides, from Berkeley-Oakland city limit to Ashby Avenue.

Durant Avenue, both sides, from Fulton Street to Milvia Street.

Durant Avenue, both sides, from College Avenue to Ellsworth Street.

Dwight Way, both sides, from Fulton Street to Milvia Street.

Dwight Way, north side, from 300 feet east of Telegraph Avenue to 300 feet east of Dana Street.

Dwight Way, north side, from College Avenue to Bowditch Street.

Dwight Way, south side, from 125 feet east of Regent Street to 325 feet west of Telegraph Avenue.

Dwight Way, south side, from Benvenue Avenue to Hillegass Avenue.

Dwight Way, north side, from 40 feet east of San Pablo Avenue to San Pablo Avenue.

Eighth Street, west side, from 100 feet north of University Avenue to 200 feet south of University Avenue.

Ensenada Avenue, east side, from 66 feet north of Solano Avenue to 90 feet south of Solano Avenue.

Euclid Avenue, east side, from 135 feet north of Ridge Road to Hearst Avenue.

Euclid Avenue, west side, from 130 feet north of Ridge Road to Hearst Avenue.

Fifth Street, west side, from Virginia Street to Hearst Avenue.

Fifth Street, both sides, from Hearst Avenue to Addison Street.

Fourth Street, east side, from Virginia Street to Addison Street.

Fourth Street, west side, from Cedar Street to Addison Street.

Page 12 of 25

Francisco Street, both sides, from Shattuck Avenue to 100 feet west of Shattuck Avenue.

Fresno Avenue, east side, from Solano Avenue to 69 feet south of Solano Avenue.

Fulton Street, both sides, from Kittredge Street to Bancroft Way.

Fulton Street, east side, from Bancroft Way to Durant Avenue.

Fulton Street, west side, beginning at Durant Avenue and extending south for 80 feet.

Grant Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Grayson Street, south side, from San Pablo Avenue to 60 feet west of San Pablo Avenue.

Harold Way, both sides, from Allston Way to Kittredge Street.

Haste Street, both sides, from 250 feet east of Shattuck Avenue to Milvia Street.

Haste Street, north side, from College Avenue to Dana Street.

Haste Street, south side, from 300 feet east of Telegraph Avenue to 350 feet west of Telegraph Avenue.

Haste Street, south side, from College Avenue to Bowditch Street.

Hearst Avenue, north side, from LaLoma Avenue to Scenic Avenue.

Hearst Avenue, south side, from Euclid Avenue to Gayley Road.

Hearst Avenue, south side, from Oxford Street to Arch Street.

Hearst Avenue, both sides, from Oxford Street to Shattuck Avenue.

Hearst Avenue, north side, from Fifth Street to Third Street.

Hearst Avenue, south side, from Sixth Street to Third Street.

Kittredge Street, both sides, from Oxford Street to Milvia Street.

LaLoma Avenue, both sides, from Ridge Road to Hearst Avenue.

LeRoy Avenue, both sides, from Ridge Road to Hearst Avenue.

Lincoln Street, south side, from Shattuck Avenue to 150 feet west of Shattuck Avenue.

Martin Luther King Jr. Way, both sides, from Addison Street to Allston Way.

Milvia Street, both sides, from Berkeley Way to Center Street.

Milvia Street, east side, from Center Street to Bancroft Way.

Milvia Street, east side from Derby Street to Ward Street.

Modoc Street, east side, from Solano Avenue to 90 feet south of Solano Avenue.

Modoc Street, west side, from Solano Avenue to 66 feet south of Solano Avenue.

Ninth Street, east side, from 300 feet north of Gilman Street to Gilman Street.

Ninth Street, west side, from 75 feet north of University Avenue to 150 feet south of University Avenue.

Oregon Street, north side, from 75 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.

Oregon Street, south side, from 175 feet east of Telegraph Avenue to Telegraph Avenue.

Oregon Street, both sides, from Shattuck Avenue to Adeline Street.

Oxford Street, both sides, from Hearst Avenue to Kittredge Street.

Page Street, north side, from San Pablo Avenue to Tenth Street.

Pardee Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.

Parker Street, both sides, from 200 feet west of Regent Street to 100 feet west of Telegraph Avenue.

Parker Street, both sides, from Shattuck Avenue to 100 feet west of Shattuck Avenue.

Parker Street, north side, from 100 feet east of Shattuck Avenue to Shattuck Avenue.

Regent Street, east side, from Ashby Avenue to 125 feet south of Webster Street.

Regent Street, west side, from Ashby Avenue to South Hospital Drive.

Ridge Road, north side, from 100 feet east of Euclid Avenue to 250 feet west of Euclid Avenue.

Ridge Road, south side, from LeRoy Avenue to 250 feet west of Euclid Avenue.

Rose Street, north side, from 100 feet east of Shattuck Avenue to 100 feet west of Henry Street.

Rose Street, south side, from Walnut Street to Shattuck Place.

Russell Street, north side, from 85 feet east of College Avenue to 175 feet west of College Avenue.

Page 14 of 25

Russell Street, south side, from 120 feet east of College Avenue to 200 feet west of College Avenue.

Russell Street, south side, from 75 feet east of Telegraph Avenue to 100 feet west of Telegraph Avenue.

San Pablo Avenue, both sides, from Harrison Street to Carrison Street.

Scenic Avenue, east side, from Hearst Avenue to Ridge Road.

Seventh Street, east side, from University Avenue to 150 feet south of University Avenue.

Shattuck Avenue, both sides, from 100 feet north of Rose Street to University Avenue.

Shattuck Avenue, both sides, of the east roadway, from University Avenue to Addison Street (Shattuck Square).

Shattuck Avenue, both sides, of the west roadway, from University Avenue to Addison Street (Shattuck Square).

Shattuck Avenue, both sides, of the east roadway, from Addison Street to Center Street (Berkeley Square).

Shattuck Avenue, both sides, of the west roadway, from Addison Street to Center Street (Berkeley Square).

Shattuck Avenue, both sides, from Center Street to Ashby Avenue.

Shattuck Place, both sides, from Rose Street to Shattuck Avenue.

Sixth Street, east side, University Avenue to Addison Street.

Solano Avenue, both sides, from Tulare Avenue to The Alameda.

Solano Avenue, north side, from 140 feet to 184 feet east of The Alameda.

South Hospital Drive, south side, from Colby Street to 75 feet west of Colby Street.

Stuart Street, north side, from 70 feet east of Shattuck Avenue to Adeline Street.

Stuart Street, south side, from 50 feet east of Telegraph Avenue to Telegraph Avenue.

Tacoma Avenue, both sides, from 66 feet north of Solano Avenue to Solano Avenue.

Telegraph Avenue, both sides, from Bancroft Way to Dwight Way.

Telegraph Avenue, east side, from Dwight Way to Woolsey Street.

Telegraph Avenue, west side, from Dwight Way to Prince Street.

Tenth Street, west side, from 300 feet north of Gilman Street to Gilman Street.

Tenth Street, both sides, from Gilman Street to Camelia Street.

Tenth Street, east side, from 100 feet north of University Avenue to 100 feet south of University Avenue.

The Alameda, east side, from Solano Avenue to Los Angeles Avenue.

The Alameda, west side, from 90 feet north of Solano Avenue to 220 feet north of Los Angeles Avenue.

Tulare Avenue, east side, from Solano Avenue to 90 feet south of Solano Avenue.

University Avenue, both sides, from Oxford Street to Third Street.

Vine Street, north side, from 75 feet east of Walnut Street to 100 feet east of Henry Street.

Vine Street, south side, from 150 feet east of Walnut Street to 100 feet east of Henry Street.

Virginia Street, north side, from 150 feet east of Shattuck Avenue to 150 feet west of Shattuck Avenue.

Virginia Street, south side, from Shattuck Avenue to 125 feet west of Shattuck Avenue.

Walnut Street, east side, from 75 feet north of Vine Street to 125 feet south of Vine Street.

Walnut Street, west side, from Rose Street to 200 feet south of Vine Street.

Walnut Street, both sides, from Berkeley Way to University Avenue.

Ward Street, north side, from 300 feet east of Milvia Street to Milvia Street.

Webster Street, both sides, from 125 feet east of College Avenue to 100 feet west of College Avenue.

Webster Street, north side, from Colby Street to 150 feet west of Telegraph Avenue.

Webster Street, south side, from Colby Street to 100 feet west of Telegraph Avenue.

B. goBerkeley SmartSpace Pilot Program parking meter zones are those streets or portions of streets currently included in Residential Preferential Program (RPP) Area I in the City hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay stations, and/or a City-approved software application that processes pay-by-phone payments from a mobile phone at fees set in 14.52.120:

Channing Way, north side, from Piedmont Avenue to College Avenue.

Durant Avenue, both sides, from Piedmont Avenue to College Avenue.

Haste Street, both sides, from Piedmont Avenue to College Avenue.

Piedmont Avenue, both sides, from Bancroft Way to Dwight Way.

C. The City Traffic Engineer shall cause parking meters and pay stations to be installed and maintained in all parking meter zones.

14.52.020 Manner of installation.

- A. Single space meters.
- 1. Parking meters shall be installed upon the curb or sidewalk area immediately adjacent to each parking space. Each meter shall be placed in such manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use. Each parking meter shall indicate the limit of parking time in the parking space adjacent to the parking meter.
- 2. Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit of parking time as indicated on the meter, and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of the street upon which said meter is placed. Each said meter shall also be so arranged that upon the expiration of said legal parking time it will indicate by a mechanical operation and by proper signal that the lawful parking period has expired.
- B. Pay stations.
- 1. Pay stations are used to accept payment for multiple paid parking spaces on a block face or off-street parking lot and shall include pay-and-display stations and pay-by-plate stations.
- 2. Pay stations shall be installed upon the curb or sidewalk area within any designated meter zone. Each pay station shall indicate the limit of parking time in that particular designated meter zone.
- 3. Each pay-and-display station shall be set to dispense, after the operational procedure has been completed, a two-part windshield dispensing machine ticket indicating legal parking for that period of time conforming to the limit of parking time as indicated on the pay-and-display station or indicated by signage or curb markings.
- 4. Each pay-by-plate station shall be set for the vehicle operator to register their vehicle license plate as the parking permit indicating legal parking for that period of time conforming to the limit of parking time as indicated on the pay-by-plate station or indicated by signage or curb markings.

14.52.030 Time of operation of parking meters and pay stations.

A. The provision of this chapter relating to the operation of parking meters and pay stations shall be effective between the hours of nine a.m. and six p.m. every day except Sundays, and as may be otherwise provided for specific locations in the sections of establishing parking meter zones.

B. goBerkeley SmartSpace Pilot Program

- 1. The provision of this chapter relating to the operation of parking meters and pay stations in the goBerkeley SmartSpace pilot program areas listed in 14.52.010 (B) shall be effective between the hours of eight a.m. and seven p.m. every day except Sundays.
- 2. A motor vehicle which has a valid RPP "Area I" annual or visitor residential parking permit is exempt from hourly paid parking in the goBerkeley SmartSpace pilot program areas listed in 14.52.010 (B).

14.52.040 Operational procedure to be followed.

A. Single space meters. Immediately after occupancy of a parking meter space, the operator of a vehicle shall, if necessary, deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone, at said parking meter in accordance with the instructions posted on the face of the parking meter or the pay-by-phone software application that processes payments from a mobile device.

B. Pay-and-display stations.

- 1. Immediately after occupancy of a pay-and-display station space, the operator of a vehicle shall, if necessary, locate the nearest pay-and-display station on the block and deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone at said pay-and-display station and make selections in accordance with the instructions posted on the face of the pay-and-display station, or the pay-by-phone software application that processes payments from a mobile phone.
- 2. Upon obtaining the printed dispensing machine ticket from the pay-and-display station, the operator of the vehicle shall return immediately to their vehicle and place the dispensing machine ticket face up on the street-side of the vehicle's dashboard in such a manner that the expiration time and date are readily visible from the exterior.
- C. *Pay-by-plate stations*. Immediately after occupancy of a pay-by-plate station space, the operator of a vehicle shall, if necessary, locate the nearest pay-by-plate station on the block, enter their vehicle license plate number to register their payment, deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone at said pay-by-plate station, and make selections in accordance with the instructions posted on the face of the pay-by-plate station, or the pay-by-phone software application that processes payments from a mobile phone.

14.52.050 Unlawful to park after meter and/or pay station time has expired.

- A. Single space meter. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that an operable meter is showing a signal indicating that such space is illegally in use, such as where the time has expired, unless the operator of the vehicle has otherwise paid for the parking space via the use of a City-approved software application that processes pay-by-phone payments from a mobile phone, other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking.
- B. Pay-and-display stations. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that pay-and-display station dispensing machine ticket is indicating that such space is illegally in use, such as where the time has expired, unless the operator of the vehicle has otherwise paid for the parking space via the use of a City-approved software application that processes pay-by-phone payments from a mobile phone, other than such time immediately after the original occupancy as is necessary to obtain a receipt from the pay-and-display station and to place said dispensing machine ticket face up on the street-side of the vehicle's dashboard to show legal parking.
- C. Pay-by plate stations. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that the operator has not registered their vehicle by entering their vehicle license plate number and submitted payment at the nearest pay-by-plate station, unless the operator of the vehicle has otherwise paid for the parking space via the use of a City-approved software application that processes pay-by-phone payments from a mobile phone, other than such time immediately after the original occupancy as is necessary to register their vehicle license plate number at the pay-by-plate station.

14.52.060 Unlawful to extend time beyond limit.

- A. Single space meter. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which said parking meter is placed.
- B. Pay-and-display stations. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space which is indicated on the pay-and-display station dispensing machine ticket.
- C. *Pay-by-plate stations*. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space controlled by the nearest pay-by-plate station.

14.52.063 No pay-and-display dispensing machine ticket displayed.

A motor vehicle on which is properly displayed a valid pay-and-display dispensing machine ticket as provided for herein shall be permitted to stand or be parked in a pay-and-display zone for which the dispensing machine ticket has been issued for the period of time indicated on the dispensing machine ticket without being subject to parking penalties in effect for such area. However, any motor vehicle on which there is not displayed a valid dispensing machine ticket as provided herein shall be subject to parking regulations and consequent penalties in effect for such area. (Ord. 7305-NS (part), 2013)

14.52.066 Improperly displayed pay-and-display dispensing machine ticket.

A motor vehicle on which the pay-and-display dispensing machine ticket is not properly displayed as provided herein shall be subject to parking regulations and consequent penalties in effect for such area. (Ord. 7305-NS (part), 2013)

14.52.070 Improper use of meter and pay station.

It is unlawful to deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, device or metallic substitute for a coin of the United States, or to otherwise use any card or other device in a parking meter or pay station having alternative payment capability in lieu of a card or device lawful and appropriate to an alternative payment process at such parking meter or pay station, or for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or pay station. (Ord. 7305-NS (part), 2013)

14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in meter or pay station by unauthorized person.

- A. Single space meter. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, debit card or credit card in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space immediately adjacent to said meter.
- B. *Pay stations*. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, credit card, debit card, or epark card in any pay station without the knowledge or consent of said owner or operator of the vehicle using the parking space. (Ord. 7305-NS (part), 2013)

14.52.090 Parking meters, pay stations and parking meter/pay station standards not to be used for certain purposes.

- A. Single space meters. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a parking meter or a parking meter standard.
- B. *Pay stations*. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a pay station unit or a pay station standard. (Ord. 7305-NS (part), 2013)

14.52.100 Rule of evidence.

- A. Single space meters. The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.
- B. *Pay-and-display stations*. The parking or standing of any motor vehicle in a parking space, at which space the pay-and-display station dispensing machine ticket indicates illegal parking shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.
- C. Pay-by-plate stations. The parking or standing of any motor vehicle in a parking space, at which space the vehicle license plate has not been registered at the nearest pay-by-plate station, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such a space for a period longer than permitted by this chapter.

14.52.110 Use of money deposited in parking meters and pay stations.

Except as permitted under subdivision G below, all moneys collected from parking meters and pay stations in the City shall be placed in a special fund, which fund shall be used for the following purposes:

- A. For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and policing of parking meters and pay stations in the City and for the payment of any and all expenses relating or incidental thereto.
- B. For the purchasing, leasing, acquiring, improving, operating and maintaining of offstreet parking facilities in the City.
- C. For the installation and maintenance of traffic control devices and signals.
- D. For the painting and marking of streets and curbs required for the direction of traffic and the parking of motor vehicles.
- E. For the proper regulation, control and inspection of parking and traffic upon the public streets.
- F. To be pledged as security for the payment of principal of and interest on off-street parking revenue bonds issued by the City.
- G. Additional Revenue deemed to be generated by the goBerkeley Pilot Program will be used to fund goBerkeley efforts, pursuant to Section 1012(b) of Intermodal Surface Transportation Efficiency Act of 1991, as amended, as agreed in the 2012 Cooperative Agreement between the City of Berkeley, the California Department of Transportation and the Federal Highway Administration.
- H. Surplus money not utilized under subdivision A through above may be transferred to the general fund. The City Manager or their designee may make an annual determination as to what is surplus based on the needs and obligations of the special

fund and transfer such surplus to the general fund. (Ord. 7498-NS § 2, 2016: Ord. 7305-NS (part), 2013).

14.52.120 Parking meter and pay station fees.

Single-space meter and pay station fees for the goBerkeley Program parking meter zones hereinabove set forth in 14.52.010 shall be as follows:

- A. For goBerkeley Program parking meter zones set forth in 14.52.010:
- 1. Pay stations and credit card enabled single-space meters shall accept nickels, dimes, quarters, one dollar coins and credit/debit cards.
- 2. The minimum transaction amount for cash payment shall be five cents (\$0.05) and shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010 shall be set by section 14.52.120(B).
- 3. The 12-minute minimum transaction amount for credit/debit card payment shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010 shall be set by section 14.52.120(B).
- B. At single-space meters and pay stations within the goBerkeley Program parking meter zones:
- 1. The hourly rate may vary between \$0.50 and \$5.00 per hour effective FY 2017, between \$0.50 and \$6.00 per hour effective FY 2018, between \$0.50 and \$7.00 effective FY 2019, and between \$0.50 and \$8.00 effective FY 2020, as set by the City Manager.
- 2. The parking fee may be either flat rates (same rate for a specified time period e.g. 1 hour, 4 hours, all day), or may be variable rates based on time of day, length of stay, or a combination of those pricing structures, as set by the City Manager.
- 3. The City Manager may adjust the parking fee by increments no larger than 50 cents (\$0.50) per hour.
- 4. The City Manager may implement special event pricing at designated times and at designated pay stations and parking meters,
- 5. Adjustments to the parking fee must be supported by published data on parking usage statistics with the goal of achieving 65-85% parking occupancy of spaces as calculated in the goBerkeley Program Guidelines.
- 6. Adjustments to the parking fee at pay stations and parking meters must be posted to the City's website no later than 30 calendar days prior to the adjustment.
- 7. Parking rates may be adjusted no more frequently than once per 60 calendar days. (Ord. 7752-NS § 2, 2021: Ord. 7498-NS § 3, 2016: Ord. 7308-NS § 1, 2013: Ord. 7305-NS (part), 2013)

14.52.130 Time limits enforced at inoperable parking meters and pay stations.

- A. Single space meters. Where parking meters are installed in the City, if the parking meter is inoperable, the time limits posted on the parking meter shall be enforced during the hours of operation of parking meters.
- B. *Pay stations*. Where pay stations are installed in the City, if the pay station is inoperable, the time limits posted on the pay station within the block that the vehicle is parked or indicated by signage or curb markings shall be enforced during the hours of operation of the pay station.

<u>Section 2.</u> 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.

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

GOBERKELEY SMARTSPACE PILOT PROGRAM RECOMMENDATIONS

WHEREAS, the Council of the City of Berkeley accepted a \$950,000 Congestion Mitigation and Air Quality Improvement (CMAQ) grant from the Federal Highway Administration (FHWA) under the Metropolitan Transportation Commission's (MTC) Climate Initiatives Program for the goBerkeley Residential Shared Parking Pilot (since renamed goBerkeley SmartSpace) via Resolution No. 67,382–N.S.; and

WHEREAS, the goBerkeley SmartSpace pilot program is studying ways to reduce the inconvenience and greenhouse gas emissions associated with the "two-hour shuffle," improve parking availability, increase information and/or access to alternatives to driving and parking, and improve customer service related to the City's parking program in Residential Preferential Parking (RPP) areas adjacent to the Elmwood and Southside/Telegraph commercial districts; and

WHEREAS, public engagement for the pilot program began in late 2019, was delayed for approximately one year due to the coronavirus pandemic and shelter-in-place, and resumed in mid-2021 amid the reopening of the local economy; and

WHEREAS, the City's initial concept proposals for visitor paid parking in both pilot areas that were presented to the community in November 2021 were met with opposition from both residents and merchants: and

WHEREAS, City staff have developed new pilot proposals in support of project goals that either derive from or have been modified by suggestions and feedback from the community, confirmed with the MTC that they accord with the goals of the grant, and presented these proposals for further feedback and prioritization at public meetings in April 2022; and

WHEREAS, \$100,000 in non-grant-related funding will be included in the FY 2023 Budget in the Parking Meter Fund (631-54-622-665-0000-000-472-612990-PWTRPK1401) pending the approval of the first Amendment to the Annual Appropriations, as part of a separate project to facilitate the implementation of the pilot; and

WHEREAS, the recommended goBerkeley SmartSpace pilot proposals for the Elmwood pilot area include introducing a limited number of RPP parking permits for local employees and facilitating a transit pass program for employees of local businesses; and in the Southside/Telegraph pilot area, implementing a smaller visitor paid parking pilot on the 2700 blocks of Channing Way, Durant Ave, and Haste St and the 2300-2400 blocks of Piedmont Ave in RPP Area I, encouraging employee parking at the Telegraph Channing parking garage, and facilitating a transit pass program for employees of local businesses.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to proceed with the implementation and evaluation of the recommended proposals under the goBerkeley SmartSpace pilot program.

NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY

AUTHORIZE DEMAND-RESPONSIVE PAID PARKING FOR NON-RPP PERMIT HOLDERS IN 2700 BLOCKS OF CHANNING WAY, DURANT AVENUE, AND HASTE STREET, AND THE 2300-2400 BLOCKS OF PIEDMONT AVENUE AS PART OF GOBERKELEY SMARTSPACE PILOT PROGRAM

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Public Works is proposing to implement demand-responsive paid parking from 8 a.m. to 7 p.m. in a portion of Residential Preferential Parking (RPP) Area I in the Southside/Telegraph area as part of the goBerkeley SmartSpace pilot program. This pilot program is studying ways to reduce the "two-hour shuffle," which occurs when those without permits re-park their vehicles every two hours to avoid being cited for parking longer than posted time limits, and to increase parking availability in residential areas. Those with valid RPP Area I permits would be exempt from paying for hourly metered parking. Visitors could pay by ParkMobile pay-by-app or new license plate entry pay stations, which simplify payment and enforcement. The pilot program would include new on-street paid parking on the following blocks:

- Channing Way, north side, from College Avenue to Piedmont Avenue
- Durant Avenue, both sides, from College Avenue to Piedmont Avenue
- Haste Street, both sides, from College Avenue to Piedmont Avenue
- Piedmont Avenue, both sides, from Bancroft Way to Dwight Way

Under existing goBerkeley program guidelines, parking rates would be periodically adjusted to achieve 65-85% parking occupancy. This target rate is equivalent to between 1-2 parking spaces available at peak hours, such as noon on weekdays.

The table below describes the current range of parking rates at meters within the goBerkeley program, per Ordinance No. 7498 (July 19, 2016). The table also shows the limitations on the size of rate adjustments and frequency of rate changes.

| On-Street Paid Parking: 2700 Channing Way, Durant Ave, Haste St & 2300-2400 Piedmont Ave | | | | | | | |
|--|--------------------|---------------------------------|----------------------------|---|--|--|--|
| | Current | goBerkeley Hourly
Rate Range | Increment | Frequency | | | |
| On-Street Paid
Parking | N/A
(\$0.00/hr) | \$0.50/hr — \$8.00/hr | Not more than
\$0.50/hr | Not more often
than once per 60
calendar days | | | |

The hearing will be held, on June 28, 2022 at 6:00 p.m. The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

For further information, please contact Farid Javandel, Deputy Director of Public Works at 510-981-7061.

A copy of the agenda material for this hearing will be available on the City's website at www.berkeleyca.gov as of June 16, 2022. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.

Written comments should be mailed to the <u>City Clerk, 2180 Milvia Street, Berkeley, CA 94704</u> or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

| Published: June 17 and June 24, 2022 – The Berkeley Voice Pursuant to Government Code 6062a |
|---|
| I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted a the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 16, 2022. |
| Mark Numainville, City Clerk |



48a

ACTION CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Jose Luis Bedolla, Chairperson, Disaster and Fire Safety Commission

Subject: Request for Timely Fiscal Information on Measures FF and GG

RECOMMENDATION

The Disaster and Fire Safety Commission ("Commission" or "DFSC") respectfully recommends that Council direct the Fire Department and City Manager provide the Commission with the following fiscal information regarding Measures GG and FF:

- 1. Base budget documentation for the 22/23 FY (current year) that was approved by Council;
- 2. Quarterly, preferably monthly, expenditure reports, including a brief narrative describing each line item, with initial reports starting by March 30, 2022, with a published calendar for reporting and
- 3. The proposed budgets submitted to Council's Budget and Finance Policy Committee in April, each subsequent revision presented to Council, and the budget that is adopted at the end of the budget process.

The Commission takes seriously the role it has been given by the voters and the City Council to provide oversight and advice to the City Council about the use of Measure GG and FF funds. DFSC commissioners intend to carry out this role but must rely on information from the City Manager and the Fire Department to do so.

FISCAL IMPACTS OF RECOMMENDATION

The Commission is supposed to receive formal written reports on a regular cadence to provide input and oversight. Proper oversight may lead to more efficient and/or effective use of taxpayer dollars. The cost of producing financial information for the Commission should be minimal, as most financial systems allow for project reporting. If not, the cost incurred would only be the set-up time, which is minimal.

CURRENT SITUATION AND ITS EFFECTS

Regarding Measure GG, the most recent budget information provided to the Commission was a December 2020 Year-End budget report dated December 2, 2020.

Regarding Measure FF, in January 2021, the Fire Department presented the Commission with a preliminary budget overview and presented an informal working group of the Commission a detailed, but still preliminary, version of the budget in February 2021. To date, the Commission has not been provided with the final FY 22 Measure GG or FF budget, as approved by Council in June 2021, despite requests by Chair Bedolla at nearly every DFSC meeting. In addition, at its September 22, 2021, meeting, the Commission informally requested that the Fire Department provide a Measure FF implementation plan; in response, the Department promised more information, however only ad hoc updates have since been provided.

The Commission appreciates the strain that the Covid pandemic has placed on staff, as well as the challenge of managing the new influx of funds from Measure FF, and has therefore been patient despite a lack of information that has prevented the Commission from fulfilling its duties for more than the past year. At this point, however, as we head into another budget cycle, we believe that it is reasonable to expect that the information begin to flow.

The City's Budget Manager has proposed to begin having department budget presentations to the Council's Budget and Finance Policy Committee in April. The Council will hold a public hearing on the FY 23 and FY 24 proposed budgets on May 10. To perform its oversight responsibilities, the Commission will need to receive this information in the same timeframes.

BACKGROUND

The Commission's main duty is to serve as an oversight body for the expenditure of Measure GG and FF funds. On September 22, 2020, the City Council passed a resolution "Designating the DFSC as the Citizens' Oversight Committee for Expenditure of the Proceeds of the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF)" which replicated the Commission's duties with respect to Measure GG. The resolution states that "Citizen input and oversight are crucial for transparency and accountability." It further states:

For this purpose, in addition to its other powers, the Commission may: 1) request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as feasible; 2) make recommendations to the City Manager and the City Council as to the rate at which the tax should be set and how any tax proceeds should be spent; and 3) obtain a report on actual expenditures.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS There is no direct environmental impact of this recommendation.

RATIONALE FOR RECOMMENDATION

The rationale is to ensure that the Commission and the City not only stay within the letter of the law but the spirit. This Citizen Commission is supposed to provide oversight. Without budget data and input into the budget, the City may not be in compliance with the two measures. Even with the currently proposed review cycles, middle of the year and end of the year, there is no ability to provide further input, modifications, nor address ad hoc requests from the community.

ALTERNATIVE ACTIONS CONSIDERED

Since most financial systems require set up of annual budgets and they can output results with minimal staff time, no other actions were considered.

CITY MANAGER

See Companion Report

CONTACT PERSON

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-5508



48b

ACTION CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Abe Roman, Fire Chief

Subject: Companion Report: Request for Timely Fiscal Information on Measures FF

and GO

RECOMMENDATION

The City Manager acknowledges the need to provide accurate, timely, and relevant information to the Disaster and Fire Safety Commission (DFSC). Fire Department Staff has committed to providing the DFSC line item budgets on Measures GG and FF funding plans prior to the budget process cycle as much as feasible.

The DFSC can take this opportunity to discuss potential recommendations or issues with Staff with regards to the future spending of the funds.

The Fire Department will continue to provide biennial reports on Measure FF as outlined by City Council in accordance with the Adopted Council Resolution No. 69,575–N.S.

FISCAL IMPACTS OF RECOMMENDATION

Limited Staff time is the principal fiscal impact. Per the City Council's directive, commissions are to receive an annual report on the budget process. At this time, the department is providing the commission with two reports during the year for Measure GG; and will also be providing the same for Measure FF. Staff have multiple conflicting City deadlines year-round. The reporting request for Measure GG takes more time because the data needs to be consolidated into the categories requested by the commission.

CURRENT SITUATION AND ITS EFFECTS

The Fire Department Staff presents an annual Year-End Report to the DFSC after the Fiscal Year concludes in late Fall. At the mid-year cycle, usually in March or April, Staff goes back to the Commission and gives a report and presentation.

On January 27th, 2021, Staff made a presentation to the DFSC on Measure FF Budget Priorities and received feedback from the Commission. This presentation outlined

Companion Report: Request for Timely Fiscal Information on Measures FF and GG

ACTION CALENDAR June 28, 2022

Measure FF Implementation Plan on Wildfire Prevention & Response, Emergency Medical Service, Training & Development, and dispatch. The presentation also showed the proposed funding for each of these mission areas and if the amount of funds were a one-time and/or recurring through the first five years of operations.

Budget authority rests with the City Manager. In addition to the fiscal information provided to the commission, Fire Department expenditures are addressed in public forums, which encourages public review and comment, at:

- The Budget and Finance Committee, Fire Department Budget Presentation
- City Council Meeting, Public Hearings regarding the Annual Budget

RATIONALE FOR RECOMMENDATION

The Disaster and Fire Safety Commission provides oversight over funding allocated to the Fire Department through voter-approved tax measures (GG, FF).

The Disaster and Fire Safety Commission will be able to see the intention of the Fire Department spending of Measure GG and FF funds through the Mid-Year and Year-End reports. The Year-End report will include a Trial Balance (expenditure) report. The Commission will have the opportunity to provide insights or thoughts and to discuss with staff recommendations. The Commission can also choose to make recommendations to City Council indicating full support of Staff's plans. If there are areas that the Commission disagrees with Staff plan's, they can make recommendations to Council via Memo or Report to Council.

ALTERNATIVE ACTIONS CONSIDERED None.

CONTACT PERSON

Keith May, Assistant Fire Chief, Disaster and Fire Safety Commission Secretary, Fire Department, 510-9981-5508



INFORMATION CALENDAR

June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager

Subject: Voluntary Time Off Program for Fiscal Year 2023

INTRODUCTION

As a citywide cost-saving measure, the City Manager is designating 16 Voluntary Time Off (VTO) days in Fiscal Year 2023 (July 1, 2022 to June 30, 2023) and authorizing certain City offices and non-essential services to temporarily close for those days.

CURRENT SITUATION AND ITS EFFECTS

The proposed 16 VTO dates will fall on a schedule similar to Fiscal Year 2022, with City offices generally closing on every second Friday, with additional days the last week in December 2022 (December 27 - December 30). The following are the proposed VTO Days:

| Date (2022) | Day | Date (2023) | Day |
|---------------|----------------|----------------|---------------|
| July 8 | Friday | January 13 | Friday |
| August 12 | Friday | February 10*** | Friday |
| September 16* | Friday | March 10 | Friday |
| October 14 | Friday | April 14 | Friday |
| November 8** | Tuesday | May 12 | Friday |
| December 9 | Friday | June 9 | Friday |
| December 27 | Tuesday | | |
| December 28 | Wednesday | | |
| December 29 | Thursday | | |
| December 30 | Friday | | |
| | 10 days (2022) | | 6 days (2023) |

^{*} VTO day in September is moved to September 16 to minimize the impact on payroll processing.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7000 ● TDD: (510) 981-6903 ● Fax: (510) 981-7099 E-Mail: manager@CityofBerkeley.info Website: http://www.CityofBerkeley.info/Manager

^{**}VTO day in November is moved to Tuesday, November 8 due to 2022 Election day.

^{***}Please note that Monday, February 13, 2023 is the observed Lincoln's Birthday.

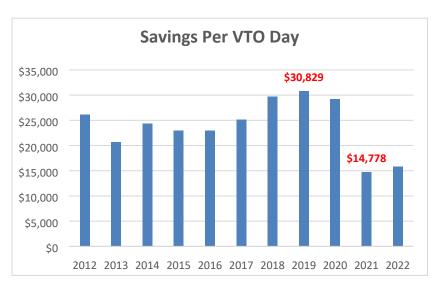
The purpose of VTO days is to generate savings to help balance the budget. The program is projected to achieve a savings of \$252,904 on an all funds basis in Fiscal Year 2022. The actual savings per VTO day since Fiscal Year 2021 was lower than previous fiscal years because of City building closures and staff working remotely due to the COVID-19 pandemic. Nonetheless, the program is still recommended to continue in Fiscal Year 2023.

| Voluntary Time Off Salary Saving |
|----------------------------------|
|----------------------------------|

| Fiscal Year | Number of
VTO Days | Base Salary
Savings | Savings Per
VTO Day |
|-------------|-----------------------|------------------------|------------------------|
| 2012 | 28 | \$731,723 | \$26,133 |
| 2013 | 28 | \$578,044 | \$20,644 |
| 2014 | 16 | \$389,706 | \$24,357 |
| 2015 | 16 | \$366,853 | \$22,928 |
| 2016 | 16 | \$367,821 | \$22,989 |
| 2017 | 16 | \$402,070 | \$25,129 |
| 2018 | 16 | \$475,400 | \$29,713 |
| 2019 | 17 | \$524,086 | \$30,829 |
| 2020 | 16 | \$467,108 | \$29,194 |
| 2021 | 17 | \$251,229 | \$14,778 |
| 2022 | 16 | \$252,904* | \$15,806 |

^{*}Annualized projection

The VTO program is recommended to continue in Fiscal Year 2023 and will be reevaluated at a later time to determine whether the VTO program will also be implemented in Fiscal Year 2024. As shown in the chart below, the average savings per VTO day within the last decade ranged from \$14,800 to \$30,800.



In Fiscal Year 2022, staff considered the impact that the VTO days had on City services. It was determined that the VTO days were, in general, not having a significant impact on the City's ability to provide quality services. Potential inconveniences to residents were mitigated in several ways, including keeping the 311 Customer Call Center open on VTO days, adjusting due dates for fines, and posting clear signs in advance of closure dates.

BACKGROUND

The concept for a VTO program was proposed in 2004 by the labor unions representing non-sworn employees as an alternative to a mandatory closure of City offices ("furloughs") and staff layoffs. The VTO program designates certain days City offices are closed to the public while allowing staff to take paid or unpaid leave, or voluntarily report to work. The VTO closures have permitted staff to reduce their vacation leave balances, and eliminate the costly past practice of buying back vacation leave balances, which in turn has allowed the City to reduce its cost to pay out accrued vacation leave upon an employee's separation from employment. It has also been used by departments to help them reach their annual target savings.

Likewise, the City Council approved a recommendation that designates any Statewide Election, including Primary and Special Statewide Elections, as VTO days¹. Election Day occurs on the Tuesday after the first Monday in November of each even-numbered year, with the corresponding Primary Day occurring on the Tuesday after the first Monday of March.

Service Impacts: The VTO program has generated minimal complaints from the public regarding the office closures and reduced services because many key services remain open to the public, while other services can be provided on a callback basis.

During VTO days, customer service counters at the Finance Customer Service Center and Permit Service Center are closed to the public. When Customer Service Center offices are closed, customers may access the drop box that is located outside the 1947 Center building. Customers are redirected to access the drop box through signage to the Rent Board Office at 2125 Milvia Street on VTO days in the last week of December. When the Permit Service Center is closed, building inspection services continue to be available to the public when City approvals are required for time-sensitive projects. The permit mailbox has been configured to accept emails from applicants on VTO days including applications for all types of building related permits. In addition, Permit Service Center cashiers work most of the VTO days to return customer calls and process payments. The City will continue to notify the public of City VTO closure dates through public noticing, the press, voicemail messages, and signage.

https://records.cityofberkeley.info/PublicAccess/api/Document/AflClpxxSiesVU%C3%81UeV6uHvDcSM347Ko0EvBQfWOAcMZctkvZVLhegoOT5Gsbt38OjQY6FVXdfzeliGPO5gabOg4%3D/

[.]

The Voluntary Time Off Program for Fiscal Year 2023 is a Strategic Plan Priority, advancing our goal to provide an efficient and financially-healthy City government.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

VTO days may reduce vehicle miles traveled associated with City employees' work commute. Otherwise, there are no identifiable environmental and climate effects or opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

The City Manager is recommending to continue the VTO program in Fiscal Year 2023. However, the City Manager will reassess the economic impact as well as the cost benefit to the public of continuing these temporary closures of City offices in Fiscal Year 2024.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Cost savings are achieved on an annual basis from the VTO program. Since FY 2012, annual cost savings ranging from \$251,000 to just under \$732,000 have been achieved from the VTO program.

CONTACT PERSON

Donald Ellison, Director of Human Resources, 981-6800 Sharon Friedrichsen, Budget Manager, 981-7000





INFORMATION CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Annual Update on Wells Fargo Bank's Community Involvement and

Investment in the City of Berkeley

INTRODUCTION

On May 7, 2013, Council adopted Resolution No. 66,106-N.S. authorizing the City Manager to execute a four-year contract with Wells Fargo Bank. The bank provides comprehensive banking services to the City. The contract has subsequently been extended through 2023. Wells Fargo is required to provide an annual report about its community involvement and investments within the City of Berkeley.

CURRENT SITUATION AND ITS EFFECTS

This report is the annual report of Wells Fargo Bank's Community Involvement and Investments within the City of Berkeley. Additionally, Wells Fargo presents a summary of several corporate strategies related to social and environmental responsibility efforts.

Attachments to this report are:

- 1. 2020 Social Impact and Sustainability Highlights. This document provides a corporate-wide overview of the following areas: Resiliency and recover amidst the COVID-19 pandemic; Elevating diversity, equity, and inclusion; Supporting the transition to a low-carbon economy.
- 2022 Berkeley Social Responsibility Report. This power point slide deck provides some details of Wells Fargo's activity specifically within the city limits of the City of Berkeley, and is quantified by the following subsections:
- People:
 - 73 team members live in Berkeley
 - 55 team members work in Berkeley
- Locations:
 - Four (4) locations, one in low to moderate income neighborhoods (LMI)
 - o 12 ATMS, six (6) in LMI

- Philanthropy and Volunteerism
 - 197 non-profit grants over the past 5 years = \$7.0 million
 - o Ten (10) grants last year = \$530,980
 - o Employees volunteered at 31 events totaling 99 volunteer hours
 - o 78 employees donated to Berkeley non-profits = \$7,641
 - List of Berkeley non-profits supported by Wells Fargo
- Home Ownership:
 - o 1,603 home mortgages over the past five (5) years = \$1.1 billion
 - 307 home mortgages last year = \$226.1MM
 - o 17 loans in LMI communities = \$11.6MM
 - 27 to LMI borrowers = \$8.4MM
- Community Development Loans and Investments:
 - 80 community development loans and investments supporting affordable housing over the past 5 years = \$41.0 million
 - Two (2) community development loans last year = \$15.6 MM
 - o 12 community development investments last year = \$814,000
- Small Business Lending
 - o 3,250 small business loans over the past 5 years = \$186.0 million
 - 781 loans last year = \$45.2MM
 - 117 small business loans in LMI communities = \$7.1MM
- Diversity, Equity, and Inclusion
 - 45% of employees are ethnically/racially diverse
 - o 55.2% of employees are female
 - 8,800 employees are veterans
- Environmental Sustainability
 - o 100% of the bank's operating energy is met by renewable energy
 - o 8.1% of all wind/solar energy in the U.S. was owned or financed by Wells
 - o \$75 billion in sustainable financing was provided in the U.S.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Wells Fargo discusses supporting a transition to a low-carbon economy, which includes, but is not limited to, funding Resilient Communities Programs that work to restore or improve land, protect land, restore wetlands, plant trees, reduce wastewater, and engage community members in these efforts.

CONTACT PERSON

Darryl Sweet, General Services Manager, (510) 981-7329

Attachments:

- 1: 2020 Social Impact and Sustainability Highlights
- 2: 2022 Berkeley Social Responsibility Report



2020 Social Impact and Sustainability Highlights

Published April 2021



Contents

- 03 <u>Introduction</u>
- 04 Resiliency and recovery amidst the COVID-19 pandemic
- 13 Elevating diversity, equity, and inclusion
- Supporting the transition to a low-carbon economy

The events of the past year – everything from the COVID-19 pandemic and social unrest to political upheaval and rampant wildfires – have shone a harsh light on the inequities embedded in our social systems. Day after day, we've witnessed the inspirational courage of grocery clerks and first responders ... activists and scientists ... teachers and students, as they fight the pandemic and climate change and raise their voices against discrimination and injustice. Their stories have both inspired us and awakened us to the hard work we all must do to better understand and take action on these interconnected crises.

Wells Fargo is dedicated to making meaningful, inclusive, and enduring contributions as our communities address and recover from these challenges. We're focused on addressing systemic issues and supporting an inclusive recovery as we aim to break down barriers to enable a better future.

More than ever, the world needs thoughtful, well-informed, fact-driven leadership. As a leader in our industry, Wells Fargo is:

- **Practicing active listening:** We're listening to the advice of experts and to feedback from our customers, employees, investors, and community partners.
- Leveraging innovation and technology: Technology has played a vital role in keeping people more connected during the pandemic. We're investing in technology and innovation to deliver fast and secure services that make doing business with us easier, more accessible, and more convenient.

• **Emphasizing collaboration:** Both within and across sectors, we're working together on innovations that serve the greater good.

Operating with empathy: The challenges facing us have made life overwhelming for many. So, it's increasingly important that we lead with empathy, kindness, and compassion.

By any measure, 2020 was one of the most challenging years we've faced in decades, as a society and as a company.



Letter from the Chief Operating Officer

Since the COVID-19 pandemic began, Wells Fargo's priority has been protecting the safety and well-being of our employees and customers and supporting the communities we serve.

For our employees, we've been deliberate in our workplace decisions. We've been able to equip approximately 83% of our workforce to work from home. For employees whose roles require them to be at a Wells Fargo location, we've taken numerous steps to help protect their health and safety, including requiring face coverings in our facilities, configuring office space for social distancing, and enhancing our cleaning protocols.

We've provided frequent, transparent communications to our employees and listened for areas where we could offer support. For example, after many daycare facilities and schools closed, we temporarily reimbursed childcare expenses of \$100 per day for eligible employees during the first three months of the pandemic. We also aided more than 23,000 employees through the WE Care employee relief fund.

Our support for customers has been multifaceted. In 2020, we helped 3.6 million consumer and small business customers by deferring payments and waiving fees. We've helped customers through relief programs as a participant in the Paycheck Protection Program (PPP). As for our physical locations, global research firm Ipsos recognized us as leading the major banks in maintaining cleanliness and providing health and safety signage in our bank branches.

We also engaged with our community partners, who identified food insecurity as one of their greatest needs. In response, we provided 82 million meals to families in need, through a combination of food bank events and a \$10 million donation to Feeding America. We've also committed to distributing about \$420 million in grants through the Open for Business Fund to nonprofits that support small businesses. We project that grant awards from August 2020 through February 2021 will help entrepreneurs to protect more than 63,000 jobs.

We look forward to the day when we can return to a more normal operating model. Until then, we will continue to do all we can to support our employees, customers, and communities.

- **Scott Powell,** COO



In 2020, we shipped **80,000** safety kits to employees, with priority for individuals still working at Wells Fargo locations. In 2021, this program will expand to the rest of the enterprise.

Reimagining the Wells Fargo workforce

When it comes to our people, safety is our top priority. We're taking action every day to support our employees so they can continue to safely serve our customers.

Over just a couple of weeks in March 2020, our working habits shifted profoundly. In response to the COVID-19 pandemic, we supported our team by enhancing employee benefits, including time-away policies and childcare and healthcare benefits.

- Since spring 2020, we've enabled more than 220,000 employees to work remotely full-time
- We made a one-time cash award to approximately 165,000 employees who make less than \$100,000 per year, and we made additional special payments to recognize the unique contributions of those working on the front lines
- More than 22,000 eligible U.S. employees took advantage of enhanced childcare benefits in early 2020
- In the U.S., we adjusted the short-term disability program to provide full pay, without a waiting period, to employees who needed to take a COVID-related medical leave
- Enhanced telehealth benefits for employees and their families enrolled in health plans

 Offering free, voluntary on-site or self-administered COVID-19 testing for employees currently working at a Wells Fargo location in the United States



The safety of our employees and customers is our priority. We've made many important changes across our offices and branches:

- · Face coverings
- Capacity and physical distancing

- Enhanced air filtration
- Physical barriers
- Increased sanitation
- Expanded drive-up services

COVID-19 vaccines

COVID-19 vaccines are now being distributed in most of the countries where we operate. While we understand that choosing to be vaccinated is a personal decision, we encourage all employees to be educated and make well-informed decisions about the vaccine based on the guidance of medical experts. We are providing all employees globally who choose to get vaccinated with up to eight hours additional paid time off for COVID-19 vaccine appointments.

Page 9 of 59

Wells Fargo is a Founding Partner of The Ad Council and COVID Collaborative's COVID-19 Vaccine Education Initiative, "It's Up to You", launched in February 2021. This initiative represents one of the largest public education efforts in U.S. history and is focused on addressing American's top questions, understanding their concerns and working to educate and empower people across the country – particularly communities of color who have been disproportionately impacted by the pandemic – so they can make an informed choice about vaccination for themselves and their families. The campaign urges audiences to visit GetVaccineAnswers.org* (DeTiDepende.org* in Spanish) to get the latest information about COVID-19 vaccines.

Providing services customers can count on in challenging times

Wells Fargo is dedicated to the highest standards of service, integrity, and accountability. We listen to our customers, and we're committed to exceeding their expectations and putting them first. As we rise to meet the challenges of our current environment, we're working to meet our customers' needs by providing them with financial access and guidance via an easy and convenient digital banking experience, in addition to support by phone and in person.

In 2020, Wells Fargo helped 3.6 million consumers and small businesses with payment assistance, including deferrals and fee waivers.

Digital as an essential service

The COVID-19 pandemic has accelerated the adoption of digital banking and payment options at a staggering pace. Through increased system capacity, enhanced automation, and the creation of new features, digital banking has become one of the primary connection points for our customers.

Amid the height of pandemic-driven restrictions in mid-April, approximately 51% of American workers were working from home (Gallup*). With many people unable to access their workplaces and financial institutions, individuals and businesses struggled with such routine activities as processing payments, cashing checks, and accessing accounts.

^{*} We do not control the website. Wells Fargo has provided this link for your convenience, but does not endorse and is not responsible for the content, links, privacy policy, or security policy of this website.

Distributing CARES Act funds to students

After the COVID-19 pandemic upended life on campus, Stillman College worked to quickly distribute part of its Coronavirus Aid, Relief, and Economic Security CARES Act funds to its scattered student population. Given that 80% of its students qualify for Pell Grants – which means their household income is \$30,000 or less – the College wanted to get funds directly into the hands of its students before their May rent payments were

due. Once the Stillman COVID-19
Leadership Task Force decided to give
\$500 grants to all eligible students,
they quickly realized that tracking
down current addresses, and printing
and mailing checks, would take too
long. Working with Wells Fargo, they
identified disbursements via Zelle® as
the optimal solution for immediately
sending money to students' bank
accounts using only their email
address or mobile phone number.
Thanks to this digital solution, the
funds arrived at a critical time and
were easier to access.



At Wells Fargo, we saw increased digital engagement with customers, including adoption of our mobile and online banking offerings by customers who haven't historically used them – all in response to the pandemic's impacts on branch hours and availability. Notably, in fourth guarter 2020:

- **Digital banking logins rose 11.2%** from the prior year to 1.7 billion, and 1.5 billion of those came through a mobile device
- Mobile deposit dollar volume was up 108.4% year over year. And 33.4 million checks were deposited using mobile devices a 36.1% increase from the prior year

We supported commercial customers' continued ability to access banking services through the secure mobile functionality of our <u>Commercial Electronic Office</u>® (CEO®), which saw:

- A 76% increase in CEO® Mobile app downloads during the first five months of 2020 compared with the same period in 2019
- A 43% increase in mobile check deposits from 2019 to 2020

"The speed at which companies have pivoted their business models to provide life-altering products and services has been awe-inspiring."

- **Charlie Scharf,** Wells Fargo CEO

Merchant Services supports business adaptations

Whether establishing an online presence, taking mobile or contactless payments, or reaching new customers, business owners faced many challenges in 2020. Wells Fargo Merchant Services worked with our customers to help them pivot their business operations and remain open through stay-at-home orders and social-distancing requirements. No matter how they serve customers – curbside, in-store, online, by phone, or on the go – Wells Fargo Merchant Services offers flexible, scalable, and reliable solutions to help meet health and safety guidelines while adopting new payment methods.

When most restaurants began shutting down at the onset of the pandemic, one West Coast-based seafood distributor, that primarily caters to the restaurant industry, had to quickly pivot their business model to stay open. The company began serving consumers directly with family meal kits, fresh shellfish, new appetizers, and more. To capitalize on these additional revenue streams, they needed to set up a merchant account/payment gateway as quickly as possible. We provided guidance and a roadmap for the most appropriate gateway and the simplest setup options, and in just two days we helped the company get up and running with their new business model.

Paycheck Protection Program (PPP)

Small businesses are the heartbeat of our communities – and they are the key to millions of local jobs. Wells Fargo is committed to helping small businesses impacted by COVID-19 stay open and get back to growth.

Through the initial phase of PPP, we:

- Approved lending to companies representing a total of 1.3 million jobs
- **Submitted 259,000 PPP applications** to the U.S. Small Business Association (SBA)
- **Funded approximately 194,000** loans totaling more than \$10.5 billion:
 - 61% were for loan amounts of \$25,000 or less
 - 84% were for companies that have fewer than 10 employees
 - 78% were for \$50,000 or less
 - The average loan amount was \$54,000
 - 90% of applicants have \$2 million or less in annual revenue
 - 41% of the loans originated in low- and moderate-income communities, or those with at least a 50% minority census track



Page 12 of 59

Contributing to an inclusive recovery in our communities

We will continue to be there for customers and communities during the COVID-19 pandemic and its aftermath as we work toward an inclusive recovery. As we do that, we're evolving our social impact efforts to focus more deeply on racial and economic inequities and environmental justice, as well as on building more resilient and inclusive communities. To learn more, visit our Impact page.



Drive-up food banks

Millions of Americans are struggling to put meals on the table, creating extraordinarily long lines at food banks and stretching limited family resources thinner than ever. From July to October 2020, we teamed up with Feeding America® member food banks to transform many branch and corporate parking lots into a network of Drive-Up Food Banks.

- 211 events coordinated in 35 cities
- 82 million+ meals1 provided

Open for Business Fund

The COVID-19 pandemic has created unprecedented economic challenges for our small business customers. We're working to foster an inclusive recovery and to strengthen the small business sector for the long term. In July 2020, Wells Fargo established the Open for Business Fund, voluntarily committing to donate all of the gross processing fees received in 2020 from funding Paycheck Protection Program loans – approximately \$420 million – to nonprofits supporting struggling small businesses impacted by COVID-19. The Fund provides grants for Community Development Financial Institutions (CDFIs) and other nonprofit organizations that serve diverse small businesses, including Black, African American, Hispanic, Asian, Native American, and other entrepreneurs. Through our Open for Business Fund, we're providing capital, technical support, and long-term resiliency programs to nonprofits that serve small businesses. The first \$250 million will go to nonprofit lenders or CDFIs who focus on minority-owned businesses that have been disproportionately affected by the pandemic.

 ⁸² million meals calculation is based on 1) Actual number of meals distributed through Wells Fargo Drive-Up Food Bank events and 2) Wells Fargo's financial contributions to support Feeding America food banks 7/20/20-12/31/20.

From August 2020 through February 2021, the Open for Business Fund deployed more than \$112 million to CDFIs to help a projected 22,000 small businesses maintain more than 63,000 jobs.

Opening doors to a safe and affordable home

Wells Fargo and the Wells Fargo Foundation donated more than \$80 million in 2020 to support housing affordability initiatives, including efforts to help provide or maintain housing for more than 200,000 people affected by the COVID-19 economic downturn. We helped people to have a quality place to call home through support for housing counseling, rent relief, legal assistance to mitigate eviction, and other initiatives. The grants also indirectly assisted millions through efforts to advance racial equity, spark innovation, and fund technical assistance aligned with housing affordability solutions in communities across the U.S. Additional housing affordability philanthropy initiatives include:

 Helping to narrow the racial equity gap by expanding pathways to homeownership for people of color, including support for NeighborhoodLIFT and other LIFT programs that have assisted more than 24,600 people with down payment assistance since 2012.

• Supporting initiatives that increase the supply of affordable homes, including grants in 2020 to help nonprofits Habitat for Humanity and Rebuilding Together build and repair more than 400 homes, as well as additional support for veterans housing organizations.

 Advancing innovation and transformation in local communities, including the <u>Housing</u> <u>Affordability Breakthrough Challenge</u>*, which – in collaboration with Enterprise Community Partners – provides catalytic funding to support scalable housing affordability solutions across the U.S. NeighborhoodLIFT and other LIFT programs that have assisted more than

24.6k

people with down payment assistance since 2012.

^{*} We do not control the website. Wells Fargo has provided this link for your convenience, but does not endorse and is not responsible for the content, links, privacy policy, or security policy of this website.

"When COVID-19 presented an unprecedented need for communities across the country, the more than 240 network organizations that make up NeighborWorks Network quickly pivoted to answer the need. Because of Wells Fargo's investment, we were able to provide critical funds for thousands of vulnerable families immediately. From keeping families housed to addressing food deserts and healthcare deficiencies to educating and protecting consumers from scams, the generosity and flexibility of Wells Fargo made a significant difference across our network. Our ability to immediately respond to the needs of our network would not have been possible without the Wells Fargo Foundation."

 Marietta Rodriguez, President and CEO of NeighborWorks America







Letter from the head of Diverse Segments, Representation & Inclusion

At Wells Fargo, we are deeply dedicated to diversity and inclusion. Over the past year, the company has focused on accelerating our progress in this essential area through several new commitments. While we have much work to do, the progress we are making is captured throughout this report. A few highlights include:

- Building a diversity-focused development program for high-potential employees that includes a sponsorship program
- Engaging an external firm to propose specific solutions to help attract, advance, and retain Black and African American and other underrepresented employees
- Every member of our Operating Committee now serves as an executive sponsor for one of our Team Member Networks
- Added a new DE&I Performance Management Objective, focused solely on representation, for our Operating Committee members and their direct reports
- Created the role that I now lead as head of Diverse Segments, Representation & Inclusion, reporting to the CEO and sitting on the Operating Committee

In my role, I am focused on increasing diverse representation at all levels of the company, creating a more inclusive workplace environment, and better serving and growing our diverse customer segments and diverse suppliers across all lines of business.

Society expects companies to have their executive ranks reflect the customers they serve and the U.S. population more broadly. They also expect financial institutions to provide affordable, easy-to-use products and services, to enable the dream of homeownership, and to help in the formation and growth of small businesses in diverse communities. We share these expectations and we want to meet them.

We have a tremendous opportunity to make a positive impact — at perhaps the most pivotal time in our society — in the communities where we work, live, and serve. We are developing and implementing a comprehensive diversity agenda that focuses on sustainable progress and lasting impact.

It is important that our employees see and feel that they are being represented across all levels of the company and we want to create a culture of inclusion and belonging so they can bring their full selves to work. To do this, we are focused on creating programs that support career mobility and building a sustainable talent pipeline to provide career opportunities for underrepresented employees — including in our management positions.

We also want to develop a much deeper understanding of the needs of our diverse customer base so we can better serve and equip them with the products and services they need. We plan to work with our lines of business to identify opportunities that may help remove barriers contributing to the wealth gap that still persists in our society. In addition, we will work to increase our procurement spend with diverse suppliers and help nurture and grow minority-owned businesses.

The changes we are committed to make will not be achieved overnight. I am confident that with a focused and enduring effort, we will make the positive impact that we, our customers, and our communities expect as we continue this work of a lifetime.

- **Kleber Santos**, Head of Diverse Segments, Representation & Inclusion

Diversity, equity, and inclusion awards and recognition

Wells Fargo earned a spot on the

Civic 50's Most Generous Companies in **America** list for 2020.

Wells Fargo has been designated a **Top Military**

Friendly

Friendly

Diversity Program by Vigtory Media

for 2021.

Spouse

Employer,

Top Military

Employer, and

Top Supplier

Wells Fargo received the

Employers Seal from the

National Organization on Disability's 2020 **Employment Tracker.**

Wells Fargo ranked

on DiversityInc's 2020 Top 50 Companies for Diversity. The company is also recognized on a number of specialty lists including:

Top Companies for People with Disabilities

Top Companies for Philanthropy

Top Companies for Employee Resources

Top Companies for Supplier Diversity

Top Companies for Mentoring

Top Companies for LGBT Employees

Wells Fargo ranked

Military Times Best for Vets

list.

See Wells Fargo Stories

for more examples of diversity and inclusion at Wells Fargo.

LatinaStyle

ranked Wells Fargo #12 on its

Top Companies for Latinas for 2020.

Wells Fargo earned a

100 percent

rating and was designated a

"Best Place to Work for LGBTQ Equality"

on the 2021 **Human Rights** Campaign Corporate Equality index.

Wells Fargo is among the

2021 GEI **Members** in the

Bloomberg Gender **Equality**

Index.



Wells Fargo received top scores from the

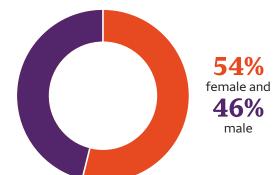
Hispanic

Association Corporate Responsibility **Inclusion Index.**

Chief Risk Officer Mandy Norton was named to the 2020 OUTstanding 100 LGBT+ **Executives.**

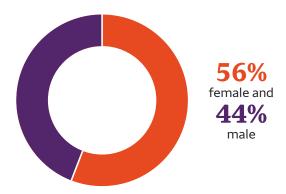
Building a diverse talent pipeline

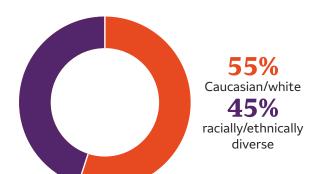
2020 Global workforce



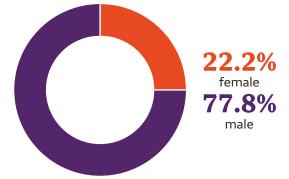
We continue to work toward more transparency in our reporting of diversity metrics. Please see the <u>ESG</u> goals and performance data table (PDF) for more information.

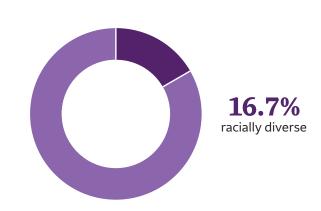
2020 U.S. workforce





2020 Operating Committee members selfidentify as





"Marketplace shifts, changing demographics, and disruption across industries are challenging all businesses. It's challenging us to be more innovative — to think and lead in new ways. For Wells Fargo to be successful, we must create a truly diverse and inclusive workforce that brings a diversity of insight and perspective to all levels of our company. I firmly believe that our diversity will drive us to the best ideas and outcomes possible."

- Charlie Scharf, CEO and President

Diverse Search Requirements

To be successful, we must continue to create a truly diverse and inclusive workforce that brings a wide range of insights and perspectives to all levels of our company. Our Diverse Search Requirement requires that for most U.S. roles with total direct compensation greater than \$100,000, at least 50% of interview candidates must be diverse with respect to at least one diversity dimension. Further, at least one interviewer on the hiring panel must represent at least one diversity dimension. For these purposes, our definition of diversity includes race/ethnicity, gender, LGBTQ, veterans, and people with disabilities. We're expanding this program internationally. As of December 31, 2020, the Diverse Search Requirement:

- **Applied to approximately 95%** of all U.S. roles with total direct compensation greater than \$100,000; and
- **Applied to approximately 48%** of all active U.S. employees irrespective of their total direct compensation
- 91% of applicable requisitions had a diverse interview slate
- 94% of applicable requisitions had a diverse interview team

Attracting and investing in diverse young leaders

Historically Black colleges and universities (HBCUs) continue to empower students to be civic-minded leaders and to take control of their destinies. We work in partnership with HBCUs to provide students the resources they need to gain real-world exposure that supplements their academic pursuits. We also work with Hispanic-serving institutions to identify talent, build engagement, and grow diverse representation at Wells Fargo.

Since 2011, we've provided more than \$87.3 million to support programming and scholarships to organizations that include the Hispanic Scholarship Fund (HSF), the Thurgood Marshall College Fund (TMCF), and the United Negro College Fund (UNCF).

Wells Fargo provides scholarship and emergency grants to offset the costs of tuition, fees, room and board, and books for students who are attending HBCUs. In 2020, we also provided direct support for students experiencing academic displacement related to COVID-19, including \$512,000 in emergency grants to help students with critical housing, food insecurity, and technology needs.

In 2020, our Supply Chain Management group awarded \$50,000 in scholarships to 10 HBCU students enrolled in supply chain management programs at Tennessee State University, Howard University, North Carolina A&T State University, Florida A&M University, and Clark Atlanta University.

"Wells Fargo's commitment to HBCUs has provided opportunities for individuals such as myself to pursue and achieve our goals. Attending an HBCU instills in you the importance of culture, community, and achievement. These values are what I sought after for my post-undergraduate career. I have since made it my mission, in tandem with Wells Fargo, to afford other HBCU graduates the same opportunity. Wells Fargo views HBCUs as a vital part of our strategy and I'm excited for the continued investment by us to pave the way for the future leaders of our firm."

- Shirlethia Evans, Wells Fargo employee





Helping employees reenter the workforce

The GLIDE program provides an opportunity for professionals to reenter the workforce after a career break and helps lay the foundation for a proper transition back into the workforce. Typically, these are people with at least seven years of experience who have taken a two-year minimum voluntary career break. GLIDE-relaunch "interns" participate in an eight-week program that includes a skills refresh, training curriculum, and senior networking opportunities.

"Relaunching a career after a 13-year break is hard, but in the middle of a pandemic, nearly impossible. The Glide-Relaunch program made the impossible not just achievable, but enjoyable – a feat for which I'm very grateful to my fellow Gliders, whose impressive backgrounds and amazing attitudes continue to inspire me."

- Rebecca Hogenhuis, GLIDE participant



2020 GLIDE program at a glance:

836 applications received

34 interns accepted

56% of interns were racially/ethnically diverse

85%

were women

6%

were veterans

88%

of GLIDE participants converted into full time roles



Diversity, equity, and inclusion training and engagement

Our DE&I curriculum provides the learning tools necessary to establish a core and common Wells Fargo approach to DE&I. Promoting diversity and inclusion in all aspects of business isn't a choice — it's an expectation of every employee. We encourage all employees to challenge assumptions, encourage diversity of experience, opinion, and expression, and strive to be more inclusive.

We encourage employees and managers to complete training on unconscious bias, understanding and appreciating differences, and leading inclusively. We offer experiential learning programs (done virtually during COVID-19) to provide deeper learning and collaboration on key diversity, equity, and inclusion initiatives and topics. We're also developing anti-racism training that will be mandatory for managers in 2021.

Team member networks

Our team member networks are devoted to professional growth and education, community outreach, recruiting and retention, business development, and customer insight. The networks are organized by employees who share a common background, experience, or other affinity, and they're open to all employees. They promote cultural competence and provide a place where employees can connect, learn, build and leverage their skills, and impact business outcomes.

We have 10 team member networks representing diversity dimensions including:

Asian

Black and

African American

Diverse Abilities

Latin

Middle East

My Generation

Native Peoples

PRIDE

Veterans'

Women's



We deliver DE&I trainings on:

- DE&I Foundations
- Understanding Unconscious Bias: Influencers
- Appreciating Difference
- Managers Leading Inclusively

Creating a more inclusive future

Wells Fargo is taking steps to create and sustain a more inclusive future by helping to address issues and remove barriers that have impacted the ability of diverse customers and communities to achieve economic empowerment and build wealth.

Diverse customer segments

According to the U.S. Census Bureau, in the coming decades, the U.S. population is projected to grow slowly, to age considerably, and to become more racially and ethnically diverse. Americans identifying as two or more races will be the fastest-growing ethnic group, projected to grow some 200% by 2060. The Asian population is projected to double, and the Hispanic population will nearly double within the next four decades¹. These individuals will represent the full economic spectrum of customers. We seek to understand the needs of our diverse customers – leveraging customer feedback, data, analytics, and insights to guide our strategies and help to improve their financial well-being.

"Our Diverse Segments group is focused on growing and maximizing positive outcomes for our clients in all that they do with us and in the community. My team is focused on creating greater and deeper access within the capital markets and our corresponding businesses. With 22 years of experience delivering client solutions within the Corporate & Investment Bank, I am extremely excited and proud to lead our increased and intentional focus on advancing our Diverse Corporate & Investment Banking clients."

- Danielle M. Squires, Managing Director, CIB Head of Diverse Segments





"When millions faced evictions and foreclosures due to the pandemic, Wells Fargo supported housing initiatives and entrepreneurs who faced challenges securing funding to keep their businesses open. We are grateful for their strong partnership and efforts to embrace diversity, equity and inclusion as we chart a course for the future."

- Marc Morial, President and CEO, National Urban League

Housing affordability

We're working to increase access to safe, stable, affordable places to live, including transitional housing, rentals, and home ownership, especially for individuals and families historically shut out of the market.

- Wells Fargo has made two significant commitments to increase Hispanic and Black homeownership over 10 years by making \$185 billion in home purchase loans to Hispanic and Black borrowers, increasing the diversity of our mortgage sales team, and providing \$25 million in homebuyer education and counseling.
 - In 2016, we committed to increasing Hispanic homeownership over 10 years through \$125 billion in home purchase loans to Hispanic borrowers. Through 2020, we helped 188,460 Hispanic families and individuals become homeowners through \$48.7 billion in mortgage financing.
 - In 2017, we pledged to create at least 250,000 Black homeowners in 10 years through lending \$60 billion for home purchases to Black borrowers. Through 2020, we helped 72,759 Black families and individuals become homeowners through \$18.6 billion in mortgage financing.

Hispanic representation within our mortgage production team is currently **15.7%**

Black representation within our mortgage production team is currently **4.6%**

Wells Fargo is the largest lender in low-and moderate-income communities and the largest affordable housing lender in America¹.

• **Dream. Plan. Home.** In November of 2020, Wells Fargo Home Lending launched a new program called "Dream. Plan. Home.", which provides a closing cost credit on a limited basis in five metropolitan areas. The program will address one of the key barriers facing first-time homebuyers by providing up to \$5,000 toward closing costs to make it easier for low- and moderate-income families to purchase a home. This program aligns with our efforts to help drive economic growth, sustainable homeownership, and neighborhood stability in low- and moderate-income communities.

Adding an equity lens to charitable giving

Wells Fargo's Social Impact and Sustainability team is working to understand and overcome revenue disparities for diverse-led organizations. Revenues of Black-led organizations are on average 24% smaller than the revenues of white-led organizations, according to research by the nonprofits* Echoing Green and The Bridgespan Group. According to a 2020 report by Exponent Philanthropy*, 74% of participating foundations had no board members of color and 78% had no staff members of color. Learn more about how Wells Fargo is adding an equity lens to personal and charitable giving and service here.

"The COVID-19 pandemic has impacted the financial lives of all Americans, but its impact on renters and communities of color has been especially devastating. Wells Fargo funding for programs like Virtual Financial Coaching* and our partnership with the Housing Partnership Network* (HPN) to create Renter Advantage* are examples of how they are making a difference to support nonprofit organizations dedicated to directly assisting in areas of greatest need while improving financial inclusion for African American and Hispanic populations."

 Rebecca Steele, President and Chief Executive Officer of the National Foundation for Credit Counseling (NFCC)



^{*} We do not control the website. Wells Fargo has provided this link for your convenience, but does not endorse and is not responsible for the content, links, privacy policy, or security policy of this website.

What is an MDI?

MDIs are FDIC-insured depository institutions in which either minority individuals represent at least 51% of voting stock or a majority of the

board of directors is minority and the community that the institution serves is predominantly minority. Historically, there were more than 100 African American MDIs in the U.S., only about 20 still exist now.

Small business growth

We help small businesses thrive by investing in underserved small-business owners and entrepreneurs through access to capital, capacity building, and growth opportunities.

Minority Depository Institutions (MDIs) serve a vital role in the U.S. financial ecosystem by providing ready access to capital and credit in minority and underserved communities, supporting neighborhood revitalization, and driving economic opportunity. Wells Fargo is proud to build on our recent commitment of up to \$50 million to African American MDIs by signing the Project REACh MDI Pledge. We're working to enhance our relationships with MDIs by contributing capital, connections, and expertise to help them grow, so that the communities they serve can prosper. We've announced equity investments in six Black owned MDIs.

Diverse Community Capital (DCC) program: The DCC program is a five-year, \$175 million grant program to empower diverse small-business owners with greater access to capital and technical assistance so they can grow and sustain local jobs. Approximately 75% of awardees in the DCC program have diverse leaders. The DCC program is a collaboration with Opportunity Finance Network (OFN) and CDFIs across the country. In 2020, the DCC program¹:

- Made more than 91,000 loans to diverse small businesses
- Delivered more than 546,000 hours of technical assistance to diverse small businesses
- Enabled diverse small-business owners to retain and create more than 100,000 jobs

\$420 million Open for Business Fund helps small businesses navigate the pandemic, with an emphasis on those with Black and racially diverse owners.

Financial health

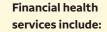
We're focused on opening pathways to economic advancement for individuals in low- and moderate-income and underserved communities by challenging systemic barriers and supporting innovation that puts more individuals on a path to wealth creation.

- In 2020, we launched Clear Access Banking, a new low-cost and checkless bank account
 with no overdraft or insufficient funds fees to make it easier for customers to manage
 their money, make payments, and save. Clear Access Banking meets the <u>Cities for</u>
 <u>Financial Empowerment Fund's Bank On National Account Standards</u>* for safe and
 appropriate financial products that can help people enter or reenter the financial system.
- In 2020, we expanded <u>free financial counseling and coaching services</u> and access to other emergency financial recovery resources through grants to nonprofits serving vulnerable populations facing financial hardships.
- We have partnered with SAGE to develop a digital tool to address economic stability and stress in the aging LGBTQ population. The SAGECents app is a financial wellness tool offering financial planning tools and resources geared toward LGBTQ Americans over the age of 50.
- We worked with Mission Asset Fund to aid immigrant and diverse communities to move from poverty to living financially secure lives. The Lending Circles program offers zerointerest, credit building loans and tools to enable lower-income people to establish credit and build credit scores.
- Since 2018, our company and the Wells Fargo Foundation have provided more than \$50 million in philanthropic funding to Native-focused nonprofits, working to address economic, social, and environmental issues.

Learn more by visiting Wells Fargo Stories

"For over 50 years, UnidosUS has been dedicated to dismantling systemic barriers preventing Latinos from achieving our full potential and achieving our dreams. As we strive to make social and economic advancement a reality for our community, we count on partners like Wells Fargo. Working together, we're building a stronger financial future for Latinos and for generations to come."

- Janet Murguía, President and CEO, UnidosUS



- Understanding and improving credit scores
- Establishing new bank accounts
- Financial counseling and coaching
- · Savings planning
- Retirement planning
- Budgeting and debt management



Expanding supplier diversity outreach

Through our supplier diversity program we seek to close the racial wealth gap, ensure inclusive procurement, and create opportunity. A key part of our commitment to diversity, equity, and inclusion is developing and engaging certified minority, women, LGBTQ, veteran, disabled, and small businesses. Supplier diversity adds value to our organization by ensuring that our supplier base mirrors the customers and communities we serve. Our Supply Chain Management group works to ensure that we integrate diversity into our strategic sourcing and procurement processes by establishing and supporting relationships with the diverse business community, developing these businesses for growth, and engaging with community organizations that share our commitment.

We have steadily increased our **annual spending with diverse suppliers** from \$824 million in 2013 to nearly **\$1.4 billion in 2020**, representing 12% of our total controllable spending, and surpassing the financial services industry average of 9.3%¹.

In addition to direct spending with diverse suppliers, in 2020 we invested \$1 million in funding diverse business development and capacity building programs.

Wells Fargo Supplier Diversity received three prestigious recognitions:

- 2020 Top Corporation for Disability-Owned Businesses by Disability:IN
- America's Top Corporations for Women's Business Enterprises presented by the Women's Business Enterprise National Council
- 2020 Best Corporations for Veteran's Business Enterprises from the National Veteran-Owned Business Association

Letter from the Head of Social Impact and Sustainability

Over the past year, we have seen the effects of climate change in yet another unprecedented fire season, along with devastating storms, deep freezes, and ruinous flooding, all while facing the spread of a global pandemic.

COVID-19 has laid bare the challenges that race and income disparity inflict on hard-working people who are simply trying to stay safe, feed their families, and remain housed – challenges that are and will continue to be exacerbated by climate change.

Despite the many challenges 2020 presented, Wells Fargo made tremendous progress in further embedding sustainability across the enterprise. As you will read in more detail below, we deployed significant capital in support of sustainable businesses and projects, hit milestones in renewable energy financing and operational sustainability, and implemented a robust ESG disclosure program to elevate our transparency on nonfinancial metrics. The Wells Fargo Innovation Incubator achieved great success in supporting cleantech innovation and startups struggling through the pandemic, and our Resilient Communities program continued to help communities better prepare for and respond to the impacts of climate change. We also laid the groundwork for a major step in our enterprise climate strategy.

In early 2021, Wells Fargo announced an ambitious goal — to align our business activities with the goals of the Paris Climate Agreement and achieve net-zero greenhouse emissions by 2050, including our financed emissions. In announcing this goal, our CEO Charlie Scharf stated, "the risks of not taking action are too great to ignore, and collective action is needed to avoid the significant impact on our most vulnerable communities."

The journey to net-zero is a complex one, and we've identified concrete first steps, which include measuring, disclosing, and setting targets for emissions in high-carbon sectors; accelerating the deployment of capital to support low-carbon opportunities; and innovation in climate finance. We have a responsibility to work closely with our clients in how they address these issues and align their own business models to a low-carbon economy. We place great value on being a trusted partner and believe that engagement rather than divestment is the fastest pathway to achieving economywide net zero ambitions. Of course we will also continue to build on the tremendous progress we are making in our operational sustainability and supporting national and local nonprofit organizations focused on community resiliency and environmental justice.

Climate change is one of the most significant environmental and social issues of our time. We are committed to leveraging our expertise and market position across our value chain and our stakeholder relationships to accelerate a just transition to a low-carbon future.

- Nate Hurst, Head of Social Impact & Sustainability

Wells Fargo's climate commitment

In March 2021, Wells Fargo set an ambitious climate goal to achieve net-zero greenhouse emissions by 2050 — including our financed emissions. While we build on a strong foundation, we know the pathway to net-zero will be complex. Near-term priorities for Wells Fargo include the following:

 Measure and disclose financed emissions for select carbon-intensive portfolios, and set interim emission reduction targets by the close of 2022

- Launch an Institute for Sustainable Finance to deploy \$500 billion to sustainable businesses and projects by 2030, support innovation in climate finance and clean technologies, and advance community resiliency
- Support clients' efforts in their low-carbon transitions, including quantifying their emissions
- Advocate for policy initiatives that support clients' low-carbon transitions, as well as those that advance the goals of the Paris Agreement
- Integrate climate considerations into Wells Fargo's Risk Management Framework

Supporting a just transition to a low-carbon economy

Trillions of dollars of sustainable capital flows will be required to adequately avoid, sequester, and redirect greenhouse gas (GHG) emissions. Deploying capital to accelerate and scale the next generation of financial products and services gives us an opportunity to integrate climate, environmental, and social factors into our lending, securities, and investing products and services. We are positioned to play a central role in providing sustainable finance capital and information to the marketplace and supporting a just transition to a low-carbon economy. One example of how we're engaging on this topic is our sponsorship of and contributions to the <u>Climate Finance Markets and the Real Economy Report</u>* (PDF) by the Global Financial Markets Association (GFMA) and Boston Consulting Group (BCG), which outlines the global need and market structure required to accelerate the mobilization of capital.

Sustainable finance

In 2018, we announced that Wells Fargo would provide \$200 billion in financing to sustainable businesses and projects by 2030, with at least 50% of that focused on transactions that directly support the transition to a low-carbon economy, including renewable energy, clean technology, and green-building. Since then, we have **provided** approximately \$74.6 billion in financing to sustainable businesses and projects. And 71% of that was allocated towards low-carbon opportunities.

We established the Sustainable Finance Center of Excellence (SFCOE) in 2020 to guide our environmental and social finance business activities, particularly those focused on accelerating climate-aligned, sustainable finance. The SFCOE brings business intelligence to internal partners throughout Wells Fargo and supports product innovation and engagements that help advance collective action on such issues as climate adaptation, resiliency, environmental justice, and climate mitigation (e.g., deployment of clean technology).

^{*} We do not control the website. Wells Fargo has provided this link for your convenience, but does not endorse and is not responsible for the content, links, privacy policy, or security policy of this website.

Page 32 of 59





Engaging climate experts

Wells Fargo is proud to collaborate with leading scientists and organizations to advance a low-carbon economy and accelerate sustainable finance more broadly.













Evaluating our financed emissions

We recognize that the direct and indirect emissions of our customers — referred to as financed emissions — represent a far larger source of emissions than those from our own operations. In 2020, we developed a preliminary model of our Scope 3, financed emissions. Ultimately, we aim to cultivate repeatable, consistent metrics for financed emissions that inform the complex undertaking of setting a science-based GHG reduction target. For more information, see our <u>Task Force for Climate-Related Financial Disclosures Report</u> (PDF).

Understanding environmental and social impacts

Wells Fargo's <u>Environmental and Social Risk Management</u> (ESRM) team continues to work to strengthen policies and processes related to how our company seeks to manage and govern our environmental and social risk. <u>ESRM Framework</u> (PDF) provides information and transparency on the company's approach to managing environmental and social risks, including those related to climate change.

Climate Impact Risk Forum

In 2020, we established an enterprise Climate Impact Risk Forum to oversee the company's approach to managing climate-related risks. The Forum is a cross-functional group that includes senior leaders from across the company.

Addressing climate resilience, adaptation, and mitigation in vulnerable communities

We're working across our business and with our partners to help build a more sustainable, inclusive future for all. Minority and low-income neighborhoods and Tribal lands are often disproportionately affected by pollution due to decades of potential environmental degradation that may result from industrial siting, operations, waste and emissions, or the impacts of climate change (drought, longer fire and hurricane seasons, flooding, etc.).

See <u>Wells Fargo Stories</u> for more examples of our environmental impact.



Resilient communities program

In 2017, the Wells Fargo Foundation and the National Fish and Wildlife Foundation launched the Resilient Communities Program — a four-year initiative designed to help communities better prepare for and respond to the impacts of climate change by investing in such natural features as wetlands, resilient shorelines, urban tree canopies, natural forests, and healthy upstream watersheds and by providing conservation and resilience training for community leaders.

The program places special emphasis on helping traditionally low- and moderate-income communities build capacity, and also supports American Indian, Alaskan Native, and other Indigenous communities whose livelihoods and economies rely on their self-determined management of water, land, and other natural resources.

With a \$12.4 million investment by Wells Fargo, the program was able to attract additional private and public funds and grantee matching contributions to generate a total conservation impact of more than \$45 million.

Projects funded across the U.S. between 2017 and 2020 are working to:

- Restore and/or improve 180,000 acres of land through land management
- Protect 26,000 acres of land under conservation easements
- Restore 13,000 acres of wetlands
- Plant 71,000 trees
- Eliminate 3 million gallons of storm water annually
- Engage 137,000 community members in community resilience efforts

GRID Alternatives Tribal Solar Accelerator Fund

With help from Wells Fargo, GRID Alternatives has grown into a national leader in making renewable energy technology and job training accessible to underserved communities and helping low-income homeowners save on energy and housing costs. In 2018, GRID and Wells Fargo launched the <u>Tribal Solar Accelerator Fund (TSAF)</u> to catalyze the growth of solar energy and expand solar job opportunities in Tribal communities across the U.S. The TSAF is helping Tribes across the country achieve energy sovereignty.



The Spokane Tribe's Children of the Sun Solar Initiative was the first project selected for TSAF funding. This 650-kilowatt solar initiative was born in response to the 2016 Cayuse Mountain Fire, which burned 18,000 acres on the Spokane reservation and cut power to the tribe's main administrative buildings and water supply. For the Spokane Tribe, solar represents a way to save money, create new economic opportunity, and strengthen community resilience.

Supporting clean technology innovation

The Wells Fargo Innovation Incubator* (IN²), a collaboration with U.S. Department of Energy National Renewable Energy Laboratory (NREL) and the Donald Danforth Plant Science Center (Danforth Center), is a proven model for accelerating the path to market for clean technology and agriculture companies. The Wells Fargo Foundation funded IN² with an additional \$20 million to extend the award-winning program through 2024.

In 2020, IN2:

- Made \$900,000 in grants to help clean technology and sustainable agriculture startups retain staff and bring their solutions to market
- Added six new startups, bringing the total portfolio of companies to 46 at year-end
- Opened referrals for two new technology incubation rounds
- Saw three portfolio companies be acquired by more established companies, which means that innovative climate solutions addressing air conditioning and climate-friendly refrigerants, microgrid management and energy storage, as well as multifamily housing technologies that decrease energy use, are now available in the larger economy

Wells Fargo Innovation Incubator was named a finalist for the Corporate Social Responsibility Award-Diversified*.

^{*} We do not control the website. Wells Fargo has provided this link for your convenience, but does not endorse and is not responsible for the content, links, privacy policy, or security policy of this website.

"BRITE Energy Innovators is the state of Ohio's Energy Incubator. In 2020, our country saw its fair share of change, but we are no strangers to the roads less traveled. Due to our partnership with Wells Fargo and IN² we were able to provide critical services to help more founders create new energy technologies than any year before. Our founders were more diverse and were able to pivot products through the pandemic to meet the world's needs. We even had the world's first electric truck and a battery Gigafactory land in our back yard. With partners like Wells Fargo, the Midwest's future is BRITE."



Climate disclosures

Wells Fargo is a signatory of the Task Force on Climate-Related Financial Disclosures (TCFD) and has published our inaugural TCFD Report (PDF). Please also refer to our ESG
Report (PDF) and ESG
Goals and Performance
Data (PDF) for additional information on our environmental metrics.

Driving operational sustainability

We're working toward more energy and resource efficiency in our own operations to help our company be more resilient to climate change. We strive to provide environmentally responsible, safe, and healthy spaces for all of our stakeholders. Over the years, we've set a number of goals (PDF) related to operational sustainability and, despite a highly irregular year for occupancy of our properties due to COVID-19, we were able to make great strides on our operational sustainability journey. We continue to leverage industry best practices and set challenging goals to improve our full portfolio.

| Goal | 2020 results |
|---|--------------------------------|
| Reduce energy consumption 40% from 2008 baseline | Achieved |
| Purchase renewable electricity to meet 100% of our global operations needs by the close of 2017 | Achieved |
| Reduce greenhouse gas emissions 45% from 2008 baseline | Achieved |
| Achieve LEED® certification for 35% of buildings (by leased and owned square footage) | Goal not achieved ¹ |
| Reduce water consumption 65% from 2008 baseline | Achieved |
| Reduce total waste stream 50% from 2010 baseline | Achieved |

^{1.} Wells Fargo has completed 900 LEED certified projects totaling more than 44 million square feet. This stretch goal has enabled Wells Fargo to drive green building requirements into design, construction, and operations thereby improving all buildings in the portfolio, not just the newest buildings.

Renewable Energy at Wells Fargo

Wells Fargo has been meeting 100% of its global electricity needs with renewable energy since 2017¹. In support of the second phase of our renewable energy commitment — transition to long-term agreements that fund new sources of renewable energy — Wells Fargo entered into a number of long-term contracts supporting development of more than 750 megawatts of net-new renewable energy assets². Nearly 200 megawatts of allocated capacity from these assets is expected to meet 25% of Wells Fargo's global electricity needs, while supporting the job creation, tax revenue, and carbon reduction in communities where our customers and employees live and work.

Wells Fargo has been **carbon neutral** in our operations since 2019.

Wells Fargo's 2020 CDP Supplier Engagement Ranking is

A-

Since its inception in 2005 through November 2020, the Wells Fargo Renewable Energy and Environmental Finance (REEF) team provided financing to 13% of the utility scale wind and solar investments in the U.S. Since 2006, REEF has provided more than \$10 billion in tax equity financing in support of more than 500 renewable energy projects across the country.

Supply chain sustainability

We're engaging our suppliers on our sustainability journey, and we continue to participate in the CDP Supply Chain program, which encourages our suppliers to demonstrate their commitment to environmental sustainability and take measures to improve where possible. In 2020, the response rate was 72%, up from 64% in 2019. We see this as particularly noteworthy, given the impact of COVID-19 on so many businesses and sustainability teams.

Wells Fargo's 2020 CDP Supplier Engagement Ranking (SER) is A-. The SER assesses performance on governance, targets, Scope 3 emissions, and value chain engagement in the CDP climate change questionnaire. Of the more than 5,000 companies that participated, Wells Fargo ranked in the top 15%. We're in the final stages of completing customized education support for our suppliers who received a score of B- or less from CDP. In 2020, we augmented the training to address COVID-19's impact and the importance of business continuity planning for small and diverse-certified companies.

^{1.} Renewable energy sources include onsite solar, long-term contracts that fund net-new sources of offsite renewable energy, and the purchase of renewable energy and renewable energy certificates (RECs).

^{2.} Construction of new assets will occur in 2021 and 2022.

Environmental awards and recognition



For the first time, Wells Fargo ranked #1 in the financial sector for Environment and Communities on the **Forbes Just 100 list***.

2021 Fitwel Promise Award: Most Registrations of All-Time, as well as the Tenant with the Most Fitwel Registrations in 2020

Wells Fargo was awarded the

award by the Center for Active Design in recognition of the company's industry-leading use of the Fitwel platform to drive continuous improvement in building occupant health and well-being.



Wells Fargo was awarded the top prize for Sustained Excellence by S&P Global Platts at its 2020 Global Energy Awards*. The Sustained Excellence category recognizes companies that embrace efficient and renewable energy in their operations in order to reduce their environmental impact and help foster a low-carbon future.

Curt Radkin, strategic planning manager within our Corporate Properties Group, was named an

Environment + Energy Leader 100 honoree*.

This annual recognition goes to those who have broken new ground or advanced best practices to help their companies — or the industry as a whole — achieve great success in commercial and industrial environment and energy management.

^{*} We do not control the website. Wells Fargo has provided this link for your convenience, but does not endorse and is not responsible for the content, links, privacy policy, or security policy of this website.

Forward-looking statements

This Report contains forward-looking statements about the Company's future activities, plans, objectives, and expectations forward-looking statements can be identified by words such as "anticipates," "intends," "plans," "seeks," "believes," "estimates," "expects," "target," "projects," "outlook," "forecast," "will," "may," "could," "should," "can" and similar references to future periods. Forward-looking statements are not based on historical facts, but instead represent our current expectations and assumptions regarding our business, the economy, and other future conditions. Because forward-looking statements relate to the future, they are subject to inherent uncertainties, risks and changes in circumstances that are difficult to predict. You are urged to not unduly rely on forward-looking statements, as actual results may differ materially from expectations. Forward-looking statements speak only as of the date made, and we do not undertake to update them to reflect changes or events that occur after that date.

For more information about factors that could cause actual results to differ materially from expectations, please refer to our reports filed with the Securities and Exchange Commission (SEC), including the discussion under "Forward-Looking Statements" and "Risk Factors" in our 2020 Annual Report on Form 10-K as filed with the SEC and available on its website at www.sec.gov*.

Securities and Exchange Commission filings

Our annual reports on Form 10-K, quarterly reports on Form 10-Q, current reports on Form 8-K, and amendments to these reports are available free of charge on our website as soon as practical after they are electronically filed with or furnished to the SEC. These reports and amendments also are available free of charge on the SEC's website at www.sec.gov*.

^{*} We do not control the website. Wells Fargo has provided this link for your convenience, but does not endorse and is not responsible for the content, links, privacy policy, or security policy of this website.





Commitment to Social Responsibility in Berkeley, California



Wells Fargo Bank in Berkeley, California of 59

Our people



- 73 team members live here
- 55 team members work here

Credit ratings

Wells Fargo continues to be among the highest credit-rated U.S. banks

| Bank | Moody's | S&P | Fitch |
|----------------------|---------|-----|-------|
| Wells Fargo Bank, NA | Aal(cr) | A+ | AA- |
| JP Morgan Chase Bank | Aal(cr) | A+ | AA |
| Bank of America | Aa2(cr) | A+ | AA- |
| US Bank | Aa2(cr) | AA- | AA- |
| Citibank | Aa3(cr) | A+ | A+ |

(cr) – Reflects Moody's Counterparty Risk Assessment Source: Bloomberg as of January 21, 2021

Our locations



- 4 banking locations, including 1 in LMI* community
- 21 ATMs, 6 in LMI communities

FDIC deposit market share

| Deposit share | Rank # | Total deposits (\$000) |
|---------------|--------|------------------------|
| 32.43% | #1 | \$2,077,121 |

Source: FDIC Deposit Market Share Report as of June 30, 2021

^{*}LMI = low to moderate income
Our people and location information as of March 2022

Corporate Responsibility Priorities Page 42 of 59

Creating solutions to pressing societal challenges.

Wells Fargo is dedicated to making meaningful, inclusive, and enduring contributions as our communities address and recover from these challenges. We're focused on addressing systemic issues and supporting an inclusive recovery as we aim to break down barriers to enable a better future.



Philanthropy and Volunteerism

Create meaningful change by supporting the communities that we live and work in.



Economic Empowerment

Strengthen financial education and economic opportunities in underserved communities



Diversity and Social Inclusion

Make sure all people feel respected and have equal access to resources and opportunities to succeed.



Environmental Sustainability

Accelerate the transition to a low-carbon economy and help reduce climate change impacts.

See Corporate Responsibility — Wells Fargo for additional information.

Philanthropy and Volunteerism

Charitable Contributions¹ in the City of Berkeley

| Charitable giving | Total grants | \$ Amount |
|-------------------------|--------------|-------------|
| 2016 Giving | 63 | \$790,875 |
| 2017 Giving | 114 | \$1,829,025 |
| 2018 Giving | 190 | \$1,503,561 |
| 2019 Giving | 94 | \$1,492,304 |
| 2020 Giving | 26 | \$1,407,137 |
| TOTAL CHARITABLE GIVING | 197 | \$7,022,902 |



2020 Employee volunteer hours

2020 Employee giving

Volunteer hrs = 99 Events = 31

Participants = 78 Amount = \$7,641

\$475MM Donated Nationally

Through our businesses and the Wells Fargo Foundation, our charitable contributions totaled \$475 million in 2020

\$52.3MM Donated in California

Wells Fargo businesses and foundation charitable contributions in California totaled \$52.3 million.

1,769 employees volunteered 59,004 hours to non-profit organizations.

1,960 employees donated \$2,427,608 in California.

¹Community Impact and CRA reflects 2020 data

Berkeley non-profits supported by Wellsoffargo



- California Community Builders Inc.: Wells Fargo funds support three projects:
 - Policy research related to increased mortgage capital access for low- and moderate-income communities of color;
 - Policy research and convenings related to increased multi-family homeownership production;
 - Research and dissemination related to increasing support for small BIPOC developers.
- Resources for Community Development:
 - Supporting pre-development for affordable housing in the Bay Area.
- Berkeley Student Cooperative Inc.
 - Student run affordable housing provider that helped keep 1,260 students stay in college.
- **Disability Rights Advocates**
 - Wells Fargo has served on the Board for the past 9 years and we celebrate Kathy Martinez (former Wells Fargo SVP of Accessibility Strategy) as the new CEO of Disability Rights Advocates.
- University of California Berkeley Foundation
- Berkeley Food and Housing Project
- Bay Area Council Foundation Berkeley
- Satellite Affordable Housing Associates



Job Training

- We Care Solar
- 1951 Coffee Company
- Multicultural Institute



Social Services

- Earth Island Institute Inc.
- Hospital De La Familia Foundation



Arts & Culture

- Regents of the University of California at Berkeley
- Berkeley Repertory Theatre



Small Business Growth

- Regents of the University of California at Berkeley
- Small Business Growth: Data For Social Good Foundation



Civic Engagement

 National Interscholastic Cycling Association



Environment

- Center For Creative Land Recycling
- Bay Nature Institute
- Rose Foundation For Communities and the Environment



Wells Fargo provided general operating support to BFHP as they faced its greatest challenge ever in responding to the pandemic. Housing the homeless both increases their safety and that of the wider population; a housed person is less likely to contract and spread COVID-19. During the COVID-19 outbreak and SIP order, Wells provided additional funding for:

- 1. 24/7 Operations of Dwight Way Shelters to allow 81 clients to shelter in place.
- 2. Implementation of programming for 18 trailers for homeless clients at 2 sites in Berkeley and a single-family home for the duration of the outbreak.
- 3. Continuation of the Meals Program, providing 300+ meals daily to those in need.
- 4. Team Hope outreach to those living on the street and providing them hotel rooms during SIP.
- 5. Roads Home outreach to veterans experiencing homelessness to secure safe shelter in hotel rooms.
- 6. Referring and transitioning shelter clients to Operation Comfort (at the Oakland Comfort) or to Safer Ground, which houses clients 65+ with pre-existing medical conditions at the Radisson.
- 7. Completing daily Wellness Checks for clients in shelters, hotels and transitional housing. Checks include COVID-19 screening following CDC guidelines.
- 8. Disinfecting all areas shelters and transitional housing facilities frequently.
- 9. Ensuring clients follow COVID-19 hygiene practices (daily showering, frequent handwashing, etc).



Satellite Affordable Housing Associates: Wells Fargo grant funds support SAHA's Clifton Hall creating 40 new units of permanent supportive housing for 40 homeless, COVID-vulnerable seniors. The Hall was formerly a college dormitory and in additional to the permanent supportive housing on floors 3 and 4, will include a family shelter on floors 1 and 2. This is new model of transforming hotels into housing for the homeless was an innovation from the State as a result of the COVID pandemic and the need to transition homeless vulnerable residents into a safe place to avoid worsening the pandemic and to address the homeless crises in our cities.



Terner Housing Innovation Labs announced a three-year partnership with Wells Fargo to support solutions at the intersection of housing affordability, equity, and sustainability. This partnership will help the Housing Lab, Terner's accelerator program, continue to support housing affordability and equity innovations, while adding a focus on the planet. Environmental sustainability broadly includes carbon reduction, materials innovations, and building for climate resilience.

Home Ownership

Housing Support in Berkeley, Califo Page 48 of 59

| Home mortgage lending from 2016-2020 in Berkeley ¹ | | | | | | | | | |
|---|-------|-----------------|--|--|--|--|--|--|--|
| Total loans \$ Amount | | | | | | | | | |
| Home purchases | 499 | \$441,967,000 | | | | | | | |
| Home improvement | 161 | \$56,639,000 | | | | | | | |
| Home refinance | 856 | \$539,939,000 | | | | | | | |
| Other mortgage | 87 | \$50,106,000 | | | | | | | |
| TOTAL HOME MORTGAGE | 1,603 | \$1,055,651,000 | | | | | | | |





In 2020, Wells Fargo provided 2 community development loans totaling \$15.6 million and 12 community development investments totaling \$814,461

2016-2020 Community Development support in Berkeley¹

| | Total | \$ Amount |
|-----------------------------------|-------|--------------|
| Affordable Housing Loans | 12 | \$26,740,000 |
| Community Services Loans | 3 | \$8,082,000 |
| Community Development Investments | 65 | \$6,191,000 |
| TOTAL COMMUNITY DEVELOPMENT | 80 | \$41,013,000 |

¹Community Impact and CRA reflects 2020 data

Wells Fargo Community Lending & Investment

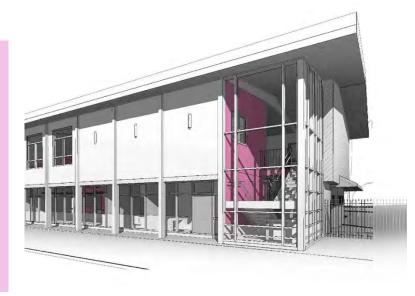


Grayson Apartments:

Wells Fargo provided funding to support a 23-unit development on San Pablo Avenue at the corner of Grayson Street that includes 18 one-bedroom apartments and 5 two-bedroom apartments. Funding includes commitments from the City of Berkeley, Alameda County and State HCD and 17 project-based Section 8 vouchers provided by the Berkeley Housing Authority. Thirteen units will be set aside for people with special needs including nine units for youth transitioning out of the foster system, three units for people living with HIV/AIDS, and one unit for a generally disabled person.

YMCA of the East Bay:

Wells Fargo provided \$9.5MM investment to help purchase and renovate a 9,017 sq/ft two-story building in Alameda County. The 50-year-old building will become the new Cherryland Early Learning Center (ELC), a vibrant new facility for YMCA of the East Bay, providing high quality early childhood education and wraparound services for 80 low-income children ages 0-5. The Cherryland neighborhood has one of the highest needs for early learning sites, yet it is among the least served neighborhoods per capita in Alameda County. The renovated building will include six classrooms (two preschool rooms and four infant/toddler rooms), a meeting room, kitchen, restrooms, reception area, and offices. Cherryland ELC will provide free, year-round, full-day care for 80 children, ages 0-5. All 80 seats will be Early Head Start or Head Start seats, and 100% of the families are expected to meet federal poverty guidelines for income or other categorical eligibility requirements such as homelessness. The project is expected to create or retain 20 FTE permanent jobs.



Economic Empowerment

Financial success for our customers and our business starts with the success of local communities. We're strengthening economic opportunities in underserved communities by empowering individuals and small businesses with the products, services, knowledge, and tools needed to ensure financial self-sufficiency, income mobility, and ultimately, improved well-being and quality of life

Our 2020 Commitments

- Expand access to high-quality, affordable, and responsible financial products and services to help underserved consumers enter the financial mainstream, increase savings, improve credit, and build assets
- Strengthen the financial capabilities of underbanked consumers and our own team members
- Stabilize local economies and low- to moderate-income neighborhoods through affordable housing, philanthropy, community development investments, and other critical community services
- Empower small businesses with access to the capital and financial services needed to start, operate, and grow

\$400 Million To Help Entrepreneurs stay 'Open for Business'

To help small businesses impacted by the ongoing COVID-19 pandemic keep their doors open, retain employees, and rebuild, Wells Fargo is making an industry-leading commitment by donating approximately \$400 million in gross processing fees from the Paycheck Protection Program. Through a new Open for Business Fund, Wells Fargo will provide support for nonprofit organizations who serve small businesses, particularly businesses owned by underrepresented individuals — a group disproportionately affected by the pandemic — to provide needed capital, offer technical support, and develop long-term resiliency programs.

The program launched with an initial \$28 million aimed at supporting Black- and African American-owned small businesses, which are closing at nearly twice the rate of the industry, according to the National Bureau of Economic Research (PDF). The first grantees are:

- Expanding Black Business Credit to support the launch of the Black Vision Fund, which will increase capital to Black-focused Community Development Financial Institutions, also known as nonprofit or community lenders, to close the racial wealth qap in African American communities.
- LISC (Local Initiatives Support Corporation) will team up with social impact platform Kiva to provide grants and low-cost capital to more than 2,800 entrepreneurs with a focus on preventing loss in revenue, sustaining employment, and averting vacancies among vulnerable small business owners in urban and rural markets nationwide



Source: https://www.wellsfargo.com/about/corporate-responsibility/economic-empowerment/

Small Business Lending

Support for Berkeley small businesses last year

781 small business loans extending \$45.2 million in credit

Of that, 117 were in LMI communities totaling \$7.1 million in credit

Small business loans in Berkeley from 2016-2020

| Small Business Loans by Size | # of loans | \$ Amount |
|------------------------------|------------|---------------|
| \$100,000 or less | 3,011 | \$121,696,000 |
| \$100,000 to \$250,000 | 165 | \$23,779,000 |
| \$250,000 to \$1,000,000 | 190 | \$1,503,561 |
| TOTAL SMALL BUSINESS LOANS | 3,250 | \$185,993,000 |

\$1B Small Business Financing

Approximately **\$1 billion** in available financing is expected to help entrepreneurs through the Open for Business Fund

\$50M

invested in **Black owned Minority Depository Institutions** (MDIs) part of our commitment to support MDIs with capital and technical assistance for Black and African American homeowners, small businesses, and individuals.

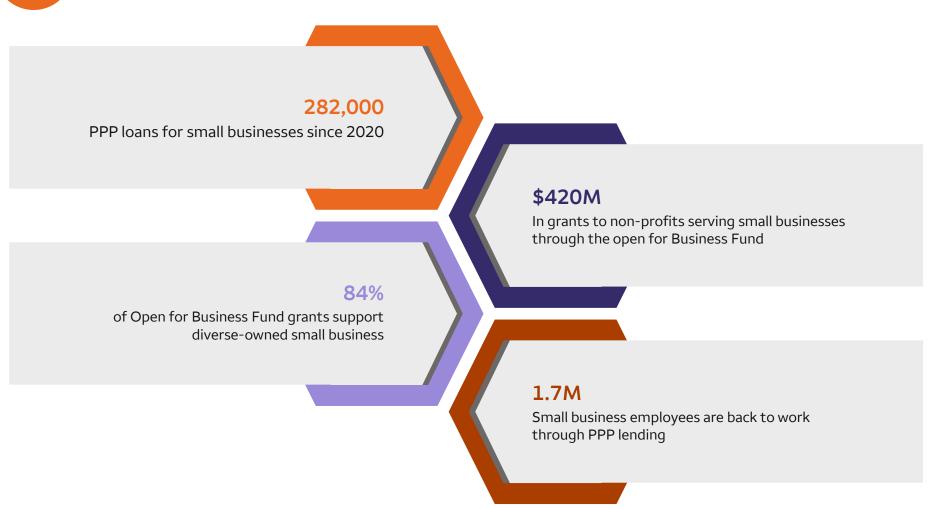
\$175M

invested in Wells Fargo Diverse Community Capital (DCC), to empower diverse small business owners to grow and sustain local jobs.

Empowering small businesses to thPige54 of 59



Wells Fargo is donating roughly \$420 million (\$250 million for capital to CDFIs, \$50 million for technical assistance, and \$100+ million for long-term resiliency programs)



* Data as of 06/09/2021

Diversity, Equity, and Inclusion

Meeting the increasingly diverse needs of Wells Fargo's global customer base is critical for our company's long-term growth and success. We're committed to advancing diversity, equity, and inclusion by helping ensure that all people across our workforce, our communities, and our supply chain feel valued and respected and have equal access to resources, services, products, and opportunities to succeed.

We define diversity as the unique combination of various dimensions that makes each of us different from and similar to others. Those dimensions can include — but are not be limited to — age, gender, ethnic heritage, race, physical or mental abilities, sexual orientation, values, religion/spiritual practice, income, family status, education, and geographic location.

Our Team (as of 01/01/2020)

- 271,151 employees globally
- 45% of our U.S. workforce is ethnically/racially diverse
- 55.2% of our global workforce are female
- 8,800+ veteran employees in the U.S.
- Our Employee Resource Networks:
 - Asian Connection
 - Black & African American Connection
 - Disability Connection
 - Hispanic & Latino Connection
 - Middle East Connection
 - Generation Connection
 - Native Peoples Connection
 - Pride Connection
 - Veterans' Connection
 - Women's Connection

\$175MM Invested to Grow Local Jobs

We're empowering diverse small business owners to grow and sustain local jobs by investing \$175 million in Wells Fargo Diverse Community Capital (DCC)

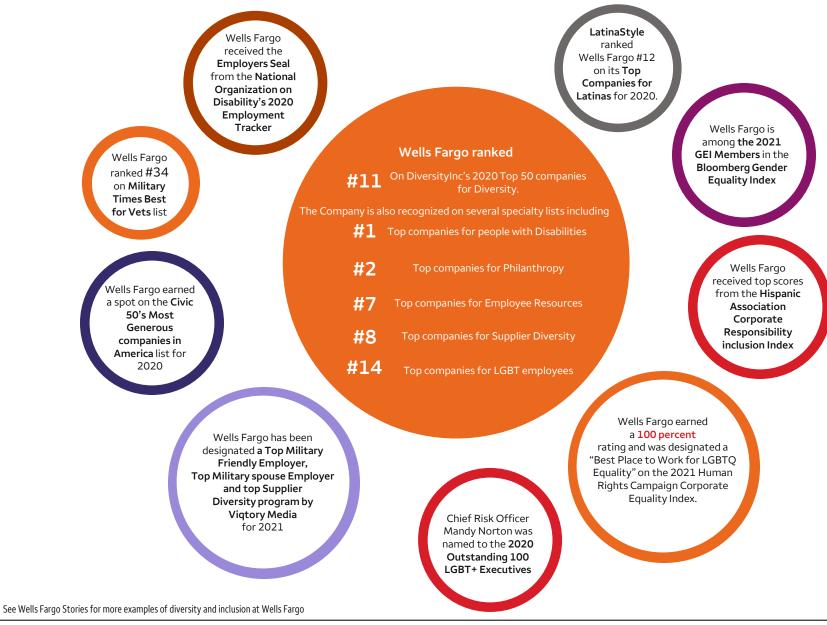
Helped 188K+ Hispanic Homeowners

Through 2020, Wells Fargo helped 188,460 Hispanic families and individuals become homeowners through \$48.7 billion in mortgage financing

Helping 72K+ Black Homeowners

Through 2020, we helped 72,759 Black families and individuals become homeowners through \$18.6 billion in mortgage financing

Diversity, equity, and inclusion awands and recognition



Environmental Sustainability

At Wells Fargo, we are working to embed environmental sustainability throughout our products, services, operations, and culture to drive efficiencies and responsible resource use while creating comfortable, safe, and healthy workplaces. We believe that climate change continues to be one of the most urgent environmental and social issues of our time, and we are working across our value chain to help accelerate the transition to a low-carbon economy and reduce the impacts of climate change on our business, communities, employees, and customers.

Wells Fargo commitment to the environment

- 100% of all Wells Fargo operating energy needs are met by renewable energy
- Wells Fargo owned or financed 8.1% of all wind & solar energy in the US last year
- Provided \$17.6 billion in financing for renewable energy, clean technology, and sustainable business last year for a total of \$74.6 billion since 2018
- Reduced water consumption 67% since 2008
- Reduced energy consumption by 44% since 2008
- Reduced total waste by 60% since 2010
- 26.2 million square feet of LEED-certified space totaling 33% of total square footage
- 58,631 hours volunteered on environmental projects



Let The Sun Shine

Financing from Wells Fargo helped Kern High School District in California install SunPower® Helix™ Carport solar systems at 25 of its sites. These systems have panels on top that absorb sunlight, produce clean energy, and generate power for 23 schools and two administrative buildings, while also providing shade. The district expects to save \$80 million in electricity costs over 25 years, while also conserving energy.

\$75B to Support Sustainability

Wells Fargo deployed \$75 billion in financing to sustainable businesses and projects to accelerate the transition to a low-carbon economy



51

INFORMATION CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: FY 2022 Second Quarter Investment Report: Ended December 31, 2021

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended December 31, 2021 was 1.10%, 89 basis points more than the .21% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of 1.10% for the quarter ended December 31, 2021 was 11 basis points more than the rate of .99% earned in the quarter ended September 30, 2021.
- The average return on all Retiree Medical Trust Fund investments was 4.06% for the quarter ended December 31, 2021.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of quarterly reports for the fiscal year 2022 Second Quarter ending December 31, 2021 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

A. Portfolio Results

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

1. <u>Liquidity of Portfolio:</u>

The average investment in the pooled portfolio matures in 1,300 days as of December 31, 2021. This is 4 days less than the 1,304 maturity days as of September 30, 2021.

2. <u>Comparison of Results to Performance Measures – Pooled investments:</u> Quarter Ended December 31, 2021

The City's yield on investments for the quarter ended December 31, 2021 was 1.10%, an increase of 11 basis points (.11%) from the .99% earned during the quarter ended September 30, 2021. The average yield on a 90-day Treasury bill at the end of the quarter ended December 31, 2021 was .030%, a decrease of .3 basis points (.003%) from the .033% at the end of the previous quarter.

As summarized in Table 1, staff's overall results were above the performance measure for the quarter. Staff's performance was above the performance measure in October by approximately 86 basis points (+.86%); over the performance measure in November by approximately 91 basis points (+.91%); and, was over the performance measure in December by approximately 82 basis points (+.82%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

Table 1

| For Quarter Ending December 31, 2021 | | | | | | | | | | |
|--------------------------------------|-------|------------|------------|--|--|--|--|--|--|--|
| Period | City | State LAIF | Difference | | | | | | | |
| Oct-21 | 1.06% | .20% | +0.86% | | | | | | | |
| Nov-21 | 1.11% | .20% | +0.91% | | | | | | | |
| Dec-21 | 1.03% | .21% | +0.82% | | | | | | | |
| Oct1-Dec 31 | 1.10% | .21% | 0.89% | | | | | | | |

3. Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended December 31, 2021 compared to the quarter ended September 30 2021, were as follows:

Table 2

| EARNED INTEREST RATES | | | | | | | | | |
|--|--------|--------|--|--|--|--|--|--|--|
| For Quarter Ended 12/31/2021 Compared To 9/30/2021 | | | | | | | | | |
| Trust Fund 2nd Qtr 1st Qtr 12/31/21 09/30/21 | | | | | | | | | |
| Retiree Medical Trust Fund (Misc Employees) | 4.421% | 3.984% | | | | | | | |
| Fire Retiree Medical Trust Fund | 3.671% | 3.235% | | | | | | | |
| Police Retiree Medical Trust Fund | 3.327% | 2.887% | | | | | | | |

The rates earned on these plans are expected to be higher in the future, as staff plans to use the investment authority granted by Council to purchase Bond and Stock Mutual Funds or Index Funds.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

B. Discussion of Interest Rate Environment and Outlook

In its March 16, 2022 statement, the Federal Open Market Committee indicated that "indicators of economic activity and employment have continued to strengthen. Job gains have been strong in recent months, and the unemployment rate has declined

substantially. Inflation remains elevated, reflecting supply and demand imbalances related to the pandemic, higher energy prices, and broader price pressures.

The invasion of Ukraine by Russia is causing tremendous human and economic hardship. The implications for the U.S. economy are highly uncertain, but in the near term the invasion and related events are likely to create additional upward pressure on inflation and weigh on economic activity.

Yield Trend

The Committee seeks to achieve maximum employment and inflation at the rate of 2 percent over the longer run. With appropriate firming in the stance of monetary policy, the Committee expects inflation to return to its 2 percent objective and the labor market to remain strong. In support of these goals, the Committee decided to raise the target range for the federal funds rate to 1/4 to 1/2 percent and anticipates that ongoing increases in the target range will be appropriate. In addition, the Committee expects to begin reducing its holdings of Treasury securities and agency debt and mortgage-backed securities at a coming meeting. In assessing the appropriate stance of monetary policy, the Committee will continue to monitor the implications of incoming information for the economic outlook. The Committee would be prepared to adjust the stance of monetary policy as appropriate if risks emerge that could impede the attainment of the Committee's goals.

A January 12-19, 2022 Reuters poll expects the Fed to raise the Federal Funds rate at least three times in FY 2022, starting in March, and an additional three times in 2023, bringing the rate to a minimum of 1.50% to 1.75% by the end of 2023. Staff believes the Fed will raise the Federal Funds rate more times than is indicated in the poll, and that some of their increases will be greater than 1/4 percent.

Change in Strategy

Prior to the Fed's change in monetary policy starting March 16, 2022, staff's basic strategy consisted of not locking in any Agency or Medium-Term corporate note securities with a maturity beyond three years. With the Fed's change in monetary policy, the City's investment strategy has changed. It should be noted that although the Fed's has only raised the Federal Funds rate (i.e., short-term interest rates) one time by 1/4 percent at its meeting on March 16, 2022, the bond market (i.e., longer-term rates) has already started to price in some of those projected further Fed's increases that are reflected in the Reuters poll mentioned above: The 2 year Treasury yield has increased 85 basis points(from 1.85% to 2.60%); the 5 year Treasury yield has increased 73 basis points (from 2.14% to 2.87%); the 10 year Treasury yield has increased 69 basis points (from 2.16% to 2.85%); and the 30 year Treasury yield has increased 46 basis points (from 2.49% to 2.95%).

As a result, staff will start making investment in maturities beyond three years if the rates are attractive. This should result in an increase in interest income during the remainder of FY 2022, and continue into FY 2023.

Also, the City's earned rate is expected to be above the City's benchmark (State LAIF) and the City's return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

Table 3

| For the Quarter Ending | g December 31, 2021 |
|------------------------|---------------------|
| City | Rates Earned |
| Palo Alto | 1.62% |
| Burbank | 1.24% |
| Los Angeles | 1.23% |
| Berkeley | 1.10% |
| San Diego | .95% |
| Sacramento | .90% |
| San Jose | .86% |
| Torrance | .81% |
| San Francisco | .48% |
| Oakland | .23% |

BACKGROUND

• Pooled Investments

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency) notes and medium-term corporate notes for periods of one to five years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

Retiree Health Trust Fund Investments

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero for the last 14 years, the average rate currently earned is significantly

below that 7% level. City Finance Department staff manages these investment portfolios.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

ATTACHMENTS

- 1. Portfolio Evaluation FY 2022 Second Quarter
- 2. Investment Report Analysis FY 2022 Second Quarter
 - a. Exhibit 2-A: Pooled Cash and Investments
 - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings Oct 1, 2021 Dec 31, 2021
 - c. Exhibit 2-C: Book Value By Investment Type
 - d. Exhibit 2-D: Current Holdings vs. Policy Limits
 - e. Exhibit 2-E: Investment Portfolio Trend
- 3. Summary of Pooled and Cash Investments FY 2022 Second Quarter -Trust Funds
 - a. Exhibit 3-A: Retiree Medical Trust Funds -Misc.
 - b. Exhibit 3-B: Retiree Medical Trust Funds -Fire
 - c. Exhibit 3-C: Retiree Medical Trust Funds -Police

Internal Attachment 1



Portfolio Evaluation Quarter Ended December 31, 2021

| | | Quarter Ending | | | | | | | | | | |
|--------------------------------------|--------|----------------|---------|--------|-------------|---------|--------|-------------|---------|--------|-------------|---------|
| | _ | December 2 | 2021 | _ | September | 2021 | | June 202 | 1 | | March 202 | 21 |
| Total Portfolio | | | | | | | | | | | | |
| Pooled Cash and Investments (COB) | \$ | 599,176,851 | | \$ | 526,986,435 | | \$ | 607,813,880 | | \$ | 485,079,936 | |
| Pooled Cash and Investments (Trust) | | 52,859,894 | | | 52,247,171 | | | 52,703,230 | | | 51,878,656 | |
| Total Cash and Investmen | ts _\$ | 652,036,745 | | \$ | 579,233,606 | | \$ | 660,517,110 | | \$ | 536,958,592 | |
| Average Life of Investment Portfolio | | | | | | | | | | | | |
| Pooled Investments (CoB) | | 1,300 | | | 1,304 | | | 1,317 | | | 1,158 | |
| Trust Investments | | 2.378 years | | | 1.961 years | | | 2.584 years | | | 2.745 years | |
| Weighted Yield | | | | | | | | | | | | |
| Pooled Investments (CoB) | | 1.096% | | | 0.992% | | | 0.804% | | | 0.868% | |
| Trust Investments | | 4.055% | | 3.806% | | | 4.145% | | | 4.319% | | |
| Prime Rate | | 3.250% | | | 3.250% | | | 3.250% | | | 3.250% | |
| 91-day Treasury Bill Rate | | 0.030% | | | 0.033% | | | 0.041% | | | 0.015% | |
| 2-year Treasury Note Rate | | 0.732% | | | 0.276% | | | 0.249% | | | 0.160% | |
| Cash and Investments Maturity | | | | | | | | | | | | |
| Within one year | \$ | 250,773,736 | 38.46% | \$ | 164,472,378 | 28.39% | \$ | 304,569,674 | 46.11% | \$ | 384,540,339 | 71.61% |
| Between 1 to 3 years | | 48,320,863 | 7.41% | | 43,663,650 | 7.54% | | 54,151,565 | 8.20% | | 54,215,103 | 10.10% |
| Between 3 to 5 years | | 321,618,796 | 49.33% | | 333,855,324 | 57.64% | | 205,214,052 | 31.07% | | 76,708,237 | 14.29% |
| Between 5 to 10 years | | 31,323,351 | 4.80% | | 37,242,254 | 6.43% | | 96,581,820 | 14.62% | | 21,494,913 | 4.00% |
| Over 10 years | | | 0.00% | | - | 0.00% | | - | 0.00% | | - | 0.00% |
| Tot | al \$ | 652,036,745 | 100.00% | \$ | 579,233,606 | 100.00% | \$ | 660,517,111 | 100.00% | \$ | 536,958,592 | 100.00% |

Internal Attachment 2



Investment Report Analysis As of December 31, 2021

| | | | Pens | ion and OPEB | | | |
|---|-----|-----------------|------|-----------------------------|-------|-------------|--|
| Investments | Poo | led Investments | Trus | t Investments | Total | | |
| Portfolio | \$ | 581,753,436 | \$ | 25,223,881 | \$ | 606,977,317 | |
| Unrecognized gain/(loss) | | 2,321,402 | | 1,752,296 | | 4,073,698 | |
| Total Investments | | 584,074,838 | | 26,976,177 | | 611,051,015 | |
| Cash | | Pooled Cash | | sion and OPEB
Frust Cash | | Total | |
| Cash with Fiscal Agents | | 400,474 | | - | | 400,474 | |
| Cash Deposits in Banks | | 40,585,256 | | - | | 40,585,256 | |
| Pooled Cash Adjustment | | (25,883,717) | | 25,883,717 | | | |
| Total Cash | | 15,102,013 | | 25,883,717 | | 40,985,730 | |
| Adjusted Grand Total (All Cash and Investments) | \$ | 599,176,851 | \$ | 52,859,894 | \$ | 652,036,745 | |

| Pooled Cash Portfolio Breakdown As of December 31, 2021 |
Book Value | Market Value | | |
|---|-------------------|--------------|-------------|--|
| Investments | \$
446,614,220 | \$ | 448,935,622 | |
| Fidelity Money Market (TRANS) | - | | - | |
| Fidelity Money Market |
135,139,216 | | 135,139,216 | |
| | \$
581,753,436 | \$ | 584,074,838 | |

Note: Pooled cash for General Fund includes Rent Board cash of \$4,710,633.60



City of Berkeley Pooled Cash and Investments As of December 31, 2021

| CUSIP | Investment # | Issuer | Book Value | Par Value | Market Value | Current
Rate | YTM/C
365 | Maturity
Date | Days To
Maturity | Moody's
Rating |
|---------------------|--------------------|---------------------------|---------------|---------------|---------------|-----------------|--------------|------------------|---------------------|-------------------|
| Certificates of Dep | posits | | | | | | | | | |
| 254673RD0 | 14539 | Discover Bank | 250,000.00 | 250,000.00 | 260,522.50 | 3.300 | 3.300 | 07/05/23 | 550 | N/A |
| 795450T47 | 14540 | Sallie Mae Bank | 250,000.00 | 250,000.00 | 260,490.00 | 3.300 | 3.300 | 07/03/23 | 548 | N/A |
| | | Subtotal and Average | 500,000.00 | 500,000.00 | 521,012.50 | | 3.300 | | 549 | |
| Medium Term Not | es | | | | | | | | | |
| 008252AM0 | 14582 | Affiliated Managers Group | 1,080,207.08 | 1,000,000.00 | 1,061,900.00 | 4.250 | 2.300 | 02/15/24 | 775 | A3 |
| 037833AK6 | 14536 | Apple Inc | 4,815,198.97 | 5,000,000.00 | 5,119,250.00 | 2.400 | 3.225 | 05/03/23 | 487 | AA1 |
| 04685A2L4 | 14590 | Athene Global Funding | 5,999,914.78 | 5,950,000.00 | 6,103,867.00 | 2.500 | 2.320 | 01/14/25 | 1,109 | N/A |
| 04685A2L4 | 14602 | Athene Global Funding | 4,836,044.80 | 5,000,000.00 | 5,129,300.00 | 2.500 | 3.250 | 01/14/25 | 1,109 | N/A |
| 084670BJ6 | 14542 | Berkshire Hathaway | 4,968,100.00 | 5,000,000.00 | 5,127,300.00 | 3.000 | 3.150 | 02/11/23 | 406 | AA2 |
| 15654VAK4 | 14641 T-1 | Century Housing Corp | 4,000,000.00 | 4,000,000.00 | 3,994,240.00 | 0.300 | 0.300 | 07/15/22 | 195 | N/A |
| 20030NBN0 | 14563 | Comcast Corp | 5,078,842.16 | 5,000,000.00 | 5,344,050.00 | 3.375 | 3.100 | 08/15/25 | 1,322 | A3 |
| 233851CU6 | 14571 | Daimler Finance | 5,086,756.75 | 5,000,000.00 | 5,391,300.00 | 3.450 | 3.190 | 01/06/27 | 1,831 | A3 |
| 233851CU6 | 14574 | Daimler Finance | 3,837,211.91 | 3,725,000.00 | 4,016,518.50 | 3.450 | 3.000 | 01/06/27 | 1,831 | A3 |
| 24422EUM9 | 14554 | John Deere Cap | 5,076,253.24 | 5,000,000.00 | 5,246,650.00 | 3.650 | 3.300 | 10/12/23 | 649 | A3 |
| 375558BF9 | 14570 | Gilead Sciences | 5,161,236.07 | 5,000,000.00 | 5,386,800.00 | 3.650 | 3.118 | 03/01/26 | 1,520 | A2 |
| 49327M2X1 | 14560 | Key Bank NA | 5,028,437.49 | 5,000,000.00 | 5,011,100.00 | 3.300 | 3.100 | 02/01/22 | 31 | A3 |
| 53944VAS8 | 14580 | Lloyds Bank Plc | 5,006,967.42 | 5,000,000.00 | 5,048,900.00 | 2.250 | 2.200 | 08/14/22 | 225 | A3 |
| 540424AQ1 | 14555 | Loews Corporation | 4,854,961.97 | 5,000,000.00 | 5,103,000.00 | 2.625 | 3.350 | 05/15/23 | 499 | A1 |
| 589331AT4 | 14545 | Merck & Co Inc | 4,879,646.90 | 5,000,000.00 | 5,043,850.00 | 2.400 | 3.030 | 09/15/22 | 257 | A3 |
| 68389XAS4 | 14548 | Oracle Corp | 5,047,221.01 | 5,000,000.00 | 5,181,050.00 | 3.625 | 3.388 | 07/15/23 | 560 | A1 |
| 747525AT0 | 14564 | Qualcomm Inc | 4,964,755.39 | 5,000,000.00 | 5,210,600.00 | 2.900 | 3.050 | 05/20/24 | 870 | BAA2 |
| 747525AU7 | 14587 | Qualcomm Inc | 6,293,057.93 | 5,963,000.00 | 6,434,315.52 | 3.250 | 2.435 | 05/20/27 | 1,965 | A2 |
| 828807CS4 | 14606 | Simon Property Group | 4,994,815.07 | 5,000,000.00 | 5,259,300.00 | 3.375 | 3.353 | 10/01/24 | 1,004 | A2 |
| 07330MAA5 | 14588 | Truist Bank | 5,446,263.03 | 5,000,000.00 | 5,448,900.00 | 3.800 | 2.365 | 10/30/26 | 1,763 | A3 |
| | | Subtotal and Average | 96,455,891.97 | 95,638,000.00 | 99,662,191.02 | | 2.860 | | 941 | |
| Commercial Pape | r Disc - Amortizin | α | | | | | | | | |
| 2254EBAU5 | 14614 | Credit Suisse New York | 9,981,319.44 | 10,000,000.00 | 9,999,500.00 | 0.250 | 0.258 | 01/28/22 | 27 | N/A |
| 53948BB73 | 14626 | York Llyods Bank Corp | 9,985,000.00 | 10,000,000.00 | 9,999,100.00 | 0.200 | 0.206 | 02/07/22 | 37 | N/A |
| 05970UBA5 | 14621 | Banco Santander Societe | 9,983,900.00 | 10,000,000.00 | 9,999,100.00 | 0.210 | 0.217 | 02/10/22 | 40 | N/A |
| 83368YFY8 | 14625 | Generale | 9,985,088.89 | 10,000,000.00 | 9,999,900.00 | 0.220 | 0.227 | 01/10/22 | 9 | N/A |
| | | Subtotal and Average | 39,935,308.33 | 40,000,000.00 | 39,997,600.00 | | 0.227 | | 28 | |
| Medium-Term Not | es - Callable | | | | | | | | | |
| 05531FBF9 | 14561 | BB&T Corporation | 5,160,736.25 | 5,000,000.00 | 5,255,350.00 | 3.750 | 3.012 | 12/06/23 | 704 | A3 |
| 05531FBG7 | 14585 | BB&T Corporation | 5,129,999.37 | 5,000,000.00 | 5,049,100.00 | 3.050 | 2.000 | 06/20/22 | 170 | A3 |
| 693475AV7 | 14557 | PNC Financial Services | 5,029,216.00 | 5,000,000.00 | 5,235,450.00 | 3.500 | 3.425 | 01/23/24 | 752 | A3 |



City of Berkeley Pooled Cash and Investments As of December 31, 2021

| CUSIP | Investment # | Issuer | Book Value | Par Value | Market Value | Current
Rate | YTM/C
365 | Maturity
Date | Days To
Maturity | Moody's
Rating |
|----------------|--------------------|-------------------------|----------------|----------------|----------------|-----------------|--------------|------------------|---------------------|-------------------|
| 751212AC5 | 14566 | Ralph Lauren | 5,182,338.26 | 5,000,000.00 | 5,386,700.00 | 3.750 | 3.106 | 09/15/25 | 1,353 | A3 |
| 91159HHU7 | 14562 | US Bancorp | 5,280,080.11 | 5,000,000.00 | 5,475,750.00 | 3.950 | 2.848 | 11/17/25 | 1,416 | A2 |
| | | Subtotal and Average | 25,782,369.99 | 25,000,000.00 | 26,402,350.00 | | 2.879 | | 883 | |
| Federal Agency | Continuously Calla | ble | | | | | | | | |
| 31422XJW3 | 14638 | Farmer Mac | 10,000,000.00 | 10,000,000.00 | 9,974,600.00 | 0.300 | 0.300 | 07/20/26 | 1,661 | N/A |
| 3130AMAV4 | 14611 | Federal Home Loan Banks | 5,600,000.00 | 5,600,000.00 | 5,564,216.00 | 0.500 | 0.500 | 04/29/27 | 1,944 | AAA |
| 3130ALZA5 | 14612 | Federal Home Loan Banks | 9,000,000.00 | 9,000,000.00 | 8,952,300.00 | 0.500 | 0.500 | 04/29/26 | 1,579 | AAA |
| 3130AMEX6 | 14613 | Federal Home Loan Banks | 15,000,000.00 | 15,000,000.00 | 14,891,550.00 | 0.500 | 0.500 | 05/27/26 | 1,607 | AAA |
| 3130AMF72 | 14615 | Federal Home Loan Banks | 15,000,000.00 | 15,000,000.00 | 14,870,250.00 | 0.650 | 0.650 | 05/27/26 | 1,607 | AAA |
| 3130AMFQ0 | 14616 | Federal Home Loan Banks | 15,000,000.00 | 15,000,000.00 | 14,919,450.00 | 0.500 | 0.500 | 05/26/26 | 1,606 | AAA |
| 3130AMFT4 | 14617 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,903,200.00 | 0.625 | 0.625 | 05/27/26 | 1,607 | AAA |
| 3130AMG22 | 14618 | Federal Home Loan Banks | 20,000,000.00 | 20,000,000.00 | 19,802,000.00 | 0.600 | 0.500 | 05/27/26 | 1,607 | AAA |
| 3130AMGG1 | 14619 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,902,500.00 | 0.600 | 0.600 | 05/26/26 | 1,606 | AAA |
| 3130AMFN7 | 14620 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,908,200.00 | 0.500 | 0.500 | 05/26/26 | 1,606 | AAA |
| 3130AMG55 | 14622 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,917,000.00 | 0.750 | 0.750 | 05/27/27 | 1,972 | AAA |
| 3130AMG22 | 14624 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,901,000.00 | 0.600 | 0.500 | 05/27/26 | 1,607 | AAA |
| 3130AMLS9 | 14627 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,920,600.00 | 0.625 | 0.613 | 06/17/26 | 1,628 | AAA |
| 3130AMN24 | 14628 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,970,800.00 | 0.375 | 0.375 | 06/03/26 | 1,614 | AAA |
| 3130AMN57 | 14629 | Federal Home Loan Banks | 20,000,000.00 | 20,000,000.00 | 20,019,400.00 | 1.100 | 1.013 | 06/03/26 | 1,614 | AAA |
| 3130AMP71 | 14630 | Federal Home Loan Banks | 20,000,000.00 | 20,000,000.00 | 19,944,400.00 | 0.400 | 1.077 | 06/18/26 | 1,629 | AAA |
| 3130AMPL0 | 14631 | Federal Home Loan Banks | 15,000,000.00 | 15,000,000.00 | 14,949,750.00 | 0.375 | 0.375 | 06/08/26 | 1,619 | AAA |
| 3130AMMW9 | 14632 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,945,800.00 | 0.625 | 0.500 | 06/10/26 | 1,621 | AAA |
| 3130AMWM0 | 14634 | Federal Home Loan Banks | 4,250,000.00 | 4,250,000.00 | 4,214,002.50 | 0.500 | 0.500 | 06/30/26 | 1,641 | AAA |
| 3130AN5U0 | 14642 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,927,400.00 | 0.500 | 0.500 | 07/29/26 | 1,670 | AAA |
| 3130ANJY7 | 14643 | Federal Home Loan Banks | 40,000,000.00 | 40,000,000.00 | 39,589,200.00 | 0.400 | 0.400 | 08/26/26 | 1,698 | AAA |
| | | Subtotal and Average | 278,850,000.00 | 278,850,000.00 | 276,987,618.50 | | 0.567 | | 1,647 | |

Page 11 of 24



City of Berkeley Pooled Cash and Investments As of December 31, 2021

| CUSIP | Investment # | Issuer | Book Value | Par Value | Market Value | Current
Rate | YTM/C
365 | Maturity
Date | Days To
Maturity | Moody's
Rating |
|--------------------------------------|-------------------|--|-------------------------------------|-------------------------------------|-------------------------------------|-----------------|--------------------------------|------------------|-----------------------|-------------------|
| Municipal Bonds
13063DGB8 | 14559 | General Obligation Unlimited Subtotal and Average | 5,090,650.00
5,090,650.00 | 5,000,000.00
5,000,000.00 | 5,364,850.00
5,364,850.00 | 3.375 | 3.087
3.087 | 04/01/25 | 1,186
1,186 | AA2 |
| Money Market
SYS14190
SYS14265 | 14190
14265 | Fidelity Money Market Fidelity Money Market Subtotal and Average | 135,139,215.54
135,139,215.54 | 135,139,215.54
135,139,215.54 | 135,139,215.54
135,139,215.54 | 0.002
0.003 | 0.002
0.003
0.003 | | 1
1
1 | N/A
N/A |
| | Total Investments | s and Average | 581,753,435.83 | 580,127,215.54 | 584,074,837.56 | | 1.200 | | | |



Pooled Investments Selected Funds Interest Earnings Sorted by Fund - Fund October 1, 2021 - October 31, 2021 Yield on Beginning Book Value

Exhibit 2-B.1

| Δdi | hateui | Interest | Earnings |
|-----|--------|-----------|----------|
| Au | นอเซน | IIIICICSI | Larinius |

| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
|----------------|------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| Fund: Pooled I | nvestment - Long | g Term | | | | | | | | | | |
| 3130AMWM0 | 14634 | 010 | MC5 | 4,250,000.00 | 4,250,000.00 | 4,250,000.00 | 06/30/2026 | 0.500 | 0.491 | 1,770.83 | 0.00 | 1,770.83 |
| 3130AMPL0 | 14631 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 06/08/2026 | 0.375 | 0.368 | 4,687.50 | 0.00 | 4,687.50 |
| 3130AMMW9 | 14632 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/10/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMN57 | 14629 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/03/2026 | 0.250 | 0.245 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMP71 | 14630 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/18/2026 | 0.400 | 0.392 | 6,666.67 | 0.00 | 6,666.67 |
| 3130AN5U0 | 14642 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/29/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 |
| 3130ANJY7 | 14643 | 010 | MC5 | 40,000,000.00 | 40,000,000.00 | 40,000,000.00 | 08/26/2026 | 0.400 | 0.392 | 13,333.33 | 0.00 | 13,333.33 |
| 3130AN2A7 | 14633 | 010 | MC5 | 0.00 | 10,000,000.00 | 0.00 | 07/13/2026 | 1.000 | 0.253 | 833.33 | 0.00 | 833.33 |
| 3130AMN24 | 14628 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/03/2026 | 0.375 | 0.368 | 3,125.00 | 0.00 | 3,125.00 |
| 3130AMG22 | 14624 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMLS9 | 14627 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/17/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMFQ0 | 14616 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/26/2026 | 0.500 | 0.491 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMF72 | 14615 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.650 | 0.638 | 8,125.00 | 0.00 | 8,125.00 |
| 3130AMEX6 | 14613 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.500 | 0.491 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMAV4 | 14611 | 010 | MC5 | 5,600,000.00 | 5,600,000.00 | 5,600,000.00 | 04/29/2027 | 0.500 | 0.491 | 2,333.33 | 0.00 | 2,333.33 |
| 3130ALZA5 | 14612 | 010 | MC5 | 9,000,000.00 | 9,000,000.00 | 9,000,000.00 | 04/29/2026 | 0.500 | 0.491 | 3,750.00 | 0.00 | 3,750.00 |
| 3130AMFT4 | 14617 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 |
| 3130AMFN7 | 14620 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMG55 | 14622 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2027 | 0.750 | 0.736 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMGG1 | 14619 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.600 | 0.589 | 5,000.00 | 0.00 | 5,000.00 |
| 3130AMG22 | 14618 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 05/27/2026 | 0.500 | 0.491 | 8,333.33 | 0.00 | 8,333.33 |
| 53944VAS8 | 14580 | 010 | MTN | 5,000,000.00 | 5,002,080.92 | 5,001,881.47 | 08/14/2022 | 2.250 | 2.160 | 9,375.00 | -199.45 | 9,175.55 |
| 06742XJX6 | 14635 T-1 | 010 | ACP | 10,000,000.00 | 9,996,311.11 | 9,997,688.89 | 12/23/2021 | 0.160 | 0.162 | 0.00 | 1,377.78 | 1,377.78 |
| 037833AK6 | 14536 | 010 | MTN | 5,000,000.00 | 4,939,768.55 | 4,942,927.55 | 05/03/2023 | 2.400 | 3.137 | 10,000.00 | 3,159.00 | 13,159.00 |
| 254673RD0 | 14539 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/05/2023 | 3.300 | 3.300 | 700.68 | 0.00 | 700.68 |
| 795450T47 | 14540 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/03/2023 | 3.300 | 3.300 | 700.68 | 0.00 | 700.68 |
| 084670BJ6 | 14542 | 010 | MTN | 5,000,000.00 | 4,990,538.14 | 4,991,117.43 | 02/11/2023 | 3.000 | 3.086 | 12,500.00 | 579.29 | 13,079.29 |
| 31422XJW3 | 14638 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/20/2026 | 0.300 | 0.294 | 2,500.00 | 0.00 | 2,500.00 |
| 589331AT4 | 14545 | 010 | MTN | 5,000,000.00 | 4,971,874.00 | 4,974,326.85 | 09/15/2022 | 2.400 | 2.949 | 10,000.00 | 2,452.85 | 12,452.85 |
| 68389XAS4 | 14548 | 010 | MTN | 5,000,000.00 | 5,018,452.87 | 5,017,593.26 | 07/15/2023 | 3.625 | 3.342 | 15,104.17 | -859.61 | 14,244.56 |

Page 13 of 24

Pooled Investments Selected Funds Interest Earnings October 1, 2021 - October 31, 2021

Exhibit 2-B.1

| Adjusted | Interest | Earnings | |
|----------|----------|----------|--|
|----------|----------|----------|--|

| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
|----------------|------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| Fund: Pooled | nvestment - Long | g Term | | | | | | | | | | |
| 24422EUM9 | 14554 | 010 | MTN | 5,000,000.00 | 5,032,559.06 | 5,031,222.85 | 10/12/2023 | 3.650 | 3.246 | 15,208.33 | -1,336.21 | 13,872.12 |
| 540424AQ1 | 14555 | 010 | MTN | 5,000,000.00 | 4,945,634.01 | 4,948,426.79 | 05/15/2023 | 2.625 | | 10,937.50 | 2,792.78 | 13,730.28 |
| 693475AV7 | 14557 | 010 | MC3 | 5,000,000.00 | 5,013,541.90 | 5,013,053.61 | 01/23/2024 | 3.500 | | 14,583.33 | -488.29 | 14,095.04 |
| 13063DGB8 | 14559 | 010 | MUN | 5,000,000.00 | 5,051,380.57 | 5,050,157.22 | 04/01/2025 | 3.375 | | 14,062.50 | -1,223.35 | 12,839.15 |
| 49327M2X1 | 14560 | 010 | MTN | 5,000,000.00 | 5,003,159.72 | 5,002,369.79 | 02/01/2022 | 3.300 | 3.050 | 13,750.00 | -789.93 | 12,960.07 |
| 05531FBF9 | 14561 | 010 | MC3 | 5,000,000.00 | 5,074,441.27 | 5,071,596.38 | 12/06/2023 | 3.750 | | 15,625.00 | -2,844.89 | 12,780.11 |
| 05531FBG7 | 14585 | 010 | MC3 | 5,000,000.00 | 5,035,479.28 | 5,031,369.71 | 06/20/2022 | 3.050 | | 12,708.33 | -4,109.57 | 8,598.76 |
| 91159HHU7 | 14562 | 010 | MC3 | 5,000,000.00 | 5,174,580.14 | 5,171,055.64 | 11/17/2025 | 3.950 | | 16,458.33 | -3,524.50 | 12,933.83 |
| 20030NBN0 | 14563 | 010 | MTN | 5,000,000.00 | 5,047,972.92 | 5,046,940.51 | 08/15/2025 | 3.375 | | 14,062.50 | -1,032.41 | 13,030.09 |
| 747525AT0 | 14564 | 010 | MTN | 5,000,000.00 | 4,981,772.68 | 4,982,348.88 | 05/20/2024 | 2.900 | | 12,083.33 | 576.20 | 12,659.53 |
| 747525AU7 | 14587 | 010 | MTN | 5,963,000.00 | 6,212,139.71 | 6,208,456.03 | 05/20/2027 | 3.250 | 2.363 | 16,149.79 | -3,683.68 | 12,466.11 |
| 751212AC5 | 14566 | 010 | MC3 | 5,000,000.00 | 5,113,087.84 | 5,110,705.37 | 09/15/2025 | 3.750 | | 15,625.00 | -2,382.47 | 13,242.53 |
| 375558BF9 | 14570 | 010 | MTN | 5,000,000.00 | 5,105,153.96 | 5,103,169.92 | 03/01/2026 | 3.650 | 3.050 | 15,208.33 | -1,984.04 | 13,224.29 |
| 233851CU6 | 14574 | 010 | MTN | 3,725,000.00 | 3,803,436.58 | 3,802,194.84 | 01/06/2027 | 3.450 | | 10,709.38 | -1,241.74 | 9,467.64 |
| 233851CU6 | 14571 | 010 | MTN | 5,000,000.00 | 5,060,309.63 | 5,059,354.86 | 01/06/2027 | 3.450 | | 14,375.00 | -954.77 | 13,420.23 |
| 233851DN1 | 14586 | 010 | MTN | 5,000,000.00 | 5,008,058.99 | 5,000,948.12 | 11/05/2021 | 3.750 | | 15,625.00 | -7,110.87 | 8,514.13 |
| 008252AM0 | 14582 | 010 | MTN | 1,000,000.00 | 1,043,767.95 | 1,042,230.44 | 02/15/2024 | 4.250 | | 3,541.67 | -1,537.51 | 2,004.16 |
| 07330MAA5 | 14588 | 010 | MTN | 5,000,000.00 | 5,334,788.79 | 5,329,297.45 | 10/30/2026 | 3.800 | 2.283 | 15,833.33 | -5,491.34 | 10,341.99 |
| 04685A2L4 | 14590 | 010 | MTN | 5,950,000.00 | 5,983,043.75 | 5,982,205.79 | 01/14/2025 | 2.500 | | 12,395.83 | -837.96 | 11,557.87 |
| 04685A2L4 | 14602 | 010 | MTN | 5,000,000.00 | 4,886,573.68 | 4,889,450.09 | 01/14/2025 | 2.500 | | 10,416.67 | 2,876.41 | 13,293.08 |
| 828807CS4 | 14606 | 010 | MTN | 5,000,000.00 | 4,996,478.16 | 4,996,575.99 | 10/01/2024 | 3.375 | | 14,062.50 | 97.83 | 14,160.33 |
| 2254EBAU5 | 14614 | 010 | ACP | 10,000,000.00 | 9,991,736.11 | 9,993,888.89 | 01/28/2022 | 0.250 | | 0.00 | 2,152.78 | 2,152.78 |
| 05970UBA5 | 14621 | 010 | ACP | 10,000,000.00 | 9,992,300.00 | 9,994,108.33 | 02/10/2022 | 0.210 | | 0.00 | 1,808.33 | 1,808.33 |
| 83368YFY8 | 14625 | 010 | ACP | 10,000,000.00 | 9,993,827.78 | 9,995,722.22 | 01/10/2022 | 0.220 | | 0.00 | 1,894.44 | 1,894.44 |
| 83369BZV1 | 14636 T-1 | 010 | ACP | 10,000,000.00 | 9,996,538.89 | 9,997,744.44 | 12/29/2021 | 0.140 | | 0.00 | 1,205.55 | 1,205.55 |
| 53948BB73 | 14626 | 010 | ACP | 10,000,000.00 | 9,992,833.33 | 9,994,555.56 | 02/07/2022 | 0.200 | 0.203 | 0.00 | 1,722.23 | 1,722.23 |
| 44890MXV9 | 14637 T-1 | 010 | ACP | 0.00 | 9,998,366.67 | 0.00 | 10/29/2021 | 0.210 | | 0.00 | 1,633.33 | 1,633.33 |
| 15654VAK4 | 14641 T-1 | 010 | MTN | 4,000,000.00 | 4,000,000.00 | 4,000,000.00 | 07/15/2022 | 0.300 | | 1,000.00 | 0.00 | 1,000.00 |
| | | | Subtotal | 469,988,000.00 | 491,141,988.96 | 471,124,685.17 | | | 1.058 | 452,218.85 | -17,303.79 | 434,915.06 |
| Fund: Fidelity | MM - Regular | | | | | | | | | | | |
| SYS14265 | 14265 | 040 | RRP | 137,726.14 | 137,724.97 | 137,726.14 | | 0.003 | 0.010 | 1.17 | 0.00 | 1.17 |
| | | | Subtotal | 137,726.14 | 137,724.97 | 137,726.14 | | | 0.010 | 1.17 | 0.00 | 1.17 |
| | | | Total | 470,125,726.14 | 491,279,713.93 | 471,262,411.31 | | | 1.058 | 452,220.02 | -17,303.79 | 434,916.23 |





Pooled Investments Selected Funds Interest Earnings Sorted by Fund - Fund November 1, 2021 - November 30, 2021 Yield on Beginning Book Value

| | | | | | | | | | | , | Adjusted Interest E | Earnings |
|--------------|------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Fund: Pooled | Investment - Lon | g Term | | | | | | | | | | |
| 3130AMWM0 | 14634 | 010 | MC5 | 4,250,000.00 | 4,250,000.00 | 4,250,000.00 | 06/30/2026 | 0.500 | 0.507 | 1,770.83 | 0.00 | 1,770.83 |
| 3130AMPL0 | 14631 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 06/08/2026 | 0.375 | 0.380 | 4,687.50 | 0.00 | 4,687.50 |
| 3130AMMW9 | 14632 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/10/2026 | 0.500 | 0.507 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMN57 | 14629 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/03/2026 | 0.250 | 0.253 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMP71 | 14630 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/18/2026 | 0.400 | 0.406 | 6,666.67 | 0.00 | 6,666.67 |
| 3130AN5U0 | 14642 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/29/2026 | 0.500 | 0.507 | 4,166.67 | 0.00 | 4,166.67 |
| 3130ANJY7 | 14643 | 010 | MC5 | 40,000,000.00 | 40,000,000.00 | 40,000,000.00 | 08/26/2026 | 0.400 | 0.406 | 13,333.33 | 0.00 | 13,333.33 |
| 3130AMN24 | 14628 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/03/2026 | 0.375 | 0.380 | 3,125.00 | 0.00 | 3,125.00 |
| 3130AMG22 | 14624 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.600 | 0.520 | 4,277.78 | 0.00 | 4,277.78 |
| 3130AMLS9 | 14627 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/17/2026 | 0.500 | 0.507 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMFQ0 | 14616 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/26/2026 | 0.500 | 0.507 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMF72 | 14615 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.650 | 0.659 | 8,125.00 | 0.00 | 8,125.00 |
| 3130AMEX6 | 14613 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.500 | 0.507 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMAV4 | 14611 | 010 | MC5 | 5,600,000.00 | 5,600,000.00 | 5,600,000.00 | 04/29/2027 | 0.500 | 0.507 | 2,333.33 | 0.00 | 2,333.33 |
| 3130ALZA5 | 14612 | 010 | MC5 | 9,000,000.00 | 9,000,000.00 | 9,000,000.00 | 04/29/2026 | 0.500 | 0.507 | 3,750.00 | 0.00 | 3,750.00 |
| 3130AMFT4 | 14617 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.625 | 0.634 | 5,208.33 | 0.00 | 5,208.33 |
| 3130AMFN7 | 14620 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.500 | 0.507 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMG55 | 14622 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2027 | 0.750 | 0.760 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMGG1 | 14619 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.600 | 0.608 | 5,000.00 | 0.00 | 5,000.00 |
| 3130AMG22 | 14618 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 05/27/2026 | 0.600 | 0.520 | 8,555.56 | 0.00 | 8,555.56 |
| 53944VAS8 | 14580 | 010 | MTN | 5,000,000.00 | 5,001,881.47 | 5,001,682.02 | 08/14/2022 | 2.250 | 2.232 | 9,375.00 | -199.45 | 9,175.55 |
| 06742XJX6 | 14635 T-1 | 010 | ACP | 10,000,000.00 | 9,997,688.89 | 9,999,022.22 | 12/23/2021 | 0.160 | 0.162 | 0.00 | 1,333.33 | 1,333.33 |
| 037833AK6 | 14536 | 010 | MTN | 5,000,000.00 | 4,942,927.55 | 4,946,086.54 | 05/03/2023 | 2.400 | 3.239 | 10,000.00 | 3,158.99 | 13,158.99 |
| 254673RD0 | 14539 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/05/2023 | 3.300 | 3.300 | 678.08 | 0.00 | 678.08 |
| 795450T47 | 14540 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/03/2023 | 3.300 | 3.300 | 678.08 | 0.00 | 678.08 |
| 084670BJ6 | 14542 | 010 | MTN | 5,000,000.00 | 4,991,117.43 | 4,991,696.73 | 02/11/2023 | 3.000 | 3.188 | 12,500.00 | 579.30 | 13,079.30 |
| 31422XJW3 | 14638 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/20/2026 | 0.300 | 0.304 | 2,500.00 | 0.00 | 2,500.00 |
| 589331AT4 | 14545 | 010 | MTN | 5,000,000.00 | 4,974,326.85 | 4,976,779.70 | 09/15/2022 | 2.400 | 3.046 | 10,000.00 | 2,452.85 | 12,452.85 |
| 68389XAS4 | 14548 | 010 | MTN | 5,000,000.00 | 5,017,593.26 | 5,016,733.66 | 07/15/2023 | 3.625 | 3.454 | 15,104.17 | -859.60 | 14,244.57 |
| 24422EUM9 | 14554 | 010 | MTN | 5,000,000.00 | 5,031,222.85 | 5,029,886.64 | 10/12/2023 | 3.650 | 3.355 | 15,208.33 | -1,336.21 | 13,872.12 |

Page 15 of 24

Pooled Investments Selected Funds Interest Earnings

November 1, 2021 - November 30, 2021

Exhibit 2-B.2

| | Investment # | | | | | | | | | | Adjusted Interest | Earnings |
|----------------|-------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| CUSIP | | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Fund: Pooled | Investment - Long | g Term | | | | | | | | | | |
| 540424AQ1 | 14555 | 010 | MTN | 5,000,000.00 | 4,948,426.79 | 4,951,219.56 | 05/15/2023 | 2.625 | 3.376 | 10,937.50 | 2,792.77 | 13,730.27 |
| 693475AV7 | 14557 | 010 | MC3 | 5,000,000.00 | 5,013,053.61 | 5,012,565.32 | 01/23/2024 | 3.500 | 3.421 | 14,583.33 | -488.29 | 14,095.04 |
| 13063DGB8 | 14559 | 010 | MUN | 5,000,000.00 | 5,050,157.22 | 5,048,933.87 | 04/01/2025 | 3.375 | 3.093 | 14,062.50 | -1,223.35 | 12,839.15 |
| 49327M2X1 | 14560 | 010 | MTN | 5,000,000.00 | 5,002,369.79 | 5,001,579.86 | 02/01/2022 | 3.300 | 3.152 | 13,750.00 | -789.93 | 12,960.07 |
| 05531FBF9 | 14561 | 010 | MC3 | 5,000,000.00 | 5,071,596.38 | 5,068,751.49 | 12/06/2023 | 3.750 | 3.066 | 15,625.00 | -2,844.89 | 12,780.11 |
| 05531FBG7 | 14585 | 010 | MC3 | 5,000,000.00 | 5,031,369.71 | 5,027,260.14 | 06/20/2022 | 3.050 | 2.079 | 12,708.33 | -4,109.57 | 8,598.76 |
| 91159HHU7 | 14562 | 010 | MC3 | 5,000,000.00 | 5,171,055.64 | 5,167,531.14 | 11/17/2025 | 3.950 | 3.043 | 16,458.33 | -3,524.50 | 12,933.83 |
| 20030NBN0 | 14563 | 010 | MTN | 5,000,000.00 | 5,046,940.51 | 5,045,908.09 | 08/15/2025 | 3.375 | 3.141 | 14,062.50 | -1,032.42 | 13,030.08 |
| 747525AT0 | 14564 | 010 | MTN | 5,000,000.00 | 4,982,348.88 | 4,982,925.09 | 05/20/2024 | 2.900 | 3.091 | 12,083.33 | 576.21 | 12,659.54 |
| 747525AU7 | 14587 | 010 | MTN | 5,963,000.00 | 6,208,456.03 | 6,204,772.35 | 05/20/2027 | 3.250 | 2.443 | 16,149.79 | -3,683.68 | 12,466.11 |
| 751212AC5 | 14566 | 010 | MC3 | 5,000,000.00 | 5,110,705.37 | 5,108,322.90 | 09/15/2025 | 3.750 | 3.153 | 15,625.00 | -2,382.47 | 13,242.53 |
| 375558BF9 | 14570 | 010 | MTN | 5,000,000.00 | 5,103,169.92 | 5,101,185.88 | 03/01/2026 | 3.650 | 3.153 | 15,208.33 | -1,984.04 | 13,224.29 |
| 233851CU6 | 14574 | 010 | MTN | 3,725,000.00 | 3,802,194.84 | 3,800,953.10 | 01/06/2027 | 3.450 | 3.030 | 10,709.38 | -1,241.74 | 9,467.64 |
| 233851CU6 | 14571 | 010 | MTN | 5,000,000.00 | 5,059,354.86 | 5,058,400.09 | 01/06/2027 | 3.450 | 3.227 | 14,375.00 | -954.77 | 13,420.23 |
| 233851DN1 | 14586 | 010 | MTN | 0.00 | 5,000,948.12 | 0.00 | 11/05/2021 | 3.750 | 2.071 | 2,083.33 | -948.12 | 1,135.21 |
| 008252AM0 | 14582 | 010 | MTN | 1,000,000.00 | 1,042,230.44 | 1,040,692.92 | 02/15/2024 | 4.250 | 2.340 | 3,541.67 | -1,537.52 | 2,004.15 |
| 07330MAA5 | 14588 | 010 | MTN | 5,000,000.00 | 5,329,297.45 | 5,323,806.11 | 10/30/2026 | 3.800 | 2.361 | 15,833.33 | -5,491.34 | 10,341.99 |
| 04685A2L4 | 14590 | 010 | MTN | 5,950,000.00 | 5,982,205.79 | 5,981,367.82 | 01/14/2025 | 2.500 | 2.351 | 12,395.83 | -837.97 | 11,557.86 |
| 04685A2L4 | 14602 | 010 | MTN | 5,000,000.00 | 4,889,450.09 | 4,892,326.50 | 01/14/2025 | 2.500 | 3.308 | 10,416.67 | 2,876.41 | 13,293.08 |
| 828807CS4 | 14606 | 010 | MTN | 5,000,000.00 | 4,996,575.99 | 4,996,673.82 | 10/01/2024 | 3.375 | 3.448 | 14,062.50 | 97.83 | 14,160.33 |
| 2254EBAU5 | 14614 | 010 | ACP | 10,000,000.00 | 9,993,888.89 | 9,995,972.22 | 01/28/2022 | 0.250 | 0.254 | 0.00 | 2,083.33 | 2,083.33 |
| 05970UBA5 | 14621 | 010 | ACP | 10,000,000.00 | 9,994,108.33 | 9,995,858.33 | 02/10/2022 | 0.210 | 0.213 | 0.00 | 1,750.00 | 1,750.00 |
| 83368YFY8 | 14625 | 010 | ACP | 10,000,000.00 | 9,995,722.22 | 9,997,555.56 | 01/10/2022 | 0.220 | 0.223 | 0.00 | 1,833.34 | 1,833.34 |
| 83369BZV1 | 14636 T-1 | 010 | ACP | 10,000,000.00 | 9,997,744.44 | 9,998,911.11 | 12/29/2021 | 0.140 | 0.142 | 0.00 | 1,166.67 | 1,166.67 |
| 53948BB73 | 14626 | 010 | ACP | 10,000,000.00 | 9,994,555.56 | 9,996,222.22 | 02/07/2022 | 0.200 | 0.203 | 0.00 | 1,666.66 | 1,666.66 |
| 15654VAK4 | 14641 T-1 | 010 | MTN | 4,000,000.00 | 4,000,000.00 | 4,000,000.00 | 07/15/2022 | 0.300 | 0.304 | 1,000.00 | 0.00 | 1,000.00 |
| | | | Subtotal | 464,988,000.00 | 471,124,685.17 | 466,111,583.00 | | | 1.108 | 438,131.99 | -13,102.17 | 425,029.82 |
| Fund: Fidelity | MM - Regular | | | | | | | | | | | |
| SYS14265 | 14265 | 040 | RRP | 45,138,010.86 | 137,726.14 | 45,138,010.86 | | 0.003 | 2.515 | 284.72 | 0.00 | 284.72 |
| | | | Subtotal | 45,138,010.86 | 137,726.14 | 45,138,010.86 | | | 2.515 | 284.72 | 0.00 | 284.72 |
| | | | Total | 510,126,010.86 | 471,262,411.31 | 511,249,593.86 | | | 1.108 | 438,416.71 | -13,102.17 | 425,314.54 |





Pooled Investments Selected Funds Interest Earnings Sorted by Fund - Fund December 1, 2021 - December 31, 2021 Yield on Beginning Book Value

| | Investment # | | | | | | | | | , | Adjusted Interest Earnings | | |
|----------------|-------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|--|
| CUSIP | | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings | |
| Fund: Pooled I | Investment - Long | g Term | | | | | | | | | | | |
| 3130AMWM0 | 14634 | 010 | MC5 | 4,250,000.00 | 4,250,000.00 | 4,250,000.00 | 06/30/2026 | 0.500 | 0.491 | 1,770.83 | 0.00 | 1,770.83 | |
| 3130AMPL0 | 14631 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 06/08/2026 | 0.375 | 0.368 | 4,687.50 | 0.00 | 4,687.50 | |
| 3130AMMW9 | 14632 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/10/2026 | 0.625 | 0.576 | 4,895.83 | 0.00 | 4,895.83 | |
| 3130AMN57 | 14629 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/03/2026 | 1.100 | 1.024 | 17,388.89 | 0.00 | 17,388.89 | |
| 3130AMP71 | 14630 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/18/2026 | 0.400 | 0.392 | 6,666.67 | 0.00 | 6,666.67 | |
| 3130AN5U0 | 14642 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/29/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 | |
| 3130ANJY7 | 14643 | 010 | MC5 | 40,000,000.00 | 40,000,000.00 | 40,000,000.00 | 08/26/2026 | 0.400 | 0.392 | 13,333.33 | 0.00 | 13,333.33 | |
| 3130AMN24 | 14628 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/03/2026 | 0.375 | 0.368 | 3,125.00 | 0.00 | 3,125.00 | |
| 3130AMG22 | 14624 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.600 | 0.589 | 5,000.00 | 0.00 | 5,000.00 | |
| 3130AMLS9 | 14627 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/17/2026 | 0.625 | 0.548 | 4,652.78 | 0.00 | 4,652.78 | |
| 3130AMFQ0 | 14616 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/26/2026 | 0.500 | 0.491 | 6,250.00 | 0.00 | 6,250.00 | |
| 3130AMF72 | 14615 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.650 | 0.638 | 8,125.00 | 0.00 | 8,125.00 | |
| 3130AMEX6 | 14613 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.500 | 0.491 | 6,250.00 | 0.00 | 6,250.00 | |
| 3130AMAV4 | 14611 | 010 | MC5 | 5,600,000.00 | 5,600,000.00 | 5,600,000.00 | 04/29/2027 | 0.500 | 0.491 | 2,333.33 | 0.00 | 2,333.33 | |
| 3130ALZA5 | 14612 | 010 | MC5 | 9,000,000.00 | 9,000,000.00 | 9,000,000.00 | 04/29/2026 | 0.500 | 0.491 | 3,750.00 | 0.00 | 3,750.00 | |
| 3130AMFT4 | 14617 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 | |
| 3130AMFN7 | 14620 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 | |
| 3130AMG55 | 14622 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2027 | 0.750 | 0.736 | 6,250.00 | 0.00 | 6,250.00 | |
| 3130AMGG1 | 14619 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.600 | 0.589 | 5,000.00 | 0.00 | 5,000.00 | |
| 3130AMG22 | 14618 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 05/27/2026 | 0.600 | 0.589 | 10,000.00 | 0.00 | 10,000.00 | |
| 53944VAS8 | 14580 | 010 | MTN | 5,000,000.00 | 5,001,682.02 | 5,001,482.57 | 08/14/2022 | 2.250 | 2.160 | 9,375.00 | -199.45 | 9,175.55 | |
| 06742XJX6 | 14635 T-1 | 010 | ACP | 0.00 | 9,999,022.22 | 0.00 | 12/23/2021 | 0.160 | 0.162 | 0.00 | 977.78 | 977.78 | |
| 037833AK6 | 14536 | 010 | MTN | 5,000,000.00 | 4,946,086.54 | 4,949,245.53 | 05/03/2023 | 2.400 | 3.133 | 10,000.00 | 3,158.99 | 13,158.99 | |
| 254673RD0 | 14539 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/05/2023 | 3.300 | 3.300 | 700.68 | 0.00 | 700.68 | |
| 795450T47 | 14540 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/03/2023 | 3.300 | 3.300 | 700.68 | 0.00 | 700.68 | |
| 084670BJ6 | 14542 | 010 | MTN | 5,000,000.00 | 4,991,696.73 | 4,992,276.03 | 02/11/2023 | 3.000 | 3.085 | 12,500.00 | 579.30 | 13,079.30 | |
| 31422XJW3 | 14638 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/20/2026 | 0.300 | 0.294 | 2,500.00 | 0.00 | 2,500.00 | |
| 589331AT4 | 14545 | 010 | MTN | 5,000,000.00 | 4,976,779.70 | 4,979,232.55 | 09/15/2022 | 2.400 | 2.946 | 10,000.00 | 2,452.85 | 12,452.85 | |
| 68389XAS4 | 14548 | 010 | MTN | 5,000,000.00 | 5,016,733.66 | 5,015,874.05 | 07/15/2023 | 3.625 | 3.343 | 15,104.17 | -859.61 | 14,244.56 | |
| 24422EUM9 | 14554 | 010 | MTN | 5,000,000.00 | 5,029,886.64 | 5,028,550.42 | 10/12/2023 | 3.650 | | 15,208.33 | -1,336.22 | 13,872.11 | |
| | | | | | | | | | | | | | |

Page 17 of 24

Pooled Investments Selected Funds Interest Earnings

December 1, 2021 - December 31, 2021

Exhibit 2-B.3

| | | | | | | | | | | , | Adjusted Interest I | Earnings |
|----------------|------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Fund: Pooled I | nvestment - Long | g Term | | | | | | | | | | |
| 540424AQ1 | 14555 | 010 | MTN | 5,000,000.00 | 4,951,219.56 | 4,954,012.33 | 05/15/2023 | 2.625 | 3.265 | 10,937.50 | 2,792.77 | 13,730.27 |
| 693475AV7 | 14557 | 010 | MC3 | 5,000,000.00 | 5,012,565.32 | 5,012,077.03 | 01/23/2024 | 3.500 | 3.311 | 14,583.33 | -488.29 | 14,095.04 |
| 13063DGB8 | 14559 | 010 | MUN | 5,000,000.00 | 5,048,933.87 | 5,047,710.53 | 04/01/2025 | 3.375 | 2.994 | 14,062.50 | -1,223.34 | 12,839.16 |
| 49327M2X1 | 14560 | 010 | MTN | 5,000,000.00 | 5,001,579.86 | 5,000,789.93 | 02/01/2022 | 3.300 | 3.051 | 13,750.00 | -789.93 | 12,960.07 |
| 05531FBF9 | 14561 | 010 | MC3 | 5,000,000.00 | 5,068,751.49 | 5,065,906.60 | 12/06/2023 | 3.750 | 2.969 | 15,625.00 | -2,844.89 | 12,780.11 |
| 05531FBG7 | 14585 | 010 | MC3 | 5,000,000.00 | 5,027,260.14 | 5,023,150.57 | 06/20/2022 | 3.050 | 2.014 | 12,708.33 | -4,109.57 | 8,598.76 |
| 91159HHU7 | 14562 | 010 | MC3 | 5,000,000.00 | 5,167,531.14 | 5,164,006.64 | 11/17/2025 | 3.950 | 2.947 | 16,458.33 | -3,524.50 | 12,933.83 |
| 20030NBN0 | 14563 | 010 | MTN | 5,000,000.00 | 5,045,908.09 | 5,044,875.68 | 08/15/2025 | 3.375 | 3.040 | 14,062.50 | -1,032.41 | 13,030.09 |
| 747525AT0 | 14564 | 010 | MTN | 5,000,000.00 | 4,982,925.09 | 4,983,501.30 | 05/20/2024 | 2.900 | 2.991 | 12,083.33 | 576.21 | 12,659.54 |
| 747525AU7 | 14587 | 010 | MTN | 5,963,000.00 | 6,204,772.35 | 6,201,088.66 | 05/20/2027 | 3.250 | 2.366 | 16,149.79 | -3,683.69 | 12,466.10 |
| 751212AC5 | 14566 | 010 | MC3 | 5,000,000.00 | 5,108,322.90 | 5,105,940.44 | 09/15/2025 | 3.750 | 3.052 | 15,625.00 | -2,382.46 | 13,242.54 |
| 375558BF9 | 14570 | 010 | MTN | 5,000,000.00 | 5,101,185.88 | 5,099,201.85 | 03/01/2026 | 3.650 | 3.052 | 15,208.33 | -1,984.03 | 13,224.30 |
| 233851CU6 | 14574 | 010 | MTN | 3,725,000.00 | 3,800,953.10 | 3,799,711.36 | 01/06/2027 | 3.450 | 2.933 | 10,709.38 | -1,241.74 | 9,467.64 |
| 233851CU6 | 14571 | 010 | MTN | 5,000,000.00 | 5,058,400.09 | 5,057,445.32 | 01/06/2027 | 3.450 | 3.124 | 14,375.00 | -954.77 | 13,420.23 |
| 008252AM0 | 14582 | 010 | MTN | 1,000,000.00 | 1,040,692.92 | 1,039,155.41 | 02/15/2024 | 4.250 | 2.267 | 3,541.67 | -1,537.51 | 2,004.16 |
| 07330MAA5 | 14588 | 010 | MTN | 5,000,000.00 | 5,323,806.11 | 5,318,314.77 | 10/30/2026 | 3.800 | 2.287 | 15,833.33 | -5,491.34 | 10,341.99 |
| 04685A2L4 | 14590 | 010 | MTN | 5,950,000.00 | 5,981,367.82 | 5,980,529.86 | 01/14/2025 | 2.500 | 2.275 | 12,395.83 | -837.96 | 11,557.87 |
| 04685A2L4 | 14602 | 010 | MTN | 5,000,000.00 | 4,892,326.50 | 4,895,202.90 | 01/14/2025 | 2.500 | 3.199 | 10,416.67 | 2,876.40 | 13,293.07 |
| 828807CS4 | 14606 | 010 | MTN | 5,000,000.00 | 4,996,673.82 | 4,996,771.65 | 10/01/2024 | 3.375 | 3.337 | 14,062.50 | 97.83 | 14,160.33 |
| 2254EBAU5 | 14614 | 010 | ACP | 10,000,000.00 | 9,995,972.22 | 9,998,125.00 | 01/28/2022 | 0.250 | 0.254 | 0.00 | 2,152.78 | 2,152.78 |
| 05970UBA5 | 14621 | 010 | ACP | 10,000,000.00 | 9,995,858.33 | 9,997,666.67 | 02/10/2022 | 0.210 | 0.213 | 0.00 | 1,808.34 | 1,808.34 |
| 83368YFY8 | 14625 | 010 | ACP | 10,000,000.00 | 9,997,555.56 | 9,999,450.00 | 01/10/2022 | 0.220 | 0.223 | 0.00 | 1,894.44 | 1,894.44 |
| 83369BZV1 | 14636 T-1 | 010 | ACP | 0.00 | 9,998,911.11 | 0.00 | 12/29/2021 | 0.140 | 0.142 | 0.00 | 1,088.89 | 1,088.89 |
| 53948BB73 | 14626 | 010 | ACP | 10,000,000.00 | 9,996,222.22 | 9,997,944.44 | 02/07/2022 | 0.200 | 0.203 | 0.00 | 1,722.22 | 1,722.22 |
| 15654VAK4 | 14641 T-1 | 010 | MTN | 4,000,000.00 | 4,000,000.00 | 4,000,000.00 | 07/15/2022 | 0.300 | 0.294 | 1,000.00 | 0.00 | 1,000.00 |
| | | | Subtotal | 444,988,000.00 | 466,111,583.00 | 446,099,240.09 | | | 1.122 | 452,698.01 | -12,342.91 | 440,355.10 |
| Fund: Fidelity | MM - Regular | | | | | | | | | | | |
| SYS14265 | 14265 | 040 | RRP | 135,139,215.54 | 45,138,010.86 | 135,139,215.54 | | 0.003 | 0.031 | 1,204.68 | 0.00 | 1,204.68 |
| | | | Subtotal - | 135,139,215.54 | 45,138,010.86 | 135,139,215.54 | | | 0.031 | 1,204.68 | 0.00 | 1,204.68 |

Total

580,127,215.54

511,249,593.86

581,238,455.63

1.025

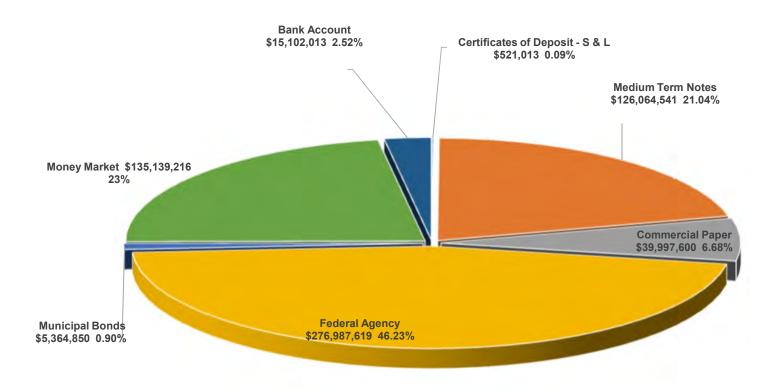
453,902.69

441,559.78

-12,342.91

Internal Exhibit 2-C

Pooled Cash and Investments (Market Value) as of December 31, 2021

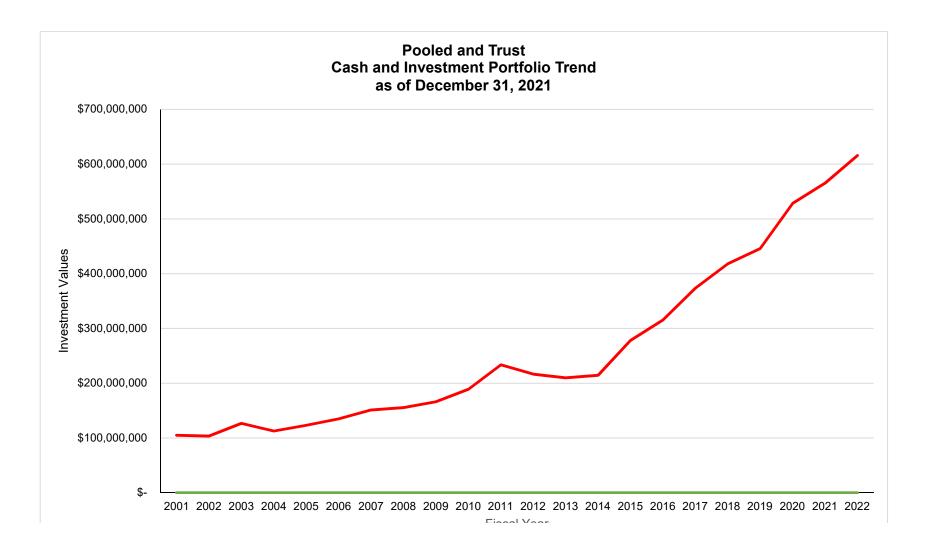


Internal Exhibit 2-D



Internal Exhibit 2-E

2022 579,233,606 652,036,745 615,635,176



Internal Attachment 3



Summary of Pooled Cash and Investments - Trust Funds (Market Value) As of December 31, 2021

| | | | | | | | | Po | oled Cash |
|-------------|---------------------------------------|-------------|------------|----|-------------|----|------------|----------------|------------|
| | | | | Ir | vestments | Ga | in/Loss on | & Ir | nvestments |
| | | Pooled Cash | | (E | Book Value) | In | vestments | (Market Value) | |
| Retiree Med | lical Trust Fund | | | | | | | | |
| Fund No. | | | | | | | | | |
| 721 | ВНА | \$ | 404,495 | \$ | 202,731 | \$ | 12,315 | \$ | 619,541 |
| 722 | M1=IBEW | | (4,165) | | 97,512 | | 7,633 | | 100,980 |
| 723 | M2=Local 1 | | 5,650,061 | | 4,477,047 | | 329,704 | | 10,456,812 |
| 724 | MUI=Z1 | | 969,400 | | 919,424 | | 77,509 | | 1,966,333 |
| 725 | MUI=Z2 to Z6 | | 1,389,484 | | 1,273,227 | | 101,204 | | 2,763,915 |
| 726 | M535= Local 535 | | 5,351,295 | | 4,126,979 | | 334,263 | | 9,812,537 |
| 727 | M3=Local 790 | | 3,574,891 | | 2,776,844 | | 197,394 | | 6,549,129 |
| Total Reti | ree Medical Trust Fund | | 17,335,461 | | 13,873,764 | | 1,060,022 | | 32,269,247 |
| Fire Medica | l Trust Fund | | | | | | | | |
| 736 | Fire Medical Trust Fund | | 5,435,322 | | 6,856,336 | | 442,101.69 | | 12,733,760 |
| Total Fire | Medical Trust Fund | | 5,435,322 | - | 6,856,336 | | 442,102 | | 12,733,760 |
| Police Medi | ical Trust Fund | | | | | | | | |
| 731 | Police EE Retiree HLT Assistance Plan | | 709,563 | | 1,641,528 | | 81,743 | | 2,432,834 |
| 701 | Safety Members Pension Fund | | 43,475 | | - | | - | | 43,475 |
| 706 | Police Medical Trust Fund | | 2,359,896 | | 2,852,253 | | 168,429 | | 5,380,578 |
| Total Polic | e Medical Trust Fund | | 3,112,934 | | 4,493,781 | | 250,172 | | 7,856,887 |
| | Total Trust Funds | \$ | 25,883,717 | \$ | 25,223,881 | \$ | 1,752,296 | \$ | 52,859,894 |

Internal Exhibit 3-A



Retiree Medical Trust Fund Fund 721 - 727 Interest Earnings October 1 to December 31, 2021

| | | | | Investments
As of December 31, 2021 | | | | | | | Interest Earnings
October 1 to December 31, 2021 | | | | | |
|----------------|----------------|----------------------|------------------|--|----------------------|------------------|---------------|-------------------|-----------------|---------------------|---|----------------------------|-------------------------------|--|--|--|
| | | | | | | | | | | | Adjus | sted Interest Earnin | ngs | | | |
| CUSIP | Investment : | # Issuer | Par Value | Beginning Book
Value | Ending Book
Value | Market Value | Maturity Date | Moody's
Rating | Current
Rate | Annualized
Yield | Interest Earned | Amortization/
Accretion | Adjusted Interest
Earnings | | | |
| Federal Agenc | y Coupon Secur | rities | | | | | | | | | | | | | | |
| 3133EFQT7 | 14361 | Fed Farm Credit Bank | 2,600,000.00 | 2,607,549.17 | 2,607,094.40 | 2,751,008.00 | 11/25/2025 | AAA | 2.700 | 2.601 | 17,550.00 | (454.77) | 17,095.23 | | | |
| Municipal Bone | ds | | | | | | | | | | | | | | | |
| 672319CC2 | 14283 | OAKGEN | | 2,748,970.14 | - | - | 12/15/2021 | AA2 | 3.800 | 3.997 | 21,480.56 | 1,029.86 | 22,510.42 | | | |
| 786091AG3 | 14316 | SACGEN | 5,000,000.00 | 5,207,135.83 | 5,193,626.97 | 5,862,400.00 | 08/01/2025 | A3 | 7.250 | 5.917 | 90,625.00 | (13,508.86) | 77,116.14 | | | |
| Savo Island Lo | an | | | | | | | | | | | | | | | |
| SYS10988 | 10988 | EMPMED | 193,000.00 | 193,000.00 | 193,000.00 | 193,000.00 | 09/01/2025 | N/A | 8.000 | 8.000 | 3,891.73 | - | 3,891.73 | | | |
| Preferred Secu | rities | | | | | | | | | | | | | | | |
| 00206R706 | 14591 | AT&T Inc. | 1,680,033.60 | 1,680,033.60 | 1,680,033.60 | 1,750,701.68 | N/A | N/A | 4.596 | 3.969 | 16,806.24 | - | 16,806.24 | | | |
| 00206R706 | 14596 | AT&T Inc. | 1,680,008.40 | 1,680,008.40 | 1,680,008.40 | 1,750,675.42 | N/A | N/A | 4.640 | 3.997 | 16,926.40 | - | 16,926.40 | | | |
| 00206R706 | 14597 | AT&T Inc. | 2,520,000.00 | 2,520,000.00 | 2,520,000.00 | 2,626,000.00 | N/A | N/A | 4.643 | 3.999 | 25,401.88 | - | 25,401.88 | | | |
| | | Total | \$ 13,673,042.00 | \$ 16,636,697.14 | \$ 13,873,763.37 | \$ 14,933,785.10 | | | | 4.421 | \$ 192,681.81 | \$ (12,933.77) | \$ 179,748.04 | | | |

 Internal Exhibit 3-B



Fire Retiree Medical Fund 736 Interest Earnings October 1 to December 31, 2021

| | | | | Investments | | | | | | | Interest Earnings | | | | | | |
|----------------|------------------|----------------------------|-----------------|-------------------------|----------------------|-----------------|---------------|-------------------|--------------------------------|---------------------|-------------------|----------------------------|-------------------------------|--|--|--|--|
| | | | | | As of December 3 | 31, 2021 | | | October 1 to December 31, 2021 | | | | | | | | |
| | | | | | | | | | | | Adju | sted Interest Earnin | ngs | | | | |
| CUSIP | Investment # | Issuer | Par Value | Beginning Book
Value | Ending Book
Value | Market Value | Maturity Date | Moody's
Rating | Current
Rate | Annualized
Yield | Interest Earned | Amortization/
Accretion | Adjusted Interest
Earnings | | | | |
| Medium Term I | Notes | | | | | | | | | | | | | | | | |
| 6174467X1 | 14318 | Morgan Stanley DW DTC#0015 | 2,000,000.00 | 2,032,015.36 | 2,030,085.43 | 2,238,880.00 | 11/24/2025 | BAA1 | 5.000 | 4.504 | 25,000.00 | (1,929.93) | 23,070.07 | | | | |
| | y Coupon Securit | | | | | | | | | | | | | | | | |
| 3133EFQT7 | 14362 | Fed Farm Credit Bank | 2,300,000.00 | 2,306,678.11 | 2,306,275.82 | 2,433,584.00 | 11/25/2025 | AAA | 2.700 | 2.601 | 15,525.00 | (402.29) | 15,122.71 | | | | |
| Preferred Secu | rities | | | | | | | | | | | | | | | | |
| 00206R706 | 14592 | AT&T Inc. | 1,679,983.20 | 1,679,983.20 | 1,679,983.20 | 1,750,649.16 | N/A | N/A | 4.596 | 3.969 | 16,805.73 | - | 16,805.73 | | | | |
| 00206R706 | 14594 | AT&T Inc. | 839,991.60 | 839,991.60 | 839,991.60 | 875,324.58 | N/A | N/A | 4.640 | 3.997 | 8,463.07 | - | 8,463.07 | | | | |
| | | Total | \$ 6,819,974.80 | \$ 6,858,668.27 | \$ 6,856,336.05 | \$ 7,298,437.74 | | | | 3.671 | \$ 65,793.80 | (2,332.22) | \$ 63,461.58 | | | | |

| Total Investments (Book Value) | \$
6,856,336.05 |
|---|---------------------|
| Gain/Loss on Investments | 442,101.69 |
| Total Investments (Market Value) | 7,298,437.74 |
| Temporarily Invested with Pooled Cash & Investments | 5,435,322.00 |
| Total Pooled Cash and Investments | \$
12,733,759.74 |

Internal Exhibit 3-C



Police Retiree Medical Fund 731 and 706 Interest Earnings October 1 to December 31, 2021

| | | | | Investments As of December 31, 2021 | | | | | | Interest Earnings
October 1 to December 31, 2021 | | | | | |
|-----------------|--------------|----------------------------|-----------------|-------------------------------------|----------------------|-----------------|---------------|-------------------|-----------------|---|-----------------|----------------------------|-------------------------------|--|--|
| | | | | | | | | | | | Adju | sted Interest Earni | ngs | | |
| CUSIP | Investment # | # Issuer | Par Value | Beginning Book
Value | Ending Book
Value | Market Value | Maturity Date | Moody's
Rating | Current
Rate | Annualized
Yield | Interest Earned | Amortization/
Accretion | Adjusted Interest
Earnings | | |
| Medium Term N | lotes | | | | | | | | | | | | | | |
| 6174467X1 | 14319 | Morgan Stanley DW DTC#0015 | 500,000.00 | 508,003.84 | 507,521.36 | 559,720.00 | 11/24/25 | BAA1 | 5.000 | 4.504 | 6,250.00 | (482.48) | 5,767.52 | | |
| Federal Agency | Coupon Secur | rities | | | | | | | | | | | | | |
| 3133EFQT7 | 14363 | Fed. Farm Credit Banks | 2,300,000.00 | 2,306,678.11 | 2,306,275.82 | 2,433,584.00 | 11/25/25 | AAA | 2.700 | 2.601 | 15,525.00 | (402.29) | 15,122.71 | | |
| Preferred Secur | rities | | | | | | | | | | | | | | |
| 00206R706 | 14593 | AT&T Inc. | 1,679,983.20 | 1,679,983.20 | 1,679,983.20 | 1,750,649.16 | N/A | N/A | 4.596 | 3.969 | 16,805.73 | - | 16,805.73 | | |
| | | Total | \$ 4,479,983.20 | \$ 4,494,665.15 | \$ 4,493,780.38 | \$ 4,743,953.16 | | | | 3.327 | \$ 38,580.73 | \$ (884.77) | \$ 37,695.96 | | |

| Total Investments (Book Value) | \$
4,493,780.38 |
|---|--------------------|
| Gain/Loss on Investments | 250,172.78 |
| Total Investments (Market Value) | 4,743,953.16 |
| Temporarily Invested with Pooled Cash & Investments | 3,112,934.00 |
| Total Pooled Cash and Investments | \$
7,856,887.16 |

1119



INFORMATION CALENDAR JUNE 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: FY 2022 Third Quarter Investment Report: Ended March 31, 2022

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended March 31, 2022 was .99%, 70 basis points more than the .29% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of .99% for the guarter ended March 31, 2022 was 11 basis points less than the rate of 1.10% earned in the guarter ended December 31, 2021.
- The average return on all Retiree Medical Trust Fund investments was 4.14% for the quarter ended March 31, 2022.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of quarterly reports for the fiscal year 2022 Third Quarter ending March 31, 2022 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

E-Mail: manager@cityofberkeley.info Website: http://www.cityofberkeley.info/manager

Investment Report: FY2022 3rd Qtr Ended March 31, 2022

A. Portfolio Results

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

1. <u>Liquidity of Portfolio:</u>

The average investment in the pooled portfolio matures in 1,352 days as of March 31, 2022. This is 52 days more than the 1,300 maturity days as of December 31, 2021.

2. <u>Comparison of Results to Performance Measures – Pooled investments:</u> Quarter Ended March 31, 2022

The City's yield on investments for the quarter ended March 31, 2022 was .99%, a decrease of 11 basis points (.11%) from the 1.10% earned during the quarter ended December 31, 2021. The average yield on a 90-day Treasury bill at the end of the quarter ended March 31, 2022 was .482%, an increase of 45 basis points (.45%) from the .030% at the end of the previous quarter.

As summarized in Table 1, staff's overall results were above the performance measure for the quarter. Staff's performance was above the performance measure in January by approximately 67 basis points (+.67%); over the performance measure in February by approximately 74 basis points (+.74%); and, was over the performance measure in March by approximately 62 basis points (+.62%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

Table 1

| For Quarter Ending March 31, 2022 | | | | | | | | | | | |
|-----------------------------------|-------|------------|------------|--|--|--|--|--|--|--|--|
| Period | City | State LAIF | Difference | | | | | | | | |
| Jan-21 | .90% | .23% | 0.67% | | | | | | | | |
| Feb-21 | 1.02% | .28% | 0.74% | | | | | | | | |
| Mar-21 | .99% | .37% | 0.62% | | | | | | | | |
| Jan1-Mar 31 | .99% | .29% | 0.70% | | | | | | | | |

3. Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended March 31, 2022 compared to the quarter ended December 31 2021, were as follows:

Table 2

| EARNED INTEREST RATES | | | | | | | | | |
|--|--------|--------|--|--|--|--|--|--|--|
| For Quarter Ended 3/31/2022 Compared To 12/31/2021 | | | | | | | | | |
| Trust Fund 2nd Qtr 3rd 12/31/21 3/31 | | | | | | | | | |
| Retiree Medical Trust Fund (Misc Employees) | 4.421% | 4.834% | | | | | | | |
| Fire Retiree Medical Trust Fund | 3.671% | 3.962% | | | | | | | |
| Police Retiree Medical Trust Fund | 3.327% | 3.614% | | | | | | | |

The rates earned on these plans are expected to be higher in the future, as staff plans to use the investment authority granted by Council to purchase Bond and Stock Mutual Funds or Index Funds.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

B. Discussion of Interest Rate Environment and Outlook

In its May 4, 2022 statement, the Federal Open Market Committee indicated that although economic activity edged down in the first quarter, household spending and business fixed investment remained strong, job gains have been robust in recent months, and the unemployment rate has declined substantially. Inflation remains elevated, reflecting

supply and demand imbalances related to the pandemic, higher energy prices, and broader price pressures.

The invasion of Ukraine by Russia is causing tremendous human and economic hardship. The implications for the U.S. economy are highly uncertain. The invasion and related events are creating additional upward pressure on inflation and are likely to weigh on economic activity. In addition, COVID-related lockdowns in China are likely to exacerbate supply chain disruptions. The Committee is highly attentive to inflation risks.

Yield Trend

The Committee seeks to achieve maximum employment and inflation at the rate of 2 percent over the longer run. With appropriate firming in the stance of monetary policy, the Committee expects inflation to return to its 2 percent objective and the labor market to remain strong. In support of these goals, the Committee decided to raise the target range for the federal funds rate to 3/4 to 1 percent and anticipates that ongoing increases in the target range will be appropriate. In addition, the Committee decided to begin reducing its holdings of Treasury securities and agency debt and mortgage-backed securities on June 1st. In assessing the appropriate stance of monetary policy, the Committee will continue to monitor the implications of incoming information for the economic outlook. The Committee would be prepared to adjust the stance of monetary policy as appropriate if risks emerge that could impede the attainment of the Committee's goals.

The Federal Reserve raised the Federal Funds rate .25% and .50% at its March and May 2022 meetings, respectively; In addition, an April 4-8,2022 Reuters poll of more than 100 economists expects the Fed to raise the Federal Funds rate .50% at its June 2022 meeting, and .25% at the rest of its meetings in calendar 2022. This would bring the Federal Funds rate to 2.00% to 2.25% by the end of 2022.

Change in Strategy

Prior to the Fed's change in monetary policy starting March 16, 2022, staff's basic strategy consisted of not purchasing any Agency or Medium-Term corporate note securities with a maturity beyond three years, unless the securities were step-up securities (i.e., securities whose interest rates increased periodically, if they were not called). After the Fed's change in monetary policy, the City's investment strategy changed to extending the investment maturities of securities purchased beyond three years for attractive interest rates, regardless of the call features. This should result in an increase in interest income during the remainder of FY 2022, and into FY 2023.

Also, the City's earned rate is expected to be above the City's benchmark (State LAIF) and the City's return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

Table 3

| Other California Cities Earned Interest Rates | | | | | | | |
|---|--------------|--|--|--|--|--|--|
| For the Quarter Ending March 31, 2022 | | | | | | | |
| City | Rates Earned | | | | | | |
| Palo Alto | 1.61% | | | | | | |
| Burbank | 1.36% | | | | | | |
| Los Angeles | 1.23% | | | | | | |
| Berkeley | .99% | | | | | | |
| Sacramento | .88% | | | | | | |
| San Jose | .88% | | | | | | |
| Hayward | .88% | | | | | | |
| Torrance | .85% | | | | | | |
| San Francisco | .58% | | | | | | |
| San Diego | .55% | | | | | | |
| Oakland | N/A | | | | | | |

BACKGROUND

Pooled Investments

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency) notes and medium-term corporate notes for periods of one to five years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

Retiree Health Trust Fund Investments

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero for the last 14 years, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

Investment Report: FY2022 3rd Qtr Ended March 31, 2022

INFORMATION CALENDAR JUNE 28, 2022

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

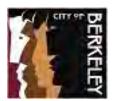
CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

ATTACHMENTS

- 1. Portfolio Evaluation FY 2022 Third Quarter
- 2. Investment Report Analysis FY 2022 Third Quarter
 - a. Exhibit 2-A: Pooled Cash and Investments
 - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings January 1, 2022 March 31, 2022
 - c. Exhibit 2-C: Book Value By Investment Type
 - d. Exhibit 2-D: Current Holdings vs. Policy Limits
 - e. Exhibit 2-E: Investment Portfolio Trend
- 3. Summary of Pooled and Cash Investments FY 2022 Third Quarter -Trust Funds
 - a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
 - b. Exhibit 3-B: Retiree Medical Trust Funds -Fire
 - c. Exhibit 3-C: Retiree Medical Trust Funds -Police

Attachment 1



Portfolio Evaluation Quarter Ended March 31, 2022

| | Quarter Ending | | | | | | | | | | | |
|--------------------------------------|----------------|-------------|---------|----|-------------|---------|----|-------------|---------|----|-------------|---------|
| | _ | March 202 | 22 | | December 2 | 021 | | September 2 | 2021 | _ | June 202 | 1 |
| Total Portfolio | | | | | | | | | | | | |
| Pooled Cash and Investments (COB) | \$ | 581,584,405 | | \$ | 599,176,851 | | \$ | 526,986,435 | | \$ | 607,813,880 | |
| Pooled Cash and Investments (Trust) | | 50,745,325 | | | 52,859,894 | | | 52,247,171 | | | 52,703,230 | |
| Total Cash and Investments | \$ | 632,329,730 | | \$ | 652,036,745 | | \$ | 579,233,606 | | \$ | 660,517,110 | |
| Average Life of Investment Portfolio | | | | | | | | | | | | |
| Pooled Investments (CoB) | | 1,352 | | | 1,300 | | | 1,304 | | | 1,317 | |
| Trust Investments | | 2.008 years | | | 2.378 years | | | 1.961 years | | | 2.584 years | |
| Weighted Yield | | | | | | | | | | | | |
| Pooled Investments (CoB) | | 0.969% | | | 1.096% | | | 0.992% | | | 0.804% | |
| Trust Investments | | 4.137% | | | 4.055% | | | 3.369% | | | 4.145% | |
| Prime Rate | | 3.500% | | | 3.250% | | | 3.250% | | | 3.250% | |
| 91-day Treasury Bill Rate | | 0.482% | | | 0.030% | | | 0.033% | | | 0.041% | |
| 2-year Treasury Note Rate | | 2.335% | | | 0.732% | | | 0.276% | | | 0.249% | |
| Cash and Investments Maturity | | | | | | | | | | | | |
| Within one year | \$ | 253,719,774 | 40.12% | \$ | 250,773,736 | 38.46% | \$ | 164,472,378 | 28.39% | \$ | 304.569.674 | 46.11% |
| Between 1 to 3 years | Ψ | 52,619,468 | 8.32% | Ψ | 48,320,863 | 7.41% | Ψ | 43,663,650 | 7.54% | Ψ | 54,151,565 | 8.20% |
| Between 3 to 5 years | | 305,166,300 | 48.26% | | 321,618,796 | 49.33% | | 333,855,324 | 57.64% | | 205,214,052 | 31.07% |
| Between 5 to 10 years | | 20,824,188 | 3.29% | | 31,323,351 | 4.80% | | 37,242,254 | 6.43% | | 96,581,820 | 14.62% |
| Over 10 years | | - | 0.00% | | - | 0.00% | | - | 0.00% | | - | 0.00% |
| Total | \$ | 632,329,730 | 100.00% | \$ | 652,036,745 | 100.00% | \$ | 579,233,606 | 100.00% | \$ | 660,517,111 | 100.00% |

Attachment 2



Investment Report Analysis As of March 31, 2022

| | Pension and OPEB | | | | | | | | | |
|---|------------------|-----------------|------|-----------------------------|----|--------------|--|--|--|--|
| Investments | Poo | led Investments | Trus | st Investments | | Total | | | | |
| Portfolio | \$ | 536,801,031 | \$ | 25,745,065 | \$ | 562,546,096 | | | | |
| Unrecognized gain/(loss) | | (14,608,283) | | (1,355,990) | | (15,964,272) | | | | |
| Total Investments | | 522,192,748 | | 24,389,075 | | 546,581,824 | | | | |
| Cash | | Pooled Cash | | sion and OPEB
Frust Cash | | Total | | | | |
| Cash with Fiscal Agents | | 328,638 | | - | | 328,638 | | | | |
| Cash Deposits in Banks | | 85,419,269 | | - | | 85,419,269 | | | | |
| Pooled Cash Adjustment | | (26,356,250) | | 26,356,250 | | | | | | |
| Total Cash | | 59,391,657 | | 26,356,250 | | 85,747,907 | | | | |
| Adjusted Grand Total (All Cash and Investments) | | 581,584,405 | \$ | 50,745,325 | \$ | 632,329,731 | | | | |

| Pooled Cash Portfolio Breakdown As of March 31, 2022 | | Market Value | | |
|--|----|--------------|----|-------------|
| Investments | \$ | 401,650,474 | \$ | 387,042,192 |
| Fidelity Money Market (TRANS) | | 22,331,868 | | 22,331,868 |
| Fidelity Money Market | | 112,818,689 | | 112,818,689 |
| | \$ | 536,801,031 | \$ | 522,192,748 |

Note: Pooled cash for General Fund includes Rent Board cash of \$3,633,361.47



City of Berkeley Pooled Cash and Investments As of March 31, 2022

| CUSIP | Investment # | Issuer | Book Value | Par Value | Market Value | Current
Rate | YTM/C
365 | Maturity
Date | Days To
Maturity | Moody's
Rating |
|-------------------|--------------------|---------------------------|---------------|---------------|---------------|-----------------|--------------|------------------|---------------------|-------------------|
| Certificates of D | Deposits | | | | | | | | | |
| 254673RD0 | 14539 | Discover Bank | 250,000.00 | 250,000.00 | 255,567.50 | 3.30 | 3.300 | 07/05/23 | 460 | N/A |
| 795450T47 | 14540 | Sallie Mae Bank | 250,000.00 | 250,000.00 | 255,557.50 | 3.30 | 3.300 | 07/03/23 | 458 | N/A |
| | | Subtotal and Average | 500,000.00 | 500,000.00 | 511,125.00 | | 3.300 | | 459 | |
| Medium Term N | lotes | | | | | | | | | |
| 008252AM0 | 14582 | Affiliated Managers Group | 1,080,207.08 | 1,000,000.00 | 1,024,320.00 | 4.250 | 2.300 | 02/15/2024 | 685 | A3 |
| 037833AK6 | 14536 | Apple Inc | 4,815,198.97 | 5,000,000.00 | 5,027,000.00 | 2.400 | 3.225 | 05/03/2023 | 397 | AAA |
| 04685A2L4 | 14590 | Athene Global Funding | 5,999,914.78 | 5,950,000.00 | 5,774,772.50 | 2.500 | 2.320 | 01/14/2025 | 1,019 | N/A |
| 04685A2L4 | 14602 | Athene Global Funding | 4,836,044.80 | 5,000,000.00 | 4,852,750.00 | 2.500 | 3.250 | 01/14/2025 | 1,019 | N/A |
| 084670BJ6 | 14542 | Berkshire Hathaway | 4,968,100.00 | 5,000,000.00 | 5,053,800.00 | 3.000 | 3.150 | 02/11/2023 | 316 | AA2 |
| 15654VAK4 | 14641 T-1 | Century Housing Corp | 4,000,000.00 | 4,000,000.00 | 3,985,560.00 | 0.300 | 0.300 | 07/15/2022 | 105 | N/A |
| 20030NBN0 | 14563 | Comcast Corp | 5,078,842.16 | 5,000,000.00 | 5,064,950.00 | 3.375 | 3.100 | 08/15/2025 | 1,232 | A3 |
| 233851CU6 | 14571 | Daimler Finance | 5,086,756.75 | 5,000,000.00 | 4,997,850.00 | 3.450 | 3.190 | 01/06/2027 | 1,741 | A3 |
| 233851CU6 | 14574 | Daimler Finance | 3,837,211.91 | 3,725,000.00 | 3,723,398.25 | 3.450 | 3.000 | 01/06/2027 | 1,741 | A3 |
| 24422EUM9 | 14554 | John Deere Cap | 5,076,253.24 | 5,000,000.00 | 5,100,050.00 | 3.650 | 3.300 | 10/12/2023 | 559 | A2 |
| 375558BF9 | 14570 | Gilead Sciences | 5,161,236.07 | 5,000,000.00 | 5,085,050.00 | 3.650 | 3.118 | 03/01/2026 | 1,430 | A3 |
| 53944VAS8 | 14580 | Lloyds Bank Plc | 5,006,967.42 | 5,000,000.00 | 5,008,350.00 | 2.250 | 2.200 | 08/14/2022 | 135 | A1 |
| 540424AQ1 | 14555 | Loews Corporation | 4,854,961.97 | 5,000,000.00 | 5,005,150.00 | 2.625 | 3.350 | 05/15/2023 | 409 | A3 |
| 589331AT4 | 14545 | Merck & Co Inc | 4,879,646.90 | 5,000,000.00 | 5,010,050.00 | 2.400 | 3.030 | 09/15/2022 | 167 | A1 |
| 68389XAS4 | 14548 | Oracle Corp | 5,047,221.01 | 5,000,000.00 | 5,067,100.00 | 3.625 | 3.388 | 07/15/2023 | 470 | BAA2 |
| 747525AT0 | 14564 | Qualcomm Inc | 4,964,755.39 | 5,000,000.00 | 5,035,000.00 | 2.900 | 3.050 | 05/20/2024 | 780 | A2 |
| 747525AU7 | 14587 | Qualcomm Inc | 6,293,057.93 | 5,963,000.00 | 6,040,280.48 | 3.250 | 2.435 | 05/20/2027 | 1,875 | A2 |
| 828807CS4 | 14606 | Simon Property Group | 4,994,815.07 | 5,000,000.00 | 5,057,800.00 | 3.375 | 3.353 | 10/01/2024 | 914 | A3 |
| 07330MAA5 | 14588 | Truist Bank | 5,446,263.03 | 5,000,000.00 | 5,119,300.00 | 3.800 | 2.365 | 10/30/2026 | 1,673 | A2 |
| | | Subtotal and Average | 91,427,454.48 | 90,638,000.00 | 91,032,531.23 | | 2.847 | | 901 | |
| Medium-Term N | lotes - Callable | | | | | | | | | |
| 05531FBF9 | 14561 | BB&T Corporation | 5,160,736.25 | 5,000,000.00 | 5,093,900.00 | 3.750 | 3.012 | 12/06/23 | 614 | A3 |
| 05531FBG7 | 14585 | BB&T Corporation | 5,129,999.37 | 5,000,000.00 | 5,011,550.00 | 3.050 | 2.000 | 06/20/22 | 80 | A3 |
| 693475AV7 | 14557 | PNC Financial Services | 5,029,216.00 | 5,000,000.00 | 5,070,500.00 | 3.500 | 3.425 | 01/23/24 | 662 | A3 |
| 751212AC5 | 14566 | Ralph Lauren | 5,182,338.26 | 5,000,000.00 | 5,106,650.00 | 3.750 | 3.106 | 09/15/25 | 1,263 | A3 |
| 91159HHU7 | 14562 | US Bancorp | 5,280,080.11 | 5,000,000.00 | 5,166,300.00 | 3.950 | 2.848 | 11/17/25 | 1,326 | A2 |
| | | Subtotal and Average | 25,782,369.99 | 25,000,000.00 | 25,448,900.00 | | 2.879 | | 793 | |
| Federal Agency | Continuously Calla | able | | | | | | | | |
| 31422XJW3 | 14638 | Farmer Mac | 10,000,000.00 | 10,000,000.00 | 9,615,600.00 | 0.300 | 0.300 | 07/20/2026 | 1,571 | N/A |
| 3130AMAV4 | 14611 | Federal Home Loan Banks | 5,600,000.00 | 5,600,000.00 | 5,305,608.00 | 0.500 | 0.500 | 04/29/2027 | 1,854 | AAA |
| 3130ALZA5 | 14612 | Federal Home Loan Banks | 9,000,000.00 | 9,000,000.00 | 8,565,660.00 | 0.500 | 0.500 | 04/29/2026 | 1,489 | AAA |
| | | | | | | | | | | |



City of Berkeley Pooled Cash and Investments As of March 31, 2022

| CUSIP | Investment # | Issuer | Book Value | Par Value | Market Value | Current
Rate | YTM/C
365 | Maturity
Date | Days To
Maturity | Moody's
Rating |
|-----------|--------------|-------------------------|----------------|----------------|----------------|-----------------|--------------|------------------|---------------------|-------------------|
| 3130AMEX6 | 14613 | Federal Home Loan Banks | 15,000,000.00 | 15,000,000.00 | 14,288,250.00 | 0.500 | 0.500 | 05/27/2026 | 1,517 | AAA |
| 3130AMF72 | 14615 | Federal Home Loan Banks | 15,000,000.00 | 15,000,000.00 | 14,242,200.00 | 0.650 | 0.650 | 05/27/2026 | 1,517 | AAA |
| 3130AMFQ0 | 14616 | Federal Home Loan Banks | 15,000,000.00 | 15,000,000.00 | 14,278,800.00 | 0.500 | 0.500 | 05/26/2026 | 1,516 | AAA |
| 3130AMFT4 | 14617 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,480,300.00 | 0.625 | 0.625 | 05/27/2026 | 1,517 | AAA |
| 3130AMG22 | 14618 | Federal Home Loan Banks | 20,000,000.00 | 20,000,000.00 | 18,945,800.00 | 0.600 | 0.500 | 05/27/2026 | 1,517 | AAA |
| 3130AMGG1 | 14619 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,489,200.00 | 0.600 | 0.600 | 05/26/2026 | 1,516 | AAA |
| 3130AMFN7 | 14620 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,503,700.00 | 0.500 | 0.500 | 05/26/2026 | 1,516 | AAA |
| 3130AMG55 | 14622 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,478,300.00 | 0.750 | 0.750 | 05/27/2027 | 1,882 | AAA |
| 3130AMG22 | 14624 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,472,900.00 | 0.600 | 0.500 | 05/27/2026 | 1,517 | AAA |
| 3130AMLS9 | 14627 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,502,900.00 | 0.625 | 0.613 | 06/17/2026 | 1,538 | AAA |
| 3130AMN24 | 14628 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,527,800.00 | 1.150 | 1.034 | 06/03/2026 | 1,524 | AAA |
| 3130AMN57 | 14629 | Federal Home Loan Banks | 20,000,000.00 | 20,000,000.00 | 18,999,800.00 | 1.100 | 1.013 | 06/03/2026 | 1,524 | AAA |
| 3130AMP71 | 14630 | Federal Home Loan Banks | 20,000,000.00 | 20,000,000.00 | 19,087,200.00 | 1.200 | 1.077 | 06/18/2026 | 1,539 | AAA |
| 3130AMPL0 | 14631 | Federal Home Loan Banks | 15,000,000.00 | 15,000,000.00 | 14,289,600.00 | 1.150 | 0.375 | 06/08/2026 | 1,529 | AAA |
| 3130AMMW9 | 14632 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,555,900.00 | 0.625 | 0.500 | 06/10/2026 | 1,531 | AAA |
| 3130AMWM0 | 14634 | Federal Home Loan Banks | 4,250,000.00 | 4,250,000.00 | 4,022,667.50 | 0.500 | 0.500 | 06/30/2026 | 1,551 | AAA |
| 3130AN5U0 | 14642 | Federal Home Loan Banks | 10,000,000.00 | 10,000,000.00 | 9,525,800.00 | 0.625 | 0.500 | 07/29/2026 | 1,580 | AAA |
| 3130ANJY7 | 14643 | Federal Home Loan Banks | 40,000,000.00 | 40,000,000.00 | 37,779,600.00 | 0.400 | 0.400 | 08/26/2026 | 1,608 | AAA |
| | | Subtotal and Average | 278,850,000.00 | 278,850,000.00 | 264,957,585.50 | | 0.598 | | 1,557 | |

Page 11 of 24



City of Berkeley Pooled Cash and Investments As of March 31, 2022

| CUSIP | Investment # | Issuer | Book Value | Par Value | Market Value | Current
Rate | YTM/C
365 | Maturity
Date | Days To
Maturity | Moody's
Rating |
|------------------------------|-------------------|---|------------------------------|------------------------------|------------------------------|-----------------|-----------------------|------------------|-----------------------|-------------------|
| Municipal Bonds
13063DGB8 | 14559 | General Obligation Unlimited Subtotal and Average | 5,090,650.00
5,090,650.00 | 5,000,000.00
5,000,000.00 | 5,092,050.00
5,092,050.00 | 3.375 | 3.087
3.087 | 04/01/2025 | 1,096
1,096 | N/A |
| Money Market | | | | | | | | | | |
| SYS14190 | 14190 | Fidelity Money Market | 22,331,867.61 | 22,331,867.61 | 22,331,867.61 | 0.002 | 0.002 | | 1 | N/A |
| SYS14265 | 14265 | Fidelity Money Market | 112,818,688.83 | 112,818,688.83 | 112,818,688.83 | 0.003 | 0.003 | | 1 | N/A |
| | | Subtotal and Average | 135,150,556.44 | 135,150,556.44 | 135,150,556.44 | | 0.003 | | 1 | |
| | | | | | | | | | | |
| | Total Investments | s and Average | 536,801,030.91 | 535,138,556.44 | 522,192,748.17 | | 1.289 | | | |

| Total Investments (Book Value) | 536,801,030.91 |
|---|-----------------|
| Cash | 59,391,657.00 |
| Total Investments (Book Value) and Cash | 596,192,687.91 |
| Increase / (Decrease) in Market Value of Securities | (14,608,282.74) |
| Total Investments (Market Value) and Cash | 581,584,405.17 |





Pooled Investments Selected Funds Interest Earnings Sorted by Fund - Fund January 1, 2022 - January 31, 2022 Yield on Beginning Book Value

| | | | | | | | | | | Adjusted Interest E | | | |
|----------------|------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|---------------------|----------------------------|-------------------------------|--|
| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings | |
| Fund: Pooled I | nvestment - Long | g Term | | | | | | | | | | | |
| 3130AMFN7 | 14620 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 | |
| 3130AMG55 | 14622 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2027 | 0.750 | 0.736 | 6,250.00 | 0.00 | 6,250.00 | |
| 3130AMGG1 | 14619 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.600 | 0.589 | 5,000.00 | 0.00 | 5,000.00 | |
| 3130AMG22 | 14624 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.600 | 0.589 | 5,000.00 | 0.00 | 5,000.00 | |
| 3130AMG22 | 14618 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 05/27/2026 | 0.600 | 0.589 | 10,000.00 | 0.00 | 10,000.00 | |
| 3130AMMW9 | 14632 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/10/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 | |
| 3130AMN57 | 14629 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/03/2026 | 1.100 | 1.079 | 18,333.33 | 0.00 | 18,333.33 | |
| 3130AMP71 | 14630 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/18/2026 | 0.400 | 0.392 | 6,666.67 | 0.00 | 6,666.67 | |
| 3130AMFT4 | 14617 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 | |
| 3130AMLS9 | 14627 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/17/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 | |
| 3130AMAV4 | 14611 | 010 | MC5 | 5,600,000.00 | 5,600,000.00 | 5,600,000.00 | 04/29/2027 | 0.500 | 0.491 | 2,333.33 | 0.00 | 2,333.33 | |
| 3130AMEX6 | 14613 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.500 | 0.491 | 6,250.00 | 0.00 | 6,250.00 | |
| 3130ALZA5 | 14612 | 010 | MC5 | 9,000,000.00 | 9,000,000.00 | 9,000,000.00 | 04/29/2026 | 0.500 | 0.491 | 3,750.00 | 0.00 | 3,750.00 | |
| 3130AMFQ0 | 14616 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/26/2026 | 0.500 | 0.491 | 6,250.00 | 0.00 | 6,250.00 | |
| 3130AMPL0 | 14631 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 06/08/2026 | 0.375 | 0.368 | 4,687.50 | 0.00 | 4,687.50 | |
| 3130AMF72 | 14615 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.650 | 0.638 | 8,125.00 | 0.00 | 8,125.00 | |
| 3130AMN24 | 14628 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/03/2026 | 0.375 | 0.368 | 3,125.00 | 0.00 | 3,125.00 | |
| 3130AMWM0 | 14634 | 010 | MC5 | 4,250,000.00 | 4,250,000.00 | 4,250,000.00 | 06/30/2026 | 0.500 | 0.491 | 1,770.83 | 0.00 | 1,770.83 | |
| 3130ANJY7 | 14643 | 010 | MC5 | 40,000,000.00 | 40,000,000.00 | 40,000,000.00 | 08/26/2026 | 0.400 | 0.392 | 13,333.33 | 0.00 | 13,333.33 | |
| 3130AN5U0 | 14642 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/29/2026 | 0.625 | 0.499 | 4,236.11 | 0.00 | 4,236.11 | |
| 53944VAS8 | 14580 | 010 | MTN | 5,000,000.00 | 5,001,482.57 | 5,001,283.12 | 08/14/2022 | 2.250 | 2.160 | 9,375.00 | -199.45 | 9,175.55 | |
| 037833AK6 | 14536 | 010 | MTN | 5,000,000.00 | 4,949,245.53 | 4,952,404.52 | 05/03/2023 | 2.400 | 3.131 | 10,000.00 | 3,158.99 | 13,158.99 | |
| 254673RD0 | 14539 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/05/2023 | 3.300 | 3.300 | 700.68 | 0.00 | 700.68 | |
| 795450T47 | 14540 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/03/2023 | 3.300 | 3.300 | 700.68 | 0.00 | 700.68 | |
| 084670BJ6 | 14542 | 010 | MTN | 5,000,000.00 | 4,992,276.03 | 4,992,855.33 | 02/11/2023 | 3.000 | 3.085 | 12,500.00 | 579.30 | 13,079.30 | |
| 31422XJW3 | 14638 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/20/2026 | 0.300 | | 2,500.00 | 0.00 | 2,500.00 | |
| 589331AT4 | 14545 | 010 | MTN | 5,000,000.00 | 4,979,232.55 | 4,981,685.40 | 09/15/2022 | 2.400 | 2.945 | 10,000.00 | 2,452.85 | 12,452.85 | |
| 68389XAS4 | 14548 | 010 | MTN | 5,000,000.00 | 5,015,874.05 | 5,015,014.45 | 07/15/2023 | 3.625 | 3.344 | 15,104.17 | -859.60 | 14,244.57 | |
| 24422EUM9 | 14554 | 010 | MTN | 5,000,000.00 | 5,028,550.42 | 5,027,214.21 | 10/12/2023 | 3.650 | 3.248 | 15,208.33 | -1,336.21 | 13,872.12 | |
| 540424AQ1 | 14555 | 010 | MTN | 5,000,000.00 | 4,954,012.33 | 4,956,805.11 | 05/15/2023 | 2.625 | | 10,937.50 | 2,792.78 | 13,730.28 | |

Page 13 of 24

Pooled Investments Selected Funds Interest Earnings January 1, 2022 - January 31, 2022

Exhibit 2-B.1

Adjusted Interest Earnings

| | | | | | | | | | | | lujusteu iiiterest i | |
|----------------|-------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Fund: Pooled | Investment - Long | j Term | | | | | | | | | | |
| 693475AV7 | 14557 | 010 | MC3 | 5,000,000.00 | 5,012,077.03 | 5,011,588.74 | 01/23/2024 | 3.500 | 3.311 | 14,583.33 | -488.29 | 14,095.04 |
| 13063DGB8 | 14559 | 010 | MUN | 5,000,000.00 | 5,047,710.53 | 5,046,487.18 | 04/01/2025 | 3.375 | 2.995 | 14,062.50 | -1,223.35 | 12,839.15 |
| 49327M2X1 | 14560 | 010 | MTN | 5,000,000.00 | 5,000,789.93 | 5,000,000.00 | 02/01/2022 | 3.300 | 3.051 | 13,750.00 | -789.93 | 12,960.07 |
| 05531FBG7 | 14585 | 010 | MC3 | 5,000,000.00 | 5,023,150.57 | 5,019,041.00 | 06/20/2022 | 3.050 | 2.016 | 12,708.33 | -4,109.57 | 8,598.76 |
| 05531FBF9 | 14561 | 010 | MC3 | 5,000,000.00 | 5,065,906.60 | 5,063,061.71 | 12/06/2023 | 3.750 | 2.970 | 15,625.00 | -2,844.89 | 12,780.11 |
| 91159HHU7 | 14562 | 010 | MC3 | 5,000,000.00 | 5,164,006.64 | 5,160,482.14 | 11/17/2025 | 3.950 | 2.949 | 16,458.33 | -3,524.50 | 12,933.83 |
| 20030NBN0 | 14563 | 010 | MTN | 5,000,000.00 | 5,044,875.68 | 5,043,843.26 | 08/15/2025 | 3.375 | 3.041 | 14,062.50 | -1,032.42 | 13,030.08 |
| 747525AU7 | 14587 | 010 | MTN | 5,963,000.00 | 6,201,088.66 | 6,197,404.98 | 05/20/2027 | 3.250 | 2.367 | 16,149.79 | -3,683.68 | 12,466.11 |
| 747525AT0 | 14564 | 010 | MTN | 5,000,000.00 | 4,983,501.30 | 4,984,077.50 | 05/20/2024 | 2.900 | 2.991 | 12,083.33 | 576.20 | 12,659.53 |
| 751212AC5 | 14566 | 010 | MC3 | 5,000,000.00 | 5,105,940.44 | 5,103,557.97 | 09/15/2025 | 3.750 | 3.054 | 15,625.00 | -2,382.47 | 13,242.53 |
| 375558BF9 | 14570 | 010 | MTN | 5,000,000.00 | 5,099,201.85 | 5,097,217.81 | 03/01/2026 | 3.650 | 3.054 | 15,208.33 | -1,984.04 | 13,224.29 |
| 233851CU6 | 14574 | 010 | MTN | 3,725,000.00 | 3,799,711.36 | 3,798,469.62 | 01/06/2027 | 3.450 | 2.934 | 10,709.38 | -1,241.74 | 9,467.64 |
| 233851CU6 | 14571 | 010 | MTN | 5,000,000.00 | 5,057,445.32 | 5,056,490.55 | 01/06/2027 | 3.450 | 3.124 | 14,375.00 | -954.77 | 13,420.23 |
| 008252AM0 | 14582 | 010 | MTN | 1,000,000.00 | 1,039,155.41 | 1,037,617.89 | 02/15/2024 | 4.250 | 2.271 | 3,541.67 | -1,537.52 | 2,004.15 |
| 07330MAA5 | 14588 | 010 | MTN | 5,000,000.00 | 5,318,314.77 | 5,312,823.43 | 10/30/2026 | 3.800 | 2.290 | 15,833.33 | -5,491.34 | 10,341.99 |
| 04685A2L4 | 14602 | 010 | MTN | 5,000,000.00 | 4,895,202.90 | 4,898,079.31 | 01/14/2025 | 2.500 | 3.197 | 10,416.67 | 2,876.41 | 13,293.08 |
| 04685A2L4 | 14590 | 010 | MTN | 5,950,000.00 | 5,980,529.86 | 5,979,691.89 | 01/14/2025 | 2.500 | 2.275 | 12,395.83 | -837.97 | 11,557.86 |
| 828807CS4 | 14606 | 010 | MTN | 5,000,000.00 | 4,996,771.65 | 4,996,869.48 | 10/01/2024 | 3.375 | 3.337 | 14,062.50 | 97.83 | 14,160.33 |
| 2254EBAU5 | 14614 | 010 | ACP | 0.00 | 9,998,125.00 | 0.00 | 01/28/2022 | 0.250 | 0.254 | 0.00 | 1,875.00 | 1,875.00 |
| 05970UBA5 | 14621 | 010 | ACP | 10,000,000.00 | 9,997,666.67 | 9,999,475.00 | 02/10/2022 | 0.210 | 0.213 | 0.00 | 1,808.33 | 1,808.33 |
| 83368YFY8 | 14625 | 010 | ACP | 0.00 | 9,999,450.00 | 0.00 | 01/10/2022 | 0.220 | 0.223 | 0.00 | 550.00 | 550.00 |
| 53948BB73 | 14626 | 010 | ACP | 10,000,000.00 | 9,997,944.44 | 9,999,666.67 | 02/07/2022 | 0.200 | 0.203 | 0.00 | 1,722.23 | 1,722.23 |
| 15654VAK4 | 14641 T-1 | 010 | MTN | 4,000,000.00 | 4,000,000.00 | 4,000,000.00 | 07/15/2022 | 0.300 | 0.294 | 1,000.00 | 0.00 | 1,000.00 |
| | | | Subtotal | 424,988,000.00 | 446,099,240.09 | 426,083,208.27 | | | 1.180 | 454,579.94 | -16,031.82 | 438,548.12 |
| Fund: Fidelity | MM - Trans | | | | | | | | | | | |
| SYS14190 | 14190 | 030 | RRP | 22,330,183.35 | 0.00 | 22,330,183.35 | | 0.002 | | 70.72 | 0.00 | 70.72 |
| | | | Subtotal | 22,330,183.35 | 0.00 | 22,330,183.35 | | | | 70.72 | 0.00 | 70.72 |
| Fund: Fidelity | MM - Regular | | | | | | | | | | | |
| SYS14265 | 14265 | 040 | RRP | 112,810,180.06 | 135,139,215.54 | 112,810,180.06 | | 0.003 | 0.008 | 964.52 | 0.00 | 964.52 |
| | | | Subtotal | 112,810,180.06 | 135,139,215.54 | 112,810,180.06 | | | 0.008 | 964.52 | 0.00 | 964.52 |
| | | | Total | 560,128,363.41 | 581,238,455.63 | 561,223,571.68 | | | 0.904 | 455,615.18 | -16,031.82 | 439,583.36 |





Pooled Investments Selected Funds Interest Earnings Sorted by Fund - Fund February 1, 2022 - February 28, 2022 Yield on Beginning Book Value

| | | | | | | | | | | Adjusted Interes | | Earnings |
|--------------|-------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Fund: Pooled | Investment - Long | g Term | | | | | | | | | | |
| 3130AMFN7 | 14620 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.500 | 0.543 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMG55 | 14622 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2027 | 0.750 | 0.815 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMGG1 | 14619 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.600 | 0.652 | 5,000.00 | 0.00 | 5,000.00 |
| 3130AMG22 | 14624 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.600 | 0.652 | 5,000.00 | 0.00 | 5,000.00 |
| 3130AMG22 | 14618 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 05/27/2026 | 0.600 | 0.652 | 10,000.00 | 0.00 | 10,000.00 |
| 3130AMMW9 | 14632 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/10/2026 | 0.625 | 0.679 | 5,208.33 | 0.00 | 5,208.33 |
| 3130AMN57 | 14629 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/03/2026 | 1.100 | 1.195 | 18,333.33 | 0.00 | 18,333.33 |
| 3130AMP71 | 14630 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/18/2026 | 0.400 | 0.435 | 6,666.67 | 0.00 | 6,666.67 |
| 3130AMFT4 | 14617 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.625 | 0.679 | 5,208.33 | 0.00 | 5,208.33 |
| 3130AMLS9 | 14627 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/17/2026 | 0.625 | 0.679 | 5,208.33 | 0.00 | 5,208.33 |
| 3130AMAV4 | 14611 | 010 | MC5 | 5,600,000.00 | 5,600,000.00 | 5,600,000.00 | 04/29/2027 | 0.500 | 0.543 | 2,333.33 | 0.00 | 2,333.33 |
| 3130AMEX6 | 14613 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.500 | 0.543 | 6,250.00 | 0.00 | 6,250.00 |
| 3130ALZA5 | 14612 | 010 | MC5 | 9,000,000.00 | 9,000,000.00 | 9,000,000.00 | 04/29/2026 | 0.500 | 0.543 | 3,750.00 | 0.00 | 3,750.00 |
| 3130AMFQ0 | 14616 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/26/2026 | 0.500 | 0.543 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMPL0 | 14631 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 06/08/2026 | 0.375 | 0.407 | 4,687.50 | 0.00 | 4,687.50 |
| 3130AMF72 | 14615 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.650 | 0.706 | 8,125.00 | 0.00 | 8,125.00 |
| 3130AMN24 | 14628 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/03/2026 | 0.375 | 0.407 | 3,125.00 | 0.00 | 3,125.00 |
| 3130AMWM0 | 14634 | 010 | MC5 | 4,250,000.00 | 4,250,000.00 | 4,250,000.00 | 06/30/2026 | 0.500 | 0.543 | 1,770.83 | 0.00 | 1,770.83 |
| 3130ANJY7 | 14643 | 010 | MC5 | 40,000,000.00 | 40,000,000.00 | 40,000,000.00 | 08/26/2026 | 0.400 | 0.435 | 13,333.33 | 0.00 | 13,333.33 |
| 3130AN5U0 | 14642 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/29/2026 | 0.625 | 0.679 | 5,208.33 | 0.00 | 5,208.33 |
| 53944VAS8 | 14580 | 010 | MTN | 5,000,000.00 | 5,001,283.12 | 5,001,083.67 | 08/14/2022 | 2.250 | 2.392 | 9,375.00 | -199.45 | 9,175.55 |
| 037833AK6 | 14536 | 010 | MTN | 5,000,000.00 | 4,952,404.52 | 4,955,563.51 | 05/03/2023 | 2.400 | 3.464 | 10,000.00 | 3,158.99 | 13,158.99 |
| 254673RD0 | 14539 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/05/2023 | 3.300 | 3.300 | 632.88 | 0.00 | 632.88 |
| 795450T47 | 14540 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/03/2023 | 3.300 | 3.300 | 632.88 | 0.00 | 632.88 |
| 084670BJ6 | 14542 | 010 | MTN | 5,000,000.00 | 4,992,855.33 | 4,993,434.62 | 02/11/2023 | 3.000 | 3.415 | 12,500.00 | 579.29 | 13,079.29 |
| 31422XJW3 | 14638 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/20/2026 | 0.300 | 0.326 | 2,500.00 | 0.00 | 2,500.00 |
| 589331AT4 | 14545 | 010 | MTN | 5,000,000.00 | 4,981,685.40 | 4,984,138.25 | 09/15/2022 | 2.400 | | 10,000.00 | 2,452.85 | 12,452.85 |
| 68389XAS4 | 14548 | 010 | MTN | 5,000,000.00 | 5,015,014.45 | 5,014,154.84 | 07/15/2023 | 3.625 | 3.703 | 15,104.17 | -859.61 | 14,244.56 |
| 24422EUM9 | 14554 | 010 | MTN | 5,000,000.00 | 5,027,214.21 | 5,025,878.00 | 10/12/2023 | 3.650 | 3.597 | 15,208.33 | -1,336.21 | 13,872.12 |
| 540424AQ1 | 14555 | 010 | MTN | 5,000,000.00 | 4,956,805.11 | 4,959,597.88 | 05/15/2023 | 2.625 | | 10,937.50 | 2,792.77 | 13,730.27 |
| | | | | | | | | | | | | |

Page 15 of 24

Pooled Investments Selected Funds Interest Earnings February 1, 2022 - February 28, 2022

Exhibit 2-B.2

Adjusted Interest Earnings

| | | | | | | | | | | | lujusteu iiiterest i | |
|----------------|-------------------|------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Fund: Pooled | Investment - Long | Term | | | | | | | | | | |
| 693475AV7 | 14557 | 010 | MC3 | 5,000,000.00 | 5,011,588.74 | 5,011,100.45 | 01/23/2024 | 3.500 | 3.666 | 14,583.33 | -488.29 | 14,095.04 |
| 13063DGB8 | 14559 | 010 | MUN | 5,000,000.00 | 5,046,487.18 | 5,045,263.83 | 04/01/2025 | 3.375 | 3.317 | 14,062.50 | -1,223.35 | 12,839.15 |
| 05531FBG7 | 14585 | 010 | MC3 | 5,000,000.00 | 5,019,041.00 | 5,014,931.43 | 06/20/2022 | 3.050 | 2.233 | 12,708.33 | -4,109.57 | 8,598.76 |
| 05531FBF9 | 14561 | 010 | MC3 | 5,000,000.00 | 5,063,061.71 | 5,060,216.83 | 12/06/2023 | 3.750 | 3.290 | 15,625.00 | -2,844.88 | 12,780.12 |
| 91159HHU7 | 14562 | 010 | MC3 | 5,000,000.00 | 5,160,482.14 | 5,156,957.65 | 11/17/2025 | 3.950 | 3.267 | 16,458.33 | -3,524.49 | 12,933.84 |
| 20030NBN0 | 14563 | 010 | MTN | 5,000,000.00 | 5,043,843.26 | 5,042,810.85 | 08/15/2025 | 3.375 | 3.368 | 14,062.50 | -1,032.41 | 13,030.09 |
| 747525AU7 | 14587 | 010 | MTN | 5,963,000.00 | 6,197,404.98 | 6,193,721.30 | 05/20/2027 | 3.250 | 2.622 | 16,149.79 | -3,683.68 | 12,466.11 |
| 747525AT0 | 14564 | 010 | MTN | 5,000,000.00 | 4,984,077.50 | 4,984,653.71 | 05/20/2024 | 2.900 | 3.311 | 12,083.33 | 576.21 | 12,659.54 |
| 751212AC5 | 14566 | 010 | MC3 | 5,000,000.00 | 5,103,557.97 | 5,101,175.50 | 09/15/2025 | 3.750 | 3.382 | 15,625.00 | -2,382.47 | 13,242.53 |
| 375558BF9 | 14570 | 010 | MTN | 5,000,000.00 | 5,097,217.81 | 5,095,233.77 | 03/01/2026 | 3.650 | 3.382 | 15,208.33 | -1,984.04 | 13,224.29 |
| 233851CU6 | 14574 | 010 | MTN | 3,725,000.00 | 3,798,469.62 | 3,797,227.88 | 01/06/2027 | 3.450 | 3.249 | 10,709.38 | -1,241.74 | 9,467.64 |
| 233851CU6 | 14571 | 010 | MTN | 5,000,000.00 | 5,056,490.55 | 5,055,535.78 | 01/06/2027 | 3.450 | 3.460 | 14,375.00 | -954.77 | 13,420.23 |
| 008252AM0 | 14582 | 010 | MTN | 1,000,000.00 | 1,037,617.89 | 1,036,080.37 | 02/15/2024 | 4.250 | 2.518 | 3,541.67 | -1,537.52 | 2,004.15 |
| 07330MAA5 | 14588 | 010 | MTN | 5,000,000.00 | 5,312,823.43 | 5,307,332.09 | 10/30/2026 | 3.800 | 2.538 | 15,833.33 | -5,491.34 | 10,341.99 |
| 04685A2L4 | 14602 | 010 | MTN | 5,000,000.00 | 4,898,079.31 | 4,900,955.72 | 01/14/2025 | 2.500 | 3.538 | 10,416.67 | 2,876.41 | 13,293.08 |
| 04685A2L4 | 14590 | 010 | MTN | 5,950,000.00 | 5,979,691.89 | 5,978,853.93 | 01/14/2025 | 2.500 | 2.520 | 12,395.83 | -837.96 | 11,557.87 |
| 828807CS4 | 14606 | 010 | MTN | 5,000,000.00 | 4,996,869.48 | 4,996,967.31 | 10/01/2024 | 3.375 | 3.694 | 14,062.50 | 97.83 | 14,160.33 |
| 05970UBA5 | 14621 | 010 | ACP | 0.00 | 9,999,475.00 | 0.00 | 02/10/2022 | 0.210 | 0.213 | 0.00 | 525.00 | 525.00 |
| 53948BB73 | 14626 | 010 | ACP | 0.00 | 9,999,666.67 | 0.00 | 02/07/2022 | 0.200 | 0.203 | 0.00 | 333.33 | 333.33 |
| 15654VAK4 | 14641 T-1 | 010 | MTN | 4,000,000.00 | 4,000,000.00 | 4,000,000.00 | 07/15/2022 | 0.300 | 0.326 | 1,000.00 | 0.00 | 1,000.00 |
| | | | Subtotal | 399,988,000.00 | 421,083,208.27 | 401,062,869.17 | | | 1.351 | 441,666.56 | -20,339.10 | 421,327.46 |
| Fund: Fidelity | MM - Trans | | | | | | | | | | | |
| SYS14190 | 14190 | 030 | RRP | 22,330,354.67 | 22,330,183.35 | 22,330,354.67 | | 0.002 | 0.010 | 171.32 | 0.00 | 171.32 |
| | | | Subtotal | 22,330,354.67 | 22,330,183.35 | 22,330,354.67 | | | 0.010 | 171.32 | 0.00 | 171.32 |
| Fund: Fidelity | MM - Regular | | | | | | | | | | | |
| SYS14265 | 14265 | 040 | RRP | 112,811,045.54 | 112,810,180.06 | 112,811,045.54 | | 0.003 | 0.010 | 865.48 | 0.00 | 865.48 |
| | | | Subtotal | 112,811,045.54 | 112,810,180.06 | 112,811,045.54 | | | 0.010 | 865.48 | 0.00 | 865.48 |
| | | | Total | 535,129,400.21 | 556,223,571.68 | 536,204,269.38 | | | 1.017 | 442,703.36 | -20,339.10 | 422,364.26 |





Pooled Investments Selected Funds Interest Earnings Sorted by Fund - Fund March 1, 2022 - March 31, 2022 Yield on Beginning Book Value

| | | | | | | | | | | 4 | Earnings | |
|--------------|-------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Fund: Pooled | Investment - Lonç | g Term | | | | | | | | | | |
| 3130AMFN7 | 14620 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.500 | 0.491 | 4,166.67 | 0.00 | 4,166.67 |
| 3130AMG55 | 14622 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2027 | 0.750 | 0.736 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMGG1 | 14619 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/26/2026 | 0.600 | 0.589 | 5,000.00 | 0.00 | 5,000.00 |
| 3130AMG22 | 14624 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.600 | 0.589 | 5,000.00 | 0.00 | 5,000.00 |
| 3130AMG22 | 14618 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 05/27/2026 | 0.600 | 0.589 | 10,000.00 | 0.00 | 10,000.00 |
| 3130AMMW9 | 14632 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/10/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 |
| 3130AMN57 | 14629 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/03/2026 | 1.100 | 1.079 | 18,333.33 | 0.00 | 18,333.33 |
| 3130AMP71 | 14630 | 010 | MC5 | 20,000,000.00 | 20,000,000.00 | 20,000,000.00 | 06/18/2026 | 1.200 | 0.733 | 12,444.44 | 0.00 | 12,444.44 |
| 3130AMFT4 | 14617 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 05/27/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 |
| 3130AMLS9 | 14627 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/17/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 |
| 3130AMAV4 | 14611 | 010 | MC5 | 5,600,000.00 | 5,600,000.00 | 5,600,000.00 | 04/29/2027 | 0.500 | 0.491 | 2,333.33 | 0.00 | 2,333.33 |
| 3130AMEX6 | 14613 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.500 | 0.491 | 6,250.00 | 0.00 | 6,250.00 |
| 3130ALZA5 | 14612 | 010 | MC5 | 9,000,000.00 | 9,000,000.00 | 9,000,000.00 | 04/29/2026 | 0.500 | 0.491 | 3,750.00 | 0.00 | 3,750.00 |
| 3130AMFQ0 | 14616 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/26/2026 | 0.500 | 0.491 | 6,250.00 | 0.00 | 6,250.00 |
| 3130AMPL0 | 14631 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 06/08/2026 | 1.150 | 0.951 | 12,114.58 | 0.00 | 12,114.58 |
| 3130AMF72 | 14615 | 010 | MC5 | 15,000,000.00 | 15,000,000.00 | 15,000,000.00 | 05/27/2026 | 0.650 | 0.638 | 8,125.00 | 0.00 | 8,125.00 |
| 3130AMN24 | 14628 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 06/03/2026 | 1.150 | 1.078 | 9,152.78 | 0.00 | 9,152.78 |
| 3130AMWM0 | 14634 | 010 | MC5 | 4,250,000.00 | 4,250,000.00 | 4,250,000.00 | 06/30/2026 | 0.500 | 0.491 | 1,770.83 | 0.00 | 1,770.83 |
| 3130ANJY7 | 14643 | 010 | MC5 | 40,000,000.00 | 40,000,000.00 | 40,000,000.00 | 08/26/2026 | 0.400 | 0.392 | 13,333.33 | 0.00 | 13,333.33 |
| 3130AN5U0 | 14642 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/29/2026 | 0.625 | 0.613 | 5,208.33 | 0.00 | 5,208.33 |
| 53944VAS8 | 14580 | 010 | MTN | 5,000,000.00 | 5,001,083.67 | 5,000,884.22 | 08/14/2022 | 2.250 | 2.160 | 9,375.00 | -199.45 | 9,175.55 |
| 037833AK6 | 14536 | 010 | MTN | 5,000,000.00 | 4,955,563.51 | 4,958,722.50 | 05/03/2023 | 2.400 | 3.127 | 10,000.00 | 3,158.99 | 13,158.99 |
| 254673RD0 | 14539 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/05/2023 | 3.300 | 3.300 | 700.68 | 0.00 | 700.68 |
| 795450T47 | 14540 | 010 | SCD | 250,000.00 | 250,000.00 | 250,000.00 | 07/03/2023 | 3.300 | 3.300 | 700.68 | 0.00 | 700.68 |
| 084670BJ6 | 14542 | 010 | MTN | 5,000,000.00 | 4,993,434.62 | 4,994,013.92 | 02/11/2023 | 3.000 | 3.084 | 12,500.00 | 579.30 | 13,079.30 |
| 31422XJW3 | 14638 | 010 | MC5 | 10,000,000.00 | 10,000,000.00 | 10,000,000.00 | 07/20/2026 | 0.300 | 0.294 | 2,500.00 | 0.00 | 2,500.00 |
| 589331AT4 | 14545 | 010 | MTN | 5,000,000.00 | 4,984,138.25 | 4,986,591.09 | 09/15/2022 | 2.400 | 2.942 | 10,000.00 | 2,452.84 | 12,452.84 |
| 68389XAS4 | 14548 | 010 | MTN | 5,000,000.00 | 5,014,154.84 | 5,013,295.24 | 07/15/2023 | 3.625 | 3.345 | 15,104.17 | -859.60 | 14,244.57 |
| 24422EUM9 | 14554 | 010 | MTN | 5,000,000.00 | 5,025,878.00 | 5,024,541.78 | 10/12/2023 | 3.650 | 3.250 | 15,208.33 | -1,336.22 | 13,872.11 |
| 540424AQ1 | 14555 | 010 | MTN | 5,000,000.00 | 4,959,597.88 | 4,962,390.65 | 05/15/2023 | 2.625 | 3.260 | 10,937.50 | 2,792.77 | 13,730.27 |
| | | | | | | | | | | | | |

Page 17 of 24

Pooled Investments Selected Funds Interest Earnings March 1, 2022 - March 31, 2022

Exhibit 2-B.3

| Adjusted | Interest | Farninge |
|----------|----------|----------|
| Adjusted | mterest | Earnings |

| CUSIP | Investment # | Fund | Security
Type | Ending
Par Value | Beginning
Book Value | Ending
Book Value | Maturity
Date | Current
Rate | Annualized
Yield | Interest
Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
|----------------|-------------------|--------|------------------|---------------------|-------------------------|----------------------|------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| Fund: Pooled | Investment - Long | g Term | | | | | | | | | | |
| 693475AV7 | 14557 | 010 | MC3 | 5,000,000.00 | 5,011,100.45 | 5,010,612.16 | 01/23/2024 | 3.500 | 3.312 | 14,583.33 | -488.29 | 14,095.04 |
| 13063DGB8 | 14559 | 010 | MUN | 5,000,000.00 | 5,045,263.83 | 5,044,040.49 | 04/01/2025 | 3.375 | 2.996 | 14,062.50 | -1,223.34 | 12,839.16 |
| 05531FBG7 | 14585 | 010 | MC3 | 5,000,000.00 | 5,014,931.43 | 5,010,821.87 | 06/20/2022 | 3.050 | 2.019 | 12,708.33 | -4,109.56 | 8,598.77 |
| 05531FBF9 | 14561 | 010 | MC3 | 5,000,000.00 | 5,060,216.83 | 5,057,371.94 | 12/06/2023 | 3.750 | 2.974 | 15,625.00 | -2,844.89 | 12,780.11 |
| 91159HHU7 | 14562 | 010 | MC3 | 5,000,000.00 | 5,156,957.65 | 5,153,433.15 | 11/17/2025 | 3.950 | 2.953 | 16,458.33 | -3,524.50 | 12,933.83 |
| 20030NBN0 | 14563 | 010 | MTN | 5,000,000.00 | 5,042,810.85 | 5,041,778.43 | 08/15/2025 | 3.375 | 3.042 | 14,062.50 | -1,032.42 | 13,030.08 |
| 747525AU7 | 14587 | 010 | MTN | 5,963,000.00 | 6,193,721.30 | 6,190,037.62 | 05/20/2027 | 3.250 | 2.370 | 16,149.79 | -3,683.68 | 12,466.11 |
| 747525AT0 | 14564 | 010 | MTN | 5,000,000.00 | 4,984,653.71 | 4,985,229.92 | 05/20/2024 | 2.900 | 2.990 | 12,083.33 | 576.21 | 12,659.54 |
| 751212AC5 | 14566 | 010 | MC3 | 5,000,000.00 | 5,101,175.50 | 5,098,793.03 | 09/15/2025 | 3.750 | 3.057 | 15,625.00 | -2,382.47 | 13,242.53 |
| 375558BF9 | 14570 | 010 | MTN | 5,000,000.00 | 5,095,233.77 | 5,093,249.74 | 03/01/2026 | 3.650 | 3.056 | 15,208.33 | -1,984.03 | 13,224.30 |
| 233851CU6 | 14574 | 010 | MTN | 3,725,000.00 | 3,797,227.88 | 3,795,986.14 | 01/06/2027 | 3.450 | 2.936 | 10,709.38 | -1,241.74 | 9,467.64 |
| 233851CU6 | 14571 | 010 | MTN | 5,000,000.00 | 5,055,535.78 | 5,054,581.01 | 01/06/2027 | 3.450 | 3.126 | 14,375.00 | -954.77 | 13,420.23 |
| 008252AM0 | 14582 | 010 | MTN | 1,000,000.00 | 1,036,080.37 | 1,034,542.86 | 02/15/2024 | 4.250 | 2.278 | 3,541.67 | -1,537.51 | 2,004.16 |
| 07330MAA5 | 14588 | 010 | MTN | 5,000,000.00 | 5,307,332.09 | 5,301,840.75 | 10/30/2026 | 3.800 | 2.294 | 15,833.33 | -5,491.34 | 10,341.99 |
| 04685A2L4 | 14602 | 010 | MTN | 5,000,000.00 | 4,900,955.72 | 4,903,832.13 | 01/14/2025 | 2.500 | 3.194 | 10,416.67 | 2,876.41 | 13,293.08 |
| 04685A2L4 | 14590 | 010 | MTN | 5,950,000.00 | 5,978,853.93 | 5,978,015.96 | 01/14/2025 | 2.500 | 2.276 | 12,395.83 | -837.97 | 11,557.86 |
| 828807CS4 | 14606 | 010 | MTN | 5,000,000.00 | 4,996,967.31 | 4,997,065.13 | 10/01/2024 | 3.375 | 3.337 | 14,062.50 | 97.82 | 14,160.32 |
| 15654VAK4 | 14641 T-1 | 010 | MTN | 4,000,000.00 | 4,000,000.00 | 4,000,000.00 | 07/15/2022 | 0.300 | 0.294 | 1,000.00 | 0.00 | 1,000.00 |
| | | | Subtotal | 399,988,000.00 | 401,062,869.17 | 401,041,671.73 | | | 1.291 | 461,034.79 | -21,197.44 | 439,837.35 |
| Fund: Fidelity | MM - Trans | | | | | | | | | | | |
| SYS14190 | 14190 | 030 | RRP | 22,331,867.61 | 22,330,354.67 | 22,331,867.61 | | 0.002 | 0.080 | 1,512.94 | 0.00 | 1,512.94 |
| | | | Subtotal | 22,331,867.61 | 22,330,354.67 | 22,331,867.61 | | | 0.080 | 1,512.94 | 0.00 | 1,512.94 |
| Fund: Fidelity | MM - Regular | | | | | | | | | | | |
| SYS14265 | 14265 | 040 | RRP | 112,818,688.83 | 112,811,045.54 | 112,818,688.83 | | 0.003 | 0.080 | 7,643.29 | 0.00 | 7,643.29 |
| | | | Subtotal | 112,818,688.83 | 112,811,045.54 | 112,818,688.83 | | | 0.080 | 7,643.29 | 0.00 | 7,643.29 |
| | | | Total | 535,138,556.44 | 536,204,269.38 | 536,192,228.17 | | | 0.986 | 470,191.02 | -21,197.44 | 448,993.58 |

Pooled Cash and Investments (Market Value) as of March 31, 2022

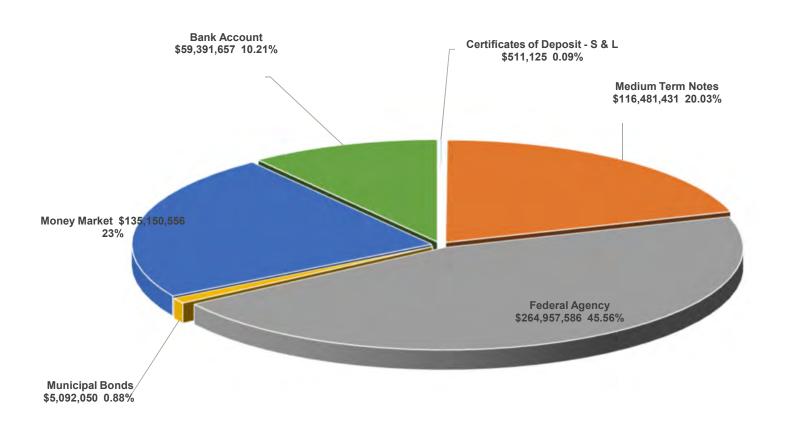


Exhibit 2-D

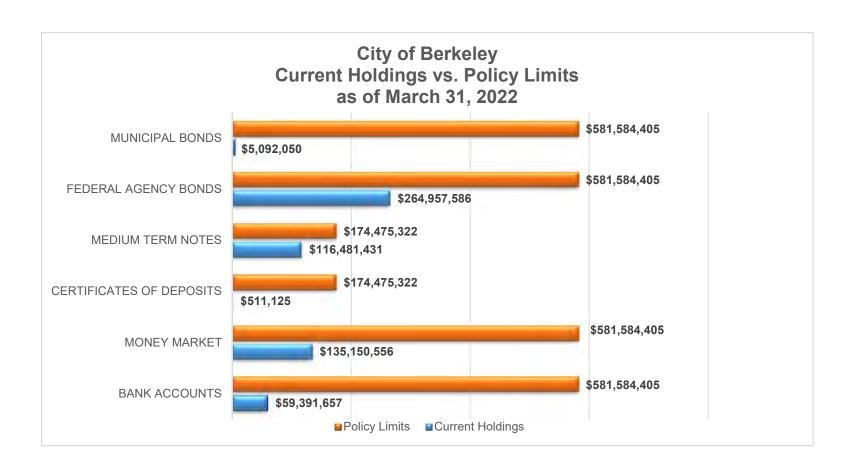
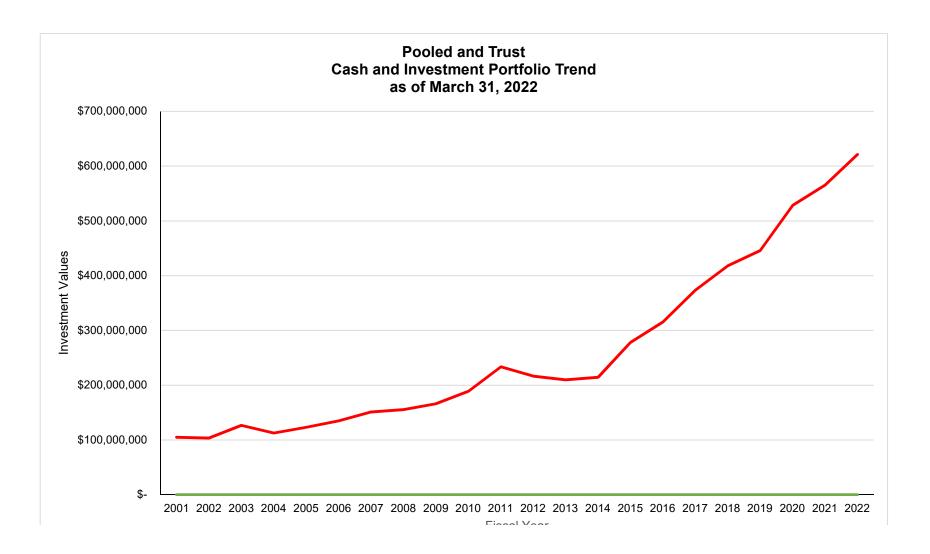


Exhibit 2-E

2022 579,233,606 652,036,745 632,329,730 621,200,027



Attachment 3



Summary of Pooled Cash and Investments - Trust Funds (Market Value) As of March 31, 2022

| | | | | | | | | | ooled Cash |
|--------------|---------------------------------------|-----------|------------|-----------|-------------|-------|--------------|-----|--------------|
| | | | | | vestments | | in/Loss on | | nvestments |
| | | P | ooled Cash | (E | Book Value) | In | vestments | (Ma | arket Value) |
| Retiree Med | ical Trust Fund | | | | | | | | |
| Fund No. | iodi Truot Fund | | | | | | | | |
| 721 | BHA | \$ | 375.868 | \$ | 206,035 | \$ | (17,824) | \$ | 564,079 |
| 722 | M1=IBEW | ¥ | (13,602) | Ψ | 100,647 | (5,22 | | Ψ | 81,820 |
| 723 | M2=Local 1 | | 5,902,388 | | 4,603,143 | | (288,318) | | 10,217,213 |
| 724 | MUI=Z1 | | 988,844 | | 954,356 | , , , | | | 1,904,009 |
| 725 | MUI=Z2 to Z6 | | 1,430,072 | | 1,315,924 | , , , | | | 2,679,630 |
| 725
726 | M535= Local 535 | | 5,491,964 | | 4,271,558 | , , , | | | 9,557,802 |
| 720
727 | M3=Local 790 | | | | | , | | | |
| 121 | M3=Local 790 | | 3,655,622 | | 2,849,539 | - | (195,195) | | 6,309,966 |
| Total Retir | ree Medical Trust Fund | | 17,831,156 | | 14,301,202 | | (817,839) | | 31,314,519 |
| Fire Medical | Trust Fund | | | | | | | | |
| 736 | Fire Medical Trust Fund | | E E00 047 | | 0.005.400 | | (247.250.70) | | 40 004 400 |
| 730 | Fire Medical Trust Fund | | 5,593,317 | | 6,925,460 | - | (317,350.70) | | 12,201,426 |
| Total Fire | Medical Trust Fund | | 5,593,317 | | 6,925,460 | | (317,351) | | 12,201,426 |
| Police Medic | cal Trust Fund | | | | | | | | |
| 731 | Police EE Retiree HLT Assistance Plan | | 688,488 | | 1,645,629 | | (90,707) | | 2,243,410 |
| 701 | Safety Members Pension Fund | 66,229 | | | | | | | 66,229 |
| 706 | Police Medical Trust Fund | 2,177,060 | | 2,872,774 | | | (130,093) | | 4,919,741 |
| Total Polic | e Medical Trust Fund | | 2,931,777 | | 4,518,403 | | (220,800) | | 7,229,380 |
| | Total Trust Funds | \$ | 26,356,250 | \$ | 25,745,065 | \$ | (1,355,990) | \$ | 50,745,325 |
| | Total Hust Lulius | Ψ | 20,000,200 | Ψ | 23,143,005 | Ψ | (1,000,000) | Ψ | 30,143,323 |



Retiree Medical Trust Fund Fund 721 - 727 Interest Earnings January 1 to March 31, 2022

| | | | | | Investmer
As of March 3 | | | | | Interest Earnings
January 1 to March 31, 2022 | | | | |
|----------------|---------------|----------------------|------------------|-------------------------|----------------------------|------------------|---------------|-------------------|-----------------|--|-----------------|-------------------------|-------------------------------|--|
| | | | | | | -, | | <u> </u> | | | | sted Interest Earnir | ngs | |
| CUSIP | Investment | # Issuer | Par Value | Beginning Book
Value | Ending Book
Value | Market Value | Maturity Date | Moody's
Rating | Current
Rate | Annualized
Yield | Interest Earned | Amortization/ Accretion | Adjusted Interest
Earnings | |
| Federal Agency | y Coupon Secu | rities | | | | | | | | | | | | |
| 3133EFQT7 | 14361 | Fed Farm Credit Bank | 2,600,000.00 | 2,607,094.40 | 2,606,639.63 | 2,613,442.00 | 11/25/2025 | AAA | 2.700 | 2.659 | 17,550.00 | (454.77) | 17,095.23 | |
| Municipal Bond | ds | | | | | | | | | | | | | |
| 786091AG3 | 14316 | SACGEN | 5,000,000.00 | 5,193,626.97 | 5,193,626.97 | 5,571,550.00 | 08/01/2025 | A3 | 7.250 | 6.022 | 90,625.00 | (13,508.86) | 77,116.14 | |
| Savo Island Lo | an | | | | | | | | | | | | | |
| SYS10988 | 10988 | EMPMED | 193,000.00 | 193,000.00 | 193,000.00 | 193,000.00 | 09/01/2025 | N/A | 8.000 | 8.044 | 3,828.16 | - | 3,828.16 | |
| Preferred Secu | ırities | | | | | | | | | | | | | |
| 00206R706 | 14591 | AT&T Inc. | 1,680,033.60 | 1,680,033.60 | 1,680,033.60 | 1,458,695.84 | N/A | N/A | 4.596 | 4.624 | 19,154.67 | - | 19,154.67 | |
| 00206R706 | 14596 | AT&T Inc. | 1,680,008.40 | 1,680,008.40 | 1,680,008.40 | 1,458,673.96 | N/A | N/A | 4.640 | 4.652 | 19,270.78 | - | 19,270.78 | |
| 00206R706 | 14597 | AT&T Inc. | 2,520,000.00 | 2,520,000.00 | 2,520,000.00 | 2,188,000.00 | N/A | N/A | 4.643 | 4.654 | 28,918.04 | - | 28,918.04 | |
| | | Total | \$ 13,673,042.00 | \$ 13,873,763.37 | \$ 13,873,308.60 | \$ 13,483,361.80 | | | | 4.834 | \$ 179,346.65 | \$ (13,963.63) | \$ 165,383.02 | |

Exhibit 3-B



Fire Retiree Medical Fund 736 Interest Earnings January 1 to March 31, 2022

| | | | Investments Interest Earnings | | | | | | ngs | | | | |
|----------------|------------------|----------------------------|-------------------------------|-------------------------|----------------------|-----------------|---------------|-------------------|-----------------|---------------------|--------------------|----------------------------|-------------------------------|
| | | | | | As of March 31 | , 2022 | | | | | January 1 to March | 31, 2022 | |
| | | | | | | | | | | | Adju | sted Interest Earnir | ngs |
| CUSIP | Investment # | Issuer | Par Value | Beginning Book
Value | Ending Book
Value | Market Value | Maturity Date | Moody's
Rating | Current
Rate | Annualized
Yield | Interest Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Medium Term N | Notes | | | | | | | | | | | | |
| 6174467X1 | 14318 | Morgan Stanley DW DTC#0015 | 2,000,000.00 | 2,030,085.43 | 2,030,085.43 | 2,108,240.00 | 11/24/2025 | BAA1 | 5.000 | 4.609 | 25,000.00 | (1,929.92) | 23,070.08 |
| Federal Agency | y Coupon Securit | ies | | | | | | | | | | | |
| 3133EFQT7 | 14362 | Fed Farm Credit Bank | 2,300,000.00 | 2,306,275.82 | 2,306,275.82 | 2,311,891.00 | 11/25/2025 | AAA | 2.700 | 2.659 | 15,525.00 | (402.30) | 15,122.70 |
| Preferred Secu | rities | | | | | | | | | | | | |
| 00206R706 | 14592 | AT&T Inc. | 1,679,983.20 | 1,679,983.20 | 1,679,983.20 | 1,458,652.08 | N/A | N/A | 4.596 | 4.624 | 19,154.10 | - | 19,154.10 |
| 00206R706 | 14594 | AT&T Inc. | 839,991.60 | 839,991.60 | 839,991.60 | 729,326.04 | N/A | N/A | 4.640 | 4.652 | 9,635.24 | - | 9,635.24 |
| | | Total | \$ 6,819,974.80 | \$ 6,856,336.05 | \$ 6,856,336.05 | \$ 6,608,109.12 | | | | 3.962 | \$ 69,314.34 | \$ (2,332.22) | \$ 66,982.12 |

| Total Investments (Book Value) | \$ | 6,856,336.05 |
|---|----|---------------|
| Gain/Loss on Investments | | (248,226.93) |
| Total Investments (Market Value) | | 6,608,109.12 |
| Temporarily Invested with Pooled Cash & Investments | _ | 5,593,317.00 |
| Total Pooled Cash and Investments | \$ | 12,201,426.12 |



Police Retiree Medical Fund 731 and 706 Interest Earnings January 1 to March 31, 2022

| | | | Investments As of March 31, 2022 | | | Interest Earnings January 1 to March 31, 2022 | | | | | | | |
|----------------------|----------------------------------|----------------------------|----------------------------------|-------------------------|----------------------|--|---------------|-------------------|-----------------|---------------------|-----------------|----------------------------|-------------------------------|
| | | | | | | | | | | | Adju | sted Interest Earni | ings |
| CUSIP | Investment # | ‡ Issuer | Par Value | Beginning Book
Value | Ending Book
Value | Market Value | Maturity Date | Moody's
Rating | Current
Rate | Annualized
Yield | Interest Earned | Amortization/
Accretion | Adjusted Interest
Earnings |
| Medium Term N | Votes | | | | | | | | | | | | |
| 6174467X1 | 14319 | Morgan Stanley DW DTC#0015 | 500,000.00 | 507,521.36 | 507,038.88 | 527,060.00 | 11/24/25 | BAA1 | 5.000 | 4.609 | 6,250.00 | (482.48) | 5,767.52 |
| Federal Agency | Federal Agency Coupon Securities | | | | | | | | | | | | |
| 3133EFQT7 | 14363 | Fed. Farm Credit Banks | 2,300,000.00 | 2,306,275.82 | 2,305,873.52 | 2,311,891.00 | 11/25/25 | AAA | 2.700 | 2.659 | 15,525.00 | (402.30) | 15,122.70 |
| Preferred Securities | | | | | | | | | | | | | |
| 00206R706 | 14593 | AT&T Inc. | 1,679,983.20 | 1,679,983.20 | 1,679,983.20 | 1,458,652.08 | N/A | N/A | 4.596 | 4.624 | 19,154.10 | - | 19,154.10 |
| | | Total | \$ 4,479,983.20 | \$ 4,493,780.38 | \$ 4,492,895.60 | \$ 4,297,603.08 | | | | 3.614 | \$ 40,929.10 | \$ (884.78) | \$ 40,044.32 |

| Total Investments (Book Value) | \$
4,492,895.60 |
|---|--------------------|
| Gain/Loss on Investments | (195,292.52) |
| Total Investments (Market Value) | 4,297,603.08 |
| Temporarily Invested with Pooled Cash & Investments |
2,931,777.00 |
| Total Pooled Cash and Investments | \$
7,229,380.08 |



INFORMATION CALENDAR June 28. 2022

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Praveen Sood, Chairperson, Human Welfare and Community Action

Commission

Subject: HWCAC 2018-2023 Work Plan

INTRODUCTION

At its April 27, 2022 regular meeting, the HWCAC adopted its 2018-2023 Work Plan (Attachment 1).

CURRENT SITUATION AND ITS EFFECTS

At its April 27, 2022 regular meeting, the HWCAC adopted its 2018-2023 Work Plan (M/S/C: Sood/Omodele. Vote: Ayes –Bookstein, Lippman, Omodele, Sood, Sim; Noes – None; Abstain – Behm-Steinberg; Absent – None).

BACKGROUND

In 2016, Council adopted direction to Commissions to submit a work plan annually.

The City of Berkeley is a Community Action Agency (BCAA) and receives Community Services Block Grant funds (CSBG) to support anti-poverty programs. CSBG funds are part of the federal Department of Health and Human Services budget and are passed through the State of California's Community Services and Development Department to local CAAs. The HWCAC acts as the Board of the BCAA and is required to have a strategic plan.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability or climate impacts associated with the adoption of this work plan.

POSSIBLE FUTURE ACTION

The HWCAC will review the work plan annually and revise the plan as appropriate.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no fiscal impacts in accepting this work plan.

INFORMATION CALENDAR June 28, 2022

CONTACT PERSON

Mary-Claire Katz, Associate Management Analyst, HHCS, 981-5414

Attachments:

1: HWCAC 2018-2023 Strategic Plan



2018-2023 STRATEGIC PLAN

Vision

Eradicate persistent poverty in the city of Berkeley by offering residents the services they require for a decent life while offering a path to economic stability.

<u>Mission</u>

Provide city council with recommendations to support a fully integrated system of community services and policies that provide low income residents of Berkeley, with the following: (A) Responsive, caring, and effective community services that provide basic human needs, including, but not limited to, the core services; (B) Opportunities for employment that provide a living wage and offer future growth; (C) Opportunities to continuously build an asset and skills base that can lead to greater economic stability.

Core Services to be provided by City and/or Agencies

- 1. Access to nutritious food/Food Security
- 2. Housing/Housing stability
- 3. Healthcare (Including Mental health services)
- 4. Childcare
- 5. Transportation
- 6. Services for the Disabled
- 7. Computer and Internet Access
- 8. Legal Services
- 9. Skills Training
- 10. Job/Opportunity Development
- 11. Banking Services
- 12. Money Management

Target Populations

- 1. General Funds: Low income (up to 60% of AMI.) households that own or rent within the City of Berkeley.
- 2. CSBG Funds: Households that reside within the City of Berkeley whose household income is 125% or less of the poverty level.

Objectives

- 1. Increase engagement with community to understand needs
- 2. Increase the number of low-income commissioners serving on the HWCAC.
- 3. Create partnerships with other commissions and city agencies to find ways to increase services and leverage resources
- 4. Support city staff and agencies with the following objectives:
 - a. Show an improvement in living conditions of target population through the following:
 - 1. Increase in people with access to regular meals
 - 2. Increase in people with access to healthcare
 - 3. Increase in people with stable housing
 - 4. Increase in median household income
 - 5. Increase In long term employment rates
 - 6. Increase in median savings or net worth
 - 7. Increase in education levels attained
 - b. Reduce the number of households in target population
 - c. Maintain a high client approval rate on agency and city services

Strategies

- Establish baseline metrics and mechanisms for gathering those metrics on a regular basis
- Use feedback and data to determine Core Service priorities before each funding cycle
- 3. Collaborate with other commissions on policy and recommendations when possible and appropriate
- 4. Monitor all council activities that may affect target populations and determine a response
- 5. Develop agency events or other programs that enhance collaboration and knowledge sharing

6. Keep strategic plan up to date

Action Plan

- 1. Develop feedback mechanisms from community, agencies, and city staff on services currently provided and needed
 - a. Develop a questionnaire aimed at gathering information on services needed and provided
 - Carry out "listening booth" meetings at locations that can yield good information and/or carry out a semiannual community meeting to discuss needs
 - c. Bring in community experts to discuss and educate commissioners on agenda topics as required
 - d. Carry out regular meetings with agencies and city teams providing services regarding quality services
 - e. Work with staff to implement a survey form for agency clients to complete and submit

2. Commissioner Engagement

- a. Find ways to recruit more low-income members of the community into the commission
- b. Strive to keep agenda focused and relevant
- c. Keep all commissioners engaged and participating by encouraging them to take on tasks and to bring forward recommendations
- d. Establish call-in meeting procedures

Metrics

- a. Determine number of households that currently are in the target populations
- b. Develop additional metrics per objectives

4. Stay informed on Council activities

- a. Appoint commissioners on a monthly rotating basis to examine council agenda and come back to group with relevant items
- b. Add relevant items to meeting agenda to help ensure that they get discussed
- c. Formally determine a no action/action (communication or recommendation) from commission on agenda items

5. Agency Reviews

- Look at implementing an annual meeting with agencies to discuss their programs and best practices
- b. Review existing agency reports and provide staff with ideas on ways that could help provide additional information
- c. Review all agency reports annually and work with city staff to carry out site visits at least once every funding cycle
- d. Look for alternative sources of funding to help support agencies and staff
- 6. Carry out an annual planning meeting in October each year to discuss the following items
 - a. Review of accomplishments for current year
 - b. Discuss commission priorities for the coming year
 - c. Review community services to ensure that community needs are being met
 - d. Review any recommendations for changes to commission bylaws
 - e. Discuss any updates to work/strategic plan

7. Working with other commissions

- a. Establish liaisons for other commissions
- b. Find ways to bring other commissions into council recommendations when possible and appropriate
- c. Share information with other commissions as needed



INFORMATION CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Landmarks Preservation Commission (LPC)

Submitted by: Charles Enchill, LPC Chairperson

Subject: Annual Report on LPC Actions

INTRODUCTION

LPC has prepared a report on its activities during the period June 2021 through May 2022; see Attachment 1, "Annual Report on Landmarks Preservation Commission Actions." Reports on the Commission's activities are required on an annual basis, in accordance with Berkeley Municipal Code Chapter 3.24.090 - *Annual Report Required*.

CURRENT SITUATION AND ITS EFFECTS

On May 5, 2022, the Commission voted to adopt the attached report and to forward it to City Council. Vote: 6-0-1-1 (one vacancy); Yes: Adams, Crandall, Enchill, Leuschner, Schwartz, Twu; No: none; Abstain: Finacom; Absent: Montgomery.

BACKGROUND

Staff prepared a draft report summarizing LPC's action and then presented it for the Commission's consideration at its meeting on May 5, 2022. The Commission received the report favorably and voted to adopt it and to forward it to City Council in accordance with the BMC requirement.

The Commission held a total of 12 meetings during this reporting period, all occurred via video conferencing in compliance with City's measures to socially distance in order to curtail the spread of the COVID-19 virus. Commissioners have adapted to the remote meeting format and many have expressed a desire to continue for the foreseeable future.

Among numerous accomplishments, the Commission:

- Designated four properties as City Landmarks.
- Granted six Structural Alteration Permits for existing properties on the City's register of historic properties.
- Considered 11 demolition referrals from the Zoning Adjustments Board.
- Identified a need for a City-wide Historic Context Statement and prepared a budget request to City Council for the 2022/23 budget cycle.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Historic preservation practices encourage the adaptive re-use and rehabilitation of cultural resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The LPC will continue to submit an annual report on its activities in accordance with the BMC requirement.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no fiscal impacts associated with this reporting activity.

CONTACT PERSON

Fatema Crane, LPC Secretary, 510-981-7413

Attachments:

1: Annual Report of Landmarks Preservation Commission (LPC) Activities



Annual Report on Landmarks Preservation Commission (LPC) Actions

Reporting Period: June 2021 through May 2022 Due Date: June 30, 2022

Presented to City Council
By the LPC Secretary
On behalf of the LPC Chairperson and the Commission
In accordance with Berkeley Municipal Code Section 3.24.090

Table of Contents

Part 1: Introduction

Part 2: Meetings Held

Part 3: Actions Undertaken in Accordance with

Regulatory Compliance

Part 4: Discussions Held

Part 5: Presentations Received

Part 1: Introduction

In accordance with Berkeley Municipal Code Section 3.24.090, the LPC shall report its actions to City Council on an annual basis. The report must arrive not later than June 30 of each year.

Herein City Council will find summaries of all LPC activities for the current reporting period. The summary lists are arranged in categories reflecting LPC's compulsory duties, such as public meetings and quasi-judicial reviews, as well as other efforts that further cultural resource preservation in Berkeley.

Part 2: LPC Meetings Held – via video conferencing only

| Meeting Body | Date | | |
|---|-----------------------|--|--|
| | June 3, 2021 | | |
| | July 1, 2021 | | |
| | August 5, 2021 | | |
| | September 2, 2021 | | |
| | October 7, 2021 | | |
| Landmarks Preservation Commission (LPC) | November 4, 2021 | | |
| | December 2, 2021 | | |
| | January 6, 2022 | | |
| | February 3, 2022 | | |
| | March 3, 2022 | | |
| | April 7, 2022 | | |
| | May 5, 2022 | | |
| | April 6-9, 2021 | | |
| LPC Ad Hoc Subcommittee: Acheson Commons Development Project Structural Alteration Permit | June 7-14, 2021 | | |
| | September 15-21, 2021 | | |
| | March 11-17, 2002 | | |

LPC Regulatory Actions Part 3:

| Activity | Property Address | Application
Number | Action Date | |
|--------------------------------|------------------------------------|-----------------------|------------------|--|
| | 1325 Arch Street | #LMIN2020-0008 | August 5, 2021 | |
| Landmark & Structure of | 2212 Fifth Street (denied) | #LMIN2021-0001 | October 7, 2021 | |
| Merit Designations | 2523 Piedmont Avenue | #LMIN2021-0002 | February 3, 2022 | |
| BMC Section 3.24.150 | 1940 Hearst Avenue | #LMIN2021-0003 | March 3, 2022 | |
| | 2113 Kittredge Street | #LMIN2022-0001 | May 5, 2022 | |
| | 1120 Second Street | #LMSA2021-0001 | August 5, 2021 | |
| | 1960 University Avenue | #LMSA2021-0003 | October 7, 2021 | |
| Structural Alteration Permits | 1325 Arch Street | #LMSAP2021-0003 | January 6, 2022 | |
| BMC Section 3.24.240 | 2328 Channing Way | #LMSAP2021-0002 | February 3, 2022 | |
| | 2580 Bancroft Way | #LMSAP2022-0003 | April 7, 2022 | |
| | 8 Greenwood Common | #LMSAP2022-0002 | May 5, 2022 | |
| | 2942 College Avenue | #ZP2021-0072 | July 1, 2021 | |
| | 2213 Fourth Street | | July 1, 2021 | |
| | 2221 Fourth Street | #ZP2021-0043 | | |
| | 2216 Fifth Street | | | |
| Use Permit Demolition | 1710 University Avenue | #ZP2021-0127 | December 2, 2021 | |
| Referrals | 130 Berkeley Square | #ZP2021-0158 | February 3, 2022 | |
| BMC 23C.08.050 | 134 Berkeley Square | 1121 2021 0100 | | |
| BIVIC 23C.08.030 | 701, 703, 705, & 705A Bancroft Way | # 7 D2024_0006 | March 2, 2022 | |
| | 747 Bancroft Way | #ZP2021-0096 | March 3, 2022 | |
| | 2440 Shattuck Avenue | #ZP2021-0201 | April 7, 2022 | |
| | 2439 Durant Avenue | #ZP2021-0192 | May 5, 2022 | |
| Design Review Referrals | | | | |
| BMC 23E.12.020.B | 2345 Channing Way | #DRSL2021-0012 | November 4, 2021 | |
| Mill Act Contract Applications | | | | |
| | | None | | |
| City Council Resolution 59,355 | | | | |
| Section 106 Referrals | | None | | |
| National Preservation Act | | INOILE | | |

Part 4: LPC Agenda Discussions Held

| Topic | Discussion | Outcome | Date(s) |
|--|--|---|------------------|
| Draft Plaque Content for City
Landmark Fred Turner Building
at 2580 Bancroft Way | Commented on draft plaque content. | Approved the content, and assigned inspection of the plaque installation to the Subcommittee for Acheson Commons. | July 1, 2021 |
| National Register of Historic
Places Nomination for City
Landmark Peoples Park at 2526
Haste Street | Reviewed the nomination materials and considered providing comments to the State Historic Resources Commission (SHRC) as Certified Local Government. | Commissioners did not reach a consensus on this topic; no comments were provided to the SHRC. | October 7, 2021 |
| | Dia and atmost a size to | | November 4, 2021 |
| City-wide Historic Resources
Survey | Discussed strategies to initiate a survey effort, to define a scope, and to identify potential funding sources. | Authored a Budget
Referral to City
Council. | December 2, 2021 |
| | | | January 6, 2022 |
| | | | February 3, 2022 |
| | | | March 3, 2022 |

Part 5: LPC Agenda Presentations Received

| Topic | Presenter | Date |
|--|---|-------------------|
| Housing Element Update | Land Use Planning staff presented information on the upcoming Housing Element Update. | September 2, 2021 |
| City Landmark School for the
Deaf & Blind/Clark Kerr Campus
at 2601 Warring Street | UC Campus Architect presented information about pending development and seismic improvement project. | November 4, 2021 |
| Draft EIR for North Berkeley &
Ashby BART Station Re-Zoning | Land Use Planning staff presented information about the cultural resources components of the Draft EIR. | November 4, 2021 |





INFORMATION CALENDAR June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Zero Waste Commission

Submitted by: Christienne de Tournay, Chairperson, Zero Waste Commission

Subject: Zero Waste Commission Fiscal Year 2022-23 Work Plan

INTRODUCTION

The Zero Waste Commission (ZWC) is responsible for making recommendations on City solid waste policy and goals, including commercial and residential garbage, and recycling services, budgets, and other decisions relating to solid waste in the City of Berkeley. The ZWC adopted the FY 2022-23 Work Plan on May 23, 2022. M/S/C: de Tournay/Curtis; Ayes: de Tournay, Sherman; Nelson, Curtis; Abstain: None; Absent: Doughty; Stein.

CURRENT SITUATION AND ITS EFFECTS

Over the last two years, the City of Berkeley, along with the rest of the world, has made its best efforts to survive during Covid-19, and operations/staff have been running as usual following the initial lock-down period. The City of Berkeley is enacting important changes and improvements to its Zero Waste services and long-term plans, including:

- Continuing the process to design the replacement of the Solid Waste & Recycling Transfer Station (SW&RTS), which is currently going through the CEQA process,
- Adapting to changes in the recycling export markets,
- Implementing the Single Use Foodware and Litter Reduction Ordinance,
- Implementing new state legislation SB 1383 to reduce landfilled organics, and
- Expanding collection services for hard-to-recycle materials.

ZWC is supporting the development of a Zero Waste Division Strategic Plan, and the SW&RTS replacement, as well as evaluate new proposed legislation or programs targeting some of the larger remaining components of avoidable waste.

These projects advance the City's Strategic Plan goals to:

- 1. Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities
- 2. Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment

The following goals have been identified for the upcoming year:

| Goal | Resources | Program activities | Outputs | Outcomes |
|--|--|--|---|---|
| Transfer
Station
Replacement | Feasibility Study
(completed Nov.
2019) First
Carbon Solutions
retained for CEQA | Consultant presentation to Commission TBD | None | N/A |
| Zero Waste
Strategic Plan | RFP was issued
for consultant in
Q2 2022 | Consultant presentation at ZWC TBD | Commission recommendations to City Council | Ongoing Commission
Feedback |
| Food Recovery
and Organics
Diversion
SB1383 | City Staff | Continue staff updates | Provide recommendations as needed to Council and other stakeholders | Help achieve state
SB1383
requirements |
| Single-Use
Foodware &
Litter Reduction
Ordinance | City Staff, Ecology
Center, UC
Berkeley/Cal Zero
Waste | Follow implementation of Single-Use Foodware Ordinance, review through lens of Covid-19 repercussions | Provide recommendations as needed to Council and other stakeholders | Provide feedback to
Council on
Ordinance
Implementation |
| Reduce
Landfilling of
Construction
Debris | Deconstruction
Subcommittee,
Bay area
Deconstruction
group, Urban Ore | Work with builders, material resellers, CEAC, Community Health, Landmarks, Disaster/Fire Safety and Planning to increase reuse of old growth wood debris | Recommendations for Council | Recommendations
for Council by end of
year 2022 |
| Clarify/Define/
Revisit what is
acceptable for
program
acceptance/
recycling of all
plastics | City Staff, Community Conservation Centers, Ecology Center, StopWaste | Listen to experts,
gather information,
receive updates from
City partners | Recommendation to
Council | Economically viable and environmentally responsible collection operation for recyclable plastics (Highest and best use) |

BACKGROUND

- <u>Transfer Station Replacement</u>: Community meetings were held in 2019 for design of replacement input. First Carbon Solutions has been retained to conduct the CEQA certification process for the replacement project.
- Food Recovery & Organics Diversion SB 1383 requires reduction of organic waste disposal 50% by 2020 and 75% by 2025. Starting in 2022, all CA jurisdictions will need to provide organic waste collection services to all residents and businesses. Berkeley will be required to use products made from this recycled organic material, such as renewable energy, compost, and mulch. Food

- service businesses must donate edible food to food recovery organizations. This will help feed the almost 1 in 4 Californians without enough to eat. California has a 2025 goal to rescue 20% of edible food currently thrown away, and redirect it to those in need.
- Single-Use Foodware & Litter Reduction Ordinance: All of the Foodware Ordinance phases have been enacted. Phase 2, requiring all disposable foodware to be compostable and includes a .25 cent charge for disposable cups, took effect on 1/1/20 (just before the mandated Covid-19 Shelter in Place order). Phase 3, mandating reusables for dine-in, began on 7/1/2020. Enforcement of all phases has been relaxed due to the pandemic, but is now increasing with addition of new staff positions.
- <u>Plastics Feasibility of Recyclability</u>: Due to declining infrastructure/operations and unreliable markets for many grades and compositions of plastics, the City's municipal collection program will require reassessment of which plastics are acceptable in its stream.
- Reduce Landfilling of Construction Debris: Carpet recycling program was
 established at the Transfer Station in 2019. Due to multi-city operations of the
 construction industry, Deconstruction Ordinance may be introduced at regional
 level. Recommendations for Council will likely be proposed by end of year 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Potential to reduce quantity of material sent to landfill and reduce consumption of new materials.

POSSIBLE FUTURE ACTION

Future Action Items that ZWC may send to City Council include:

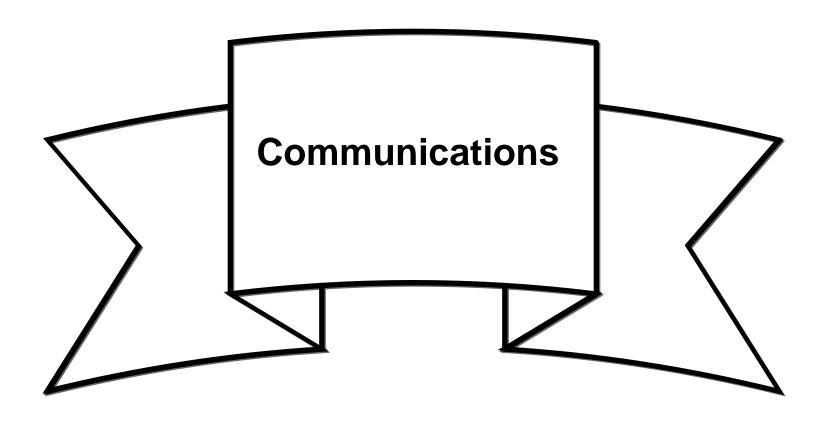
- Resolution to support a Regional Deconstruction Ordinance
- Resolution to support a Citywide Reusable Food Container program
- Resolution to support an expanded coordinated effort with UCB during Cal moveout months
- Public information available for transparency in materials being recycled based on markets and destinations.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Reusable Food Container program and City/UCB collection efforts require funding.

CONTACT PERSON

Heidi Obermeit, Recycling Program Manager, Public Works, (510) 981-6357



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street Berkeley, CA 94704 (510) 981-6900

Records Online

https://records.cityofberkeley.info/

To search for communications associated with a particular City Council meeting using Records Online:

- 1. Select Search Type = "Public Communication Query (Keywords)"
- 2. From Date: Enter the date of the Council meeting
- 3. To Date: Enter the date of the Council meeting (this may match the From Date field)
- 4. Click the "Search" button
- 5. Communication packets matching the entered criteria will be returned
- 6. Click the desired file in the Results column to view the document as a PDF