



**REVISED AGENDA
(REVISED TELECONFERENCE LOCATION)
BERKELEY CITY COUNCIL MEETING**

**Tuesday, May 14, 2024
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - THE INTERCONTINENTAL - THE WHARF DC
801 WHARF STREET SW, WASHINGTON, DC 20024

JESSE ARREGUIN, MAYOR
Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

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*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this [URL: https://cityofberkeley-info.zoomgov.com/j/1617988895](https://cityofberkeley-info.zoomgov.com/j/1617988895). To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 798 8895**. 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.*

To submit a written communication for the City Council’s consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

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

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

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

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 or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

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

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

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

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

Recess Items

- 1. Grant Application: Law Enforcement Mental Health and Wellness Act (LEMWHA) Program Grant to support contract with the Public Safety Family Counseling Group (PSFG) for Crisis Intervention and Critical Incident Stress Management Services.**

From: City Manager

Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to submit a Law Enforcement Mental Health and Wellness Act (LEMWHA) FY 24 Program grant application in the amount up to \$200,000, due April 30, 2024; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: See report

Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000; Jennifer Louis, Police, (510) 981-5900

Consent Calendar

- 2. Repeal of Berkeley Municipal Code Chapter 12.80**

From: City Attorney

Recommendation: Adopt first reading of an ordinance repealing Chapter 12.80 to the Berkeley Municipal Code (BMC), which bans natural gas infrastructure in new construction. In California Restaurant Association v. City of Berkeley, the 9th Circuit Court of Appeals found this ordinance unlawful. Repeal is required by the parties' settlement agreement and would resolve the litigation.

Financial Implications: None

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

- 3. Amendment: FY 2024 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt the first reading of an Ordinance amending the FY 2024 Annual Appropriations Ordinance No. 7,892–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments in the amount of \$64,477,630 (gross) and \$52,604,888 (net).

Financial Implications: See report

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

Consent Calendar

- 4. Grant Application: California Fire Safe Council (CFSC) Grant to establish an Alameda County Coordinator**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.
Financial Implications: \$200,000 (grant)
Contact: David Sprague, Fire, (510) 981-3473
- 5. Contract No. 32100126 Amendment: Anjanette Scott LLC for Housing Consultant Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100126 with Anjanette Scott LLC extending and increasing the contract by \$25,000 for consulting services to support the Housing Trust Fund program in a total amount not to exceed \$175,000, with a contract end date of June 30, 2025.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 6. Reinstatement of Sick Leave**
From: City Manager
Recommendation: Approve a Resolution adopting new Personnel Rule 11.09 – Reinstatement of Sick Leave, which provides that (1) temporary or non-career employees who transition into career positions or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C) shall carry over their accrued sick leave banks to their new positions, and (2) consistent with California Labor Code Section 246(g)(2), unused paid sick days shall be reinstated for any employee who separates from the City but is rehired within a year, unless a longer period is specified by an applicable Memorandum of Understanding with the employee’s bargaining group.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Consent Calendar

- 7. Amendment #1 to the WETA Memorandum of Understanding for the Berkeley Water Transportation Pier Ferry Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute amendment #1 to the existing Memorandum of Understanding (MOU) with the Water Emergency Transportation Authority (WETA) to accept up to \$3,000,000 in WETA funding for the engineering, design and environmental phase of the new pier-ferry project at the Berkeley Marina.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 8. Contract: COWI North America, Inc. for engineering and design of the Berkeley Water Transportation Pier Ferry Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with COWI North America, Inc (COWI) in an amount not to exceed \$6,500,000 which includes \$250,000 of contingency to provide engineering and design services for the Berkeley Water Transportation Pier Ferry Project (Project) for the period June 1, 2024 through June 1, 2027.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 9. Accepting a Donation from Friends of Fountain Walk for Installation of Benches and Repairs to Balustrades of Fountain Walk**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a donation of \$16,800 from the Friends of Fountain Walk (Friends) for repairs to the historic balustrades and railings along Fountain Walk from Marin Circle to Del Norte Street and Sutter Street.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 10. Accepting a Donation from Residents of The Uplands for Resurfacing**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from the residents of 255 thru 305 The Uplands in the amount of \$50,000 to resurface the City owned parcel that performs as a public street for these residents.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

11. **Bike Share Electric-Assist Bicycle Expansion Agreement**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with Lyft Bikes and Scooters, LLC, subject to the terms of the Franchise Agreement, for the addition of 221 docked electric-assist bicycles and 11 infill bike share stations in Berkeley as part of the Bay Area Bike Share Program.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

12. **Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by \$1,530,000 for a total not to exceed amount of \$2,244,022.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

13. **Contract No. 32300080 Amendment: On-Call Civil Engineering Services, CSW Stuber-Stroeh Engineering Group, Inc.**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300080 with CSW Stuber-Stroeh Engineering Group, Inc. for on-call civil engineering services, increasing the contract amount by \$750,000 for a total not to exceed the amount of \$1,500,000 and extending the term of the contract from December 31, 2025, to June 30, 2027.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

14. **Contract (Specification No. 23-11556-C): Koios Engineering, Inc. for MRP Trash Capture FY 2023 Project**

From: City Manager

Recommendation: Adopt a Resolution: -Approving plans and specifications for the MRP Trash Capture FY 2023 Project, Specification No. 23-11556-C; -Accepting the bid of the lowest, responsive and responsible bidder, Koios Engineering, Inc.; 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 \$460,350.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

- 15. Final Map of Tract 8639: 3000 San Pablo Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8639 for a 79-unit condominium project consisting of 78 residential units and 1 commercial unit at 3000 San Pablo Avenue.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 16. Increase Purchase Order No. 22203563 for Nicholas K Corp dba the Ford Store San Leandro**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase FY 2022 purchase order number 22203563 to Nicholas K Corp dba the Ford Store San Leandro by \$20,000 for a new not to exceed amount of \$155,000 to account for the increased cost of new model year vehicles.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 17. Purchase Order: SWARCO McCain, Inc. for Traffic Signal Controllers**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a multi-year purchase order with SWARCO McCain, Inc, a sole source vendor, for traffic controllers, software, and other related parts in an amount not to exceed \$500,000 for the next three fiscal years until June 30, 2026.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 18. Revised Fees for Public Use of City-Owned Electric Vehicle Charging Ports; Amending Berkeley Municipal Code Section 6.24.137**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 6.24.137, Designation of and Restrictions for Electric Vehicle Parking Spaces, to: -Establish a schedule of rates for electric vehicle charging stations, and -Authorize the City Manager or her Designee to adjust the rates in accordance with the California Public Utility Commission's electricity rate increases.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Council Consent Items

19. Support SB 1060

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

Recommendation: Adopt a Resolution in support of SB 1060 (Becker), which requires insurance companies to consider wildfire risk management in insurance underwriting. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Josh Becker and Nancy Skinner, and Assemblymember Buffy Wicks.

Financial Implications: None

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

20. Support SB 1144 – Shutting Down the Market for Stolen Goods

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

Recommendation: Adopt a Resolution in support of SB 1144 (Skinner), which will make it more difficult to sell stolen goods on online marketplaces. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.

Financial Implications: None

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

21. City Council Committee and Regional Body Appointments

From: Mayor Jesse Arreguín (Author)

Recommendation: Adopt a Resolution approving appointments to City Council Policy Committees, Partnership Committees and Regional Bodies.

Financial Implications: None

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

Council Consent Items

22. Elections Code 9212 Report on Street Paving Initiatives

From: Mayor Jesse Arreguín (Author)

Recommendation: Refer to the City Manager to prepare a report on the fiscal, infrastructure, and other impacts of the two circulating citizen initiative street paving measures (“SAFE STREETS” and “Fix the Streets and Sidewalks”). Council requests the report include: Estimated revenue to the City, broken down by the allocations as stated within each measure, in both current year and year of expenditure dollars, based on standard inflation and square footage growth expectations; Estimated impact on pavement conditions index (PCI) from each measure, with modeling prepared by the City’s paving consultant, assuming the City maintains current street repair funding levels. If modeling is not available or not feasible, provide best estimates based on previous scenario modeling; Estimated potential impact on implementation of the Vision Zero Action Plan and related safety plans (Pedestrian Plan, Bicycle Plan, Safe Routes to Schools) from each measure; A summary of the staff time and City activities required in each measure; An estimate of any additional staff costs generated by each measure that is not funded by the measure; Estimated funding levels for the sidewalk repair program from each measure, discuss any alterations to the sidewalk repair program contained in each measure, and discuss any impacts to other City funding as a result; and any other information of interest to the City or the public, as determined by the City Manager. This report is being requested by the Council pursuant to California Elections Code Section 9212.

Financial Implications: Staff time

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

23. Budget Referral: BYA Counseling Center and Summer Jam Day Camp

From: Councilmember Taplin (Author)

Recommendation: Refer to the Fiscal Year (FY) 25-26 budget process \$110,000 for the Berkeley Youth Alternatives (BYA) Counseling Center and Summer Jam Day Camp.

Financial Implications: General Fund - \$110,000

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

24. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Berkeley Symphony’s Spring Benefit

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

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember – including \$500 from Councilmember Hahn – to the Berkeley Symphony, a 501(c)(3) non-profit organization, to support its upcoming Spring Benefit, with funds relinquished to the City’s general fund for this purpose from the discretionary Council office budgets of Councilmember Sophie Hahn, and from any other Councilmember who would like to contribute.

Financial Implications: See report

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

Council Consent Items

25. Staff direction and budget referral for Practical Interventions to Clear and Keep Using Parking Spaces (PICKUPS)

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

Recommendation: Refer to City Manager the potential creation of evening/nighttime 10- and/or 15 minute parking/loading zones along portions of one or both sides of the roadway for the following blocks: -Shattuck Avenue between Berkeley Way and Addison Streets; -Durant Avenue between Dana and Bowditch Streets; -University Avenue between Milvia Street and Shattuck Avenue; -Telegraph Avenue between Blake Street and Bancroft Way; -Other potential areas as may be recommended by staff.

Refer to the FY 2025-2026 budget process the following preliminary allocations for implementation and enforcement: -\$50,000 for revised signage and curb striping. - \$75,000 for targeted nighttime enforcement operations.

Refer to the City Manager evaluation of the feasibility of increased fines for double parking/obstructing travel lanes and have staff return to Council with a report on maximum and recommended potential fine amounts.

Financial Implications: See report

Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Action Calendar

The public may comment on each item listed on the agenda for action. 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 during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

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

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

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – New Business

26. 2024 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

From: City Manager

Recommendation:

1. Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals;
2. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District; and
3. Adopt a Resolution approving the list of prioritized referrals to city staff.

Financial Implications: No direct fiscal impacts

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

27. Reimagining Public Safety Update

From: City Manager

Recommendation:

Review and discuss the provided status report from the City Manager with the goal of demonstrating transparency and facilitating informed council discussion towards the advancement of the Reimagining Public Safety initiative in Berkeley.

Financial Implications: See report

Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

28. Increasing Entry Level Homeownership Opportunities: Implementation of AB 1033 to Allow Accessory Dwelling Units (ADUs) To Be Sold Separately

From: Councilmember Kesarwani (Author); Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation: Refer to City Manager to implement AB 1033, which would allow Accessory Dwelling Units (ADUs) to be sold separately from a primary unit. This referral would necessitate elimination of any mention of sales restrictions as they pertain to ADUs within the Berkeley Municipal Code and adoption of an ordinance allowing ADU sales separate from a primary unit(s).

Financial Implications: See report

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

Information Reports

29. Update: HR Response: Audit Directive(s) for Comprehensive Domestic Violence Policy to Support City Employees

From: City Manager

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

30. Audit Follow-up Status Update

From: Auditor

Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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@berkeleyca.gov

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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***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 May 9, 2024.***



Mark Numainville, City Clerk

## **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 #19: Support SB 1060**

1. Barbara Gilbert
2. Kelly Hammargren

### **Bikers on Tilden Running Path**

3. Anne Marie

### **50/50 Sidewalk Repair**

4. Stephen Rosenbaum (2)

### **Cannabis Sales around Berkeley High School**

5. Amanda Hickman

### **Vehicle Noise Activated Camera Enforcement**

6. Alex Merenkov

### **Peace and Justice Commission**

7. Andrea Valverde
8. Elizabeth Sufit
9. Joshua Spivak
10. Leo Mara
11. Beth Jacobson Wilson
12. Patricia Munro
13. 12 similarly-worded form letters

**Biolab Watch**

14. UC Berkeley Planning

**Berkeley Landfill**

15. James McGrath

**Aurora Theater**

16. Carol Hirth

17. Virginia Morris

18. Margaret Perchert

19. Toni Casal

20. Josh Costello

**Parking Tickets**

21. David Lerman

**A Safe Place Invitation**

22. Carolyn Russell, Executive Director

**Zero Waste Strategic Plan**

23. Chrise de Tournay Birkhahn

**Ohlone Greenway**

24. Diana Bohn

**District 4 Assistance**

25. Luis Orozco

**Chess Club**

26. Jesse Sheehan

**Berkeley Unified School District**

27. Aaron Katler

**Middle East Conflict**

28. David Shere

29. Max Joyce

30. Russell Bates (2)

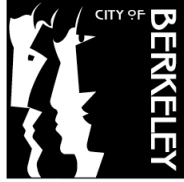
## **Supplemental Communications and Reports**

*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.







**AGENDA**  
**BERKELEY CITY COUNCIL MEETING**

**Tuesday, May 14, 2024**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – CECILIA LUNAPARRA  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.*

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this [URL: https://cityofberkeley-info.zoomgov.com/j/1617988895](https://cityofberkeley-info.zoomgov.com/j/1617988895). To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 798 8895**. 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.*

*To submit a written communication for the City Council’s consideration and inclusion in the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

## Preliminary Matters

### Roll Call:

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

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

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

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

**Public Comment by Employee Unions (first regular meeting of the month):** *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

## 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 or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

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

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

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

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

## Recess Items

- 1. Grant Application: Law Enforcement Mental Health and Wellness Act (LEMWHA) Program Grant to support contract with the Public Safety Family Counseling Group (PSFG) for Crisis Intervention and Critical Incident Stress Management Services.**

**From: City Manager**

**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to submit a Law Enforcement Mental Health and Wellness Act (LEMWHA) FY 24 Program grant application in the amount up to \$200,000, due April 30, 2024; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

**Financial Implications:** See report

Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000; Jennifer Louis, Police, (510) 981-5900

## Consent Calendar

- 2. Repeal of Berkeley Municipal Code Chapter 12.80**

**From: City Attorney**

**Recommendation:** Adopt first reading of an ordinance repealing Chapter 12.80 to the Berkeley Municipal Code (BMC), which bans natural gas infrastructure in new construction. In California Restaurant Association v. City of Berkeley, the 9th Circuit Court of Appeals found this ordinance unlawful. Repeal is required by the parties' settlement agreement and would resolve the litigation.

**Financial Implications:** None

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

- 3. Amendment: FY 2024 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt the first reading of an Ordinance amending the FY 2024 Annual Appropriations Ordinance No. 7,892–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments in the amount of \$64,477,630 (gross) and \$52,604,888 (net).

**Financial Implications:** See report

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

## Consent Calendar

- 4. Grant Application: California Fire Safe Council (CFSC) Grant to establish an Alameda County Coordinator**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.  
**Financial Implications:** \$200,000 (grant)  
Contact: David Sprague, Fire, (510) 981-3473
- 5. Contract No. 32100126 Amendment: Anjanette Scott LLC for Housing Consultant Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100126 with Anjanette Scott LLC extending and increasing the contract by \$25,000 for consulting services to support the Housing Trust Fund program in a total amount not to exceed \$175,000, with a contract end date of June 30, 2025.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 6. Reinstatement of Sick Leave**  
**From: City Manager**  
**Recommendation:** Approve a Resolution adopting new Personnel Rule 11.09 – Reinstatement of Sick Leave, which provides that (1) temporary or non-career employees who transition into career positions or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C) shall carry over their accrued sick leave banks to their new positions, and (2) consistent with California Labor Code Section 246(g)(2), unused paid sick days shall be reinstated for any employee who separates from the City but is rehired within a year, unless a longer period is specified by an applicable Memorandum of Understanding with the employee’s bargaining group.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

## Consent Calendar

- 7. Amendment #1 to the WETA Memorandum of Understanding for the Berkeley Water Transportation Pier Ferry Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute amendment #1 to the existing Memorandum of Understanding (MOU) with the Water Emergency Transportation Authority (WETA) to accept up to \$3,000,000 in WETA funding for the engineering, design and environmental phase of the new pier-ferry project at the Berkeley Marina.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 8. Contract: COWI North America, Inc. for engineering and design of the Berkeley Water Transportation Pier Ferry Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with COWI North America, Inc (COWI) in an amount not to exceed \$6,500,000 which includes \$250,000 of contingency to provide engineering and design services for the Berkeley Water Transportation Pier Ferry Project (Project) for the period June 1, 2024 through June 1, 2027.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 9. Accepting a Donation from Friends of Fountain Walk for Installation of Benches and Repairs to Balustrades of Fountain Walk**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept a donation of \$16,800 from the Friends of Fountain Walk (Friends) for repairs to the historic balustrades and railings along Fountain Walk from Marin Circle to Del Norte Street and Sutter Street.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300
- 10. Accepting a Donation from Residents of The Uplands for Resurfacing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation from the residents of 255 thru 305 The Uplands in the amount of \$50,000 to resurface the City owned parcel that performs as a public street for these residents.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300

## Consent Calendar

### 11. **Bike Share Electric-Assist Bicycle Expansion Agreement**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an agreement with Lyft Bikes and Scooters, LLC, subject to the terms of the Franchise Agreement, for the addition of 221 docked electric-assist bicycles and 11 infill bike share stations in Berkeley as part of the Bay Area Bike Share Program.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

### 12. **Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by \$1,530,000 for a total not to exceed amount of \$2,244,022.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

### 13. **Contract No. 32300080 Amendment: On-Call Civil Engineering Services, CSW Stuber-Stroeh Engineering Group, Inc.**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300080 with CSW Stuber-Stroeh Engineering Group, Inc. for on-call civil engineering services, increasing the contract amount by \$750,000 for a total not to exceed the amount of \$1,500,000 and extending the term of the contract from December 31, 2025, to June 30, 2027.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

### 14. **Contract (Specification No. 23-11556-C): Koios Engineering, Inc. for MRP Trash Capture FY 2023 Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: -Approving plans and specifications for the MRP Trash Capture FY 2023 Project, Specification No. 23-11556-C; -Accepting the bid of the lowest, responsive and responsible bidder, Koios Engineering, Inc.; 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 \$460,350.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

## Consent Calendar

- 15. Final Map of Tract 8639: 3000 San Pablo Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the final map of Tract Map 8639 for a 79-unit condominium project consisting of 78 residential units and 1 commercial unit at 3000 San Pablo Avenue.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300
- 16. Increase Purchase Order No. 22203563 for Nicholas K Corp dba the Ford Store San Leandro**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase FY 2022 purchase order number 22203563 to Nicholas K Corp dba the Ford Store San Leandro by \$20,000 for a new not to exceed amount of \$155,000 to account for the increased cost of new model year vehicles.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300
- 17. Purchase Order: SWARCO McCain, Inc. for Traffic Signal Controllers**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a multi-year purchase order with SWARCO McCain, Inc, a sole source vendor, for traffic controllers, software, and other related parts in an amount not to exceed \$500,000 for the next three fiscal years until June 30, 2026.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300
- 18. Revised Fees for Public Use of City-Owned Electric Vehicle Charging Ports; Amending Berkeley Municipal Code Section 6.24.137**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 6.24.137, Designation of and Restrictions for Electric Vehicle Parking Spaces, to: -Establish a schedule of rates for electric vehicle charging stations, and -Authorize the City Manager or her Designee to adjust the rates in accordance with the California Public Utility Commission's electricity rate increases.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300

## Council Consent Items

**19. Support SB 1060**

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

**Recommendation:** Adopt a Resolution in support of SB 1060 (Becker), which requires insurance companies to consider wildfire risk management in insurance underwriting. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Josh Becker and Nancy Skinner, and Assemblymember Buffy Wicks.

**Financial Implications:** None

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

**20. Support SB 1144 – Shutting Down the Market for Stolen Goods**

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

**Recommendation:** Adopt a Resolution in support of SB 1144 (Skinner), which will make it more difficult to sell stolen goods on online marketplaces. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.

**Financial Implications:** None

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

**21. City Council Committee and Regional Body Appointments**

**From: Mayor Jesse Arreguín (Author)**

**Recommendation:** Adopt a Resolution approving appointments to City Council Policy Committees, Partnership Committees and Regional Bodies.

**Financial Implications:** None

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



## Council Consent Items

### 22. Elections Code 9212 Report on Street Paving Initiatives

**From: Mayor Jesse Arreguín (Author)**

**Recommendation:** Refer to the City Manager to prepare a report on the fiscal, infrastructure, and other impacts of the two circulating citizen initiative street paving measures (“SAFE STREETS” and “Fix the Streets and Sidewalks”). Council requests the report include: Estimated revenue to the City, broken down by the allocations as stated within each measure, in both current year and year of expenditure dollars, based on standard inflation and square footage growth expectations; Estimated impact on pavement conditions index (PCI) from each measure, with modeling prepared by the City’s paving consultant, assuming the City maintains current street repair funding levels. If modeling is not available or not feasible, provide best estimates based on previous scenario modeling; Estimated potential impact on implementation of the Vision Zero Action Plan and related safety plans (Pedestrian Plan, Bicycle Plan, Safe Routes to Schools) from each measure; A summary of the staff time and City activities required in each measure; An estimate of any additional staff costs generated by each measure that is not funded by the measure; Estimated funding levels for the sidewalk repair program from each measure, discuss any alterations to the sidewalk repair program contained in each measure, and discuss any impacts to other City funding as a result; and any other information of interest to the City or the public, as determined by the City Manager. This report is being requested by the Council pursuant to California Elections Code Section 9212.

**Financial Implications:** Staff time

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

### 23. Budget Referral: BYA Counseling Center and Summer Jam Day Camp

**From: Councilmember Taplin (Author)**

**Recommendation:** Refer to the Fiscal Year (FY) 25-26 budget process \$110,000 for the Berkeley Youth Alternatives (BYA) Counseling Center and Summer Jam Day Camp.

**Financial Implications:** General Fund - \$110,000

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

### 24. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Berkeley Symphony’s Spring Benefit

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

**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember – including \$500 from Councilmember Hahn – to the Berkeley Symphony, a 501(c)(3) non-profit organization, to support its upcoming Spring Benefit, with funds relinquished to the City’s general fund for this purpose from the discretionary Council office budgets of Councilmember Sophie Hahn, and from any other Councilmember who would like to contribute.

**Financial Implications:** See report

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

## Council Consent Items

### 25. Staff direction and budget referral for Practical Interventions to Clear and Keep Using Parking Spaces (PICKUPS)

**From: Councilmember Humbert (Author), Councilmember Taplin (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Hahn, (Co-Sponsor)**

**Recommendation:** Refer to City Manager the potential creation of evening/nighttime 10- and/or 15 minute parking/loading zones along portions of one or both sides of the roadway for the following blocks: -Shattuck Avenue between Berkeley Way and Addison Streets; -Durant Avenue between Dana and Bowditch Streets; -University Avenue between Milvia Street and Shattuck Avenue; -Telegraph Avenue between Blake Street and Bancroft Way; -Other potential areas as may be recommended by staff.

Refer to the FY 2025-2026 budget process the following preliminary allocations for implementation and enforcement: -\$50,000 for revised signage and curb striping. - \$75,000 for targeted nighttime enforcement operations.

Refer to the City Manager evaluation of the feasibility of increased fines for double parking/obstructing travel lanes and have staff return to Council with a report on maximum and recommended potential fine amounts.

**Financial Implications:** See report

Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

## Action Calendar

*The public may comment on each item listed on the agenda for action. 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 during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.*

*A member of the public may only speak at one of the two public comment periods for any single Action item.*

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

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

## Action Calendar – Scheduled Public Comment Period

*During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.*

## Action Calendar – New Business

**26. 2024 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)**

**From: City Manager**

**Recommendation:**

1. Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals;
2. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District; and
3. Adopt a Resolution approving the list of prioritized referrals to city staff.

**Financial Implications:** No direct fiscal impacts

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

**27. Reimagining Public Safety Update**

**From: City Manager**

**Recommendation:**

Review and discuss the provided status report from the City Manager with the goal of demonstrating transparency and facilitating informed council discussion towards the advancement of the Reimagining Public Safety initiative in Berkeley.

**Financial Implications:** See report

Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

**28. Increasing Entry Level Homeownership Opportunities: Implementation of AB 1033 to Allow Accessory Dwelling Units (ADUs) To Be Sold Separately**

**From: Councilmember Kesarwani (Author); Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Refer to City Manager to implement AB 1033, which would allow Accessory Dwelling Units (ADUs) to be sold separately from a primary unit. This referral would necessitate elimination of any mention of sales restrictions as they pertain to ADUs within the Berkeley Municipal Code and adoption of an ordinance allowing ADU sales separate from a primary unit(s).

**Financial Implications:** See report

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

## Information Reports

**29. Update: HR Response: Audit Directive(s) for Comprehensive Domestic Violence Policy to Support City Employees**

**From: City Manager**

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**30. Audit Follow-up Status Update**

**From: Auditor**

Contact: Jenny Wong, Auditor, (510) 981-6750

## Public Comment – Items Not Listed on the Agenda

## Adjournment

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

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@berkeleyca.gov](mailto:clerk@berkeleyca.gov)

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

### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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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 May 2, 2024.



Mark Numainville, City Clerk

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 #19: Support SB 1060

1. Barbara Gilbert
2. Kelly Hammargren

Bikers on Tilden Running Path

3. Anne Marie

50/50 Sidewalk Repair

4. Stephen Rosenbaum (2)

Cannabis Sales around Berkeley High School

5. Amanda Hickman

Vehicle Noise Activated Camera Enforcement

6. Alex Merenkov

Peace and Justice Commission

7. Andrea Valverde
8. Elizabeth Sufit
9. Joshua Spivak
10. Leo Mara
11. Beth Jacobson Wilson
12. Patricia Munro
13. 12 similarly-worded form letters

Biolab Watch

14. UC Berkeley Planning

Berkeley Landfill

15. James McGrath

Aurora Theater

16. Carol Hirth

17. Virginia Morris

18. Margaret Perchert

19. Toni Casal

20. Josh Costello

Parking Tickets

21. David Lerman

A Safe Place Invitation

22. Carolyn Russell, Executive Director

Zero Waste Strategic Plan

23. Chrise de Tournay Birkhahn

Ohlone Greenway

24. Diana Bohn

District 4 Assistance

25. Luis Orozco

Chess Club

26. Jesse Sheehan

Berkeley Unified School District

27. Aaron Katler

Middle East Conflict

28. David Shere

29. Max Joyce

30. Russell Bates (2)

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.



Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
 May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Carianna Arredondo, Assistant to the City Manager, Reimagining Public Safety

Subject: Grant Application: Law Enforcement Mental Health and Wellness Act (LEMWHA) Program Grant to support contract with the Public Safety Family Counseling Group (PSFG) for Crisis Intervention and Critical Incident Stress Management Services.

RECOMMENDATION

Adopt a Resolution ratifying the action taken by the City Manager during recess to submit a Law Enforcement Mental Health and Wellness Act (LEMWHA) FY 24 Program grant application in the amount up to \$200,000, due April 30, 2024; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

Delaying this action until after the Council recess could significantly hinder the City's ability to secure the grant funding. Given the competitive nature of the grant and the strict deadlines imposed by the funding agency, any delay risks missing the application deadline, thereby forfeiting potential financial support for crucial mental health initiatives within the law enforcement community. This could result in gaps in mental health support and wellness resources that are vital for the safety and effectiveness of the officers and the community they serve.

FISCAL IMPACTS OF RECOMMENDATION

The Berkeley Police Department, with the support of the Reimagining Public Safety project coordinator, is applying for an amount up to \$200,000, there is no requirement for matching funds, and this grant will have no impact on the City's budget.

CURRENT SITUATION AND ITS EFFECTS

The [Office of Community Oriented Policing Services](#) (COPS), a critical entity within the Department of Justice, enhances the capacity of America's police departments to

implement community policing through grants, resources, and information.¹ These grants support the hiring of community policing professionals, the development of innovative policing strategies, and the delivery of training and technical assistance to community members, local government leaders, and law enforcement personnel at all levels.

Fiscal Year 2024 funds from the [Law Enforcement Mental Health and Wellness Act \(LEMHWA\)](#) Program are specifically allocated to enhance mental health and wellness services for law enforcement². This includes funding initiatives such as peer support programs, training sessions, resources for families, suicide prevention initiatives, and other promising practices aimed at improving wellness. The objective is to expand knowledge, raise awareness of effective wellness strategies, improve skills and capabilities within law enforcement, and increase utilization of these practices across various agencies and stakeholders.

The Berkeley Police Department is currently pursuing LEMWHA funding to continue its successful collaboration with the Public Safety Family Counseling Group (PSFG). This partnership, initiated under the Reimagining Public Safety Phase 2 directives, focuses on Crisis Intervention and Critical Incident Stress Management Services. The collaboration has not only bolstered the department's response to crisis situations but has also strengthened the peer support network, crucial for supporting colleagues during critical incidents. Training sessions facilitated by the International Critical Incident Stress Foundation (ICISF) have equipped numerous department members with specialized skills in 'Assisting Individuals in Crisis and Group Crisis Intervention'. This training ensures that the Berkeley Police Department maintains high standards of peer support.

As the City approaches a new fiscal year, securing LEMWHA funding becomes essential to maintain and expand these critical services. This effort aligns with the City's Strategic Plan Goal to create a resilient, safe, connected, and prepared community, while also focusing on attracting and retaining a talented and diverse workforce. The ongoing funding support through LEMWHA is vital for the sustainability of these initiatives and the overall well-being of the police force and the community it serves.

BACKGROUND

As part of the City's ongoing commitment to the Reimagining Public Safety initiative, the City Council approved strategic funding allocations aimed at sustaining and enhancing public safety efforts³. For fiscal years 2023 and 2024, a total of \$200,000 was allocated under the Grant Assistance effort. This funding is instrumental in reinforcing the City's dedication to long-term safety and community welfare initiatives and is being managed

¹ <https://cops.usdoj.gov/grants>

² <https://cops.usdoj.gov/lemhwa>

³ <https://berkeleyca.gov/sites/default/files/documents/FY-2023-2024-Adopted-Budget-Book.pdf>

by the Assistant to the City Manager serving as the Reimagining Public Safety Project Coordinator in the City Manager's Office.

In 2024, the City of Berkeley entered into a partnership with California Consulting, LLC, under Contract No. 32400015, to augment the City's capabilities in grant application processes. This partnership aims to maximize the potential for securing additional funding to support public safety programs.

An additional \$50,000 was approved for the same fiscal years to address the wellness needs of the Berkeley Police Department, supporting components such as the Critical Incident Stress Contract, the Peer Support Team, and other emerging wellness needs.

Utilizing the designated funds, the Berkeley Police Department established a partnership with the Public Safety Family Counseling Group, Inc. This collaboration, formalized under Contract No. 32300022, focuses on Crisis Intervention and Critical Incident Stress Management Services. Beyond crisis scenarios, this partnership enhances the department's peer support team by equipping members with the necessary training and tools to effectively support colleagues during challenging times.

As the initiative transitions into Phase 3, which aligns with the upcoming Fiscal Year 2025-2026 budget cycle yet to be adopted, securing further grants remains a critical priority. This continued funding will support the expansion of current initiatives and the introduction of new programs under the initiative's next phase, ensuring the safety and well-being of both the community and law enforcement personnel.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Approving the resolution enables the City to apply for a \$200,000 Law Enforcement Mental Health and Wellness Act grant, critical for funding the ongoing partnership with the Public Safety Family Counseling Group for Crisis Intervention and Stress Management Services. This timely application ensures the Berkeley Police Department can maintain and enhance essential mental health and wellness support without financial strain on the city's budget, aligning with strategic goals to foster a resilient, safe, and well-prepared community.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Carianna Arredondo, Assistant to the City Manager, Reimagining Public Safety, 510-981-6903

Jennifer Louis, Chief of Police, 510-981-5700

Jen Tate, Deputy Chief, 510-981-5983

Lt. Matthew McGee, Police Community Services Bureau, 510-981-5808

Attachments:

1: Resolution

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

AUTHORIZING A GRANT APPLICATION FOR UP TO \$200,000 TO OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS ACT (LEMWHA) PROGRAM GRANT

WHEREAS, the Law Enforcement Mental Health and Wellness Act (LEMWHA) Program provides critical funding to enhance the mental health and wellness services for law enforcement agencies across the nation; and

WHEREAS, the City of Berkeley, in alignment with the Reimagining Public Safety initiative, recognizes the urgent need to support mental health initiatives for its police force, ensuring their effectiveness and resilience in serving the community; and

WHEREAS, the Berkeley Police Department has established a beneficial partnership with the Public Safety Family Counseling Group, Inc., focusing on Crisis Intervention and Critical Incident Stress Management Services to bolster the department's capacity to manage and mitigate crisis situations effectively; and

WHEREAS, securing the LEMWHA grant is imperative for continuing the successful interventions and trainings provided through this partnership, which have proven essential in enhancing the department's peer support network and overall mental health readiness; and

WHEREAS, the application for this grant, due April 30, 2024, and in the amount of up to \$200,000, requires timely submission to meet strict funding deadlines, ensuring the City's ability to continue these vital services without financial interruption.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to submit a Law Enforcement Mental Health and Wellness Act (LEMWHA) FY 24 Program grant application in the amount up to \$200,000, due April 30, 2024; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.



Office of the City Attorney

CONSENT CALENDAR

May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Farimah Faiz Brown, City Attorney
Lauren Packard, Deputy City Attorney

Subject: Repeal of Berkeley Municipal Code Chapter 12.80

RECOMMENDATION

Adopt first reading of an ordinance repealing Chapter 12.80 to the Berkeley Municipal Code (BMC), which bans natural gas infrastructure in new construction. In *California Restaurant Association v. City of Berkeley*, the 9th Circuit Court of Appeals found this ordinance unlawful. Repeal is required by the parties' settlement agreement and would resolve the litigation.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

In 2019, the California Restaurant Association sued to invalidate BMC Chapter 12.80. (*California Restaurant Association v. City of Berkeley* (N.D. Cal. 2021) 547 F.Supp.3d 878, *rev'd and remanded* (9th Cir. 2023) 65 F.4th 1045, and *rev'd and remanded* (9th Cir. 2024) 89 F.4th 1094.) While the trial court ruled in the City's favor, on April 17, 2023, a three-judge panel of the Ninth Circuit held that the BMC Chapter 12.80 was unlawful because it was preempted by the federal Energy Policy and Conservation Act. (*California Restaurant Association v. City of Berkeley* (9th Cir. 2023) 65 F.4th 1045.) On January 2, the Ninth Circuit denied the City's petition for a rehearing en banc. (*California Restaurant Association v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094.)

In Closed Session on February 5, 2024, City Council authorized the City Attorney to settle the underlying trial court litigation. On March 18, 2024, the California Restaurant Association and the City filed a notice with a court that a settlement agreement had been reached.

BACKGROUND

In 2019, the City unanimously adopted Ordinance 7672-N.S (the Ordinance). This groundbreaking ordinance added Chapter 12.80 to Title 12 of the Berkeley Municipal Code (BMC), which contains the City's health and safety measures. The Ordinance prohibited all "natural gas infrastructure" in newly constructed buildings, effective

January 1, 2020.” This Ordinance was an ambitious, first-of-its kind measure to address the public health, environmental, and climate harms stemming from natural gas combustion in buildings.

In 2019, the California Restaurant Association (CRA) challenged the City’s natural gas infrastructure ban in federal court. The District Court dismissed the case at an early stage, rejecting CRA’s claim that the Energy Policy and Conservation Act (EPCA) preempted the Ordinance. (*California Restaurant Association v. City of Berkeley* (N.D. Cal. 2021) 547 F.Supp.3d 878, *rev’d and remanded* (9th Cir. 2023) 65 F.4th 1045, and *rev’d and remanded* (9th Cir. 2024) 89 F.4th 1094.) The court did not reach CRA’s state-law preemption claims. Rather, the court dismissed these claims “without prejudice,” meaning that they can be refiled in state court.

On April 17, 2023, a three-judge panel of the Ninth Circuit overturned the District Court’s decision, holding that the Ordinance was “preempted” (rendered unenforceable) under EPCA, a federal act from the 1970s that sets energy conservation standards for certain residential and commercial appliances and also authorizes the federal Department of Energy to set energy conservation standards for these appliances. (*California Restaurant Association v. City of Berkeley* (9th Cir. 2023) 65 F.4th 1045, 1054; 42 U.S.C. § 6291 *et seq.*) EPCA includes an express preemption provision which provides that once a federal energy conservation standard for an appliance is in place, no state or local “regulation concerning energy efficiency [or] energy use” of such an appliance may be enforced. (42 U.S.C. § 6297(c).) The Court concluded that because the Ordinance sets a “quantity” of natural gas—zero—that lawfully can be consumed by covered appliances at their “point of use” in buildings—that it ran afoul of EPCA.

The City, joined by many legal experts and prominent amici curiae such as the federal government, a coalition of states, New York’s utility regulator, and a group of law professors from across the country, strongly disagreed with this reasoning. On May 31, the City filed a petition for rehearing by 11 randomly-selected Ninth Circuit judges (rehearing *en banc*), arguing that the 3-judge panel had fundamentally misread EPCA. On January 2, 2024, the court denied the City’s petition for a rehearing *en banc*, and slightly narrowed the scope of the panel’s opinion, but did not change its holding that BMC 12.80 is unlawful. Faced with no viable path for further defense of the Ordinance, the City Council authorized settlement of the litigation. A condition of settlement is that the City shall not enforce the Ordinance and that City Council shall consider an ordinance repealing it. If the City does not repeal the Ordinance, the District Court will issue a judgment against the City.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Permitting natural gas infrastructure in new buildings will allow the release of natural gas-related greenhouse gases from new buildings and in the course of supplying natural gas to those buildings.

Repeal of BMC 12.80

CONSENT CALENDAR
May 14, 2024

RATIONALE FOR RECOMMENDATION

The City has agreed not to enforce the Ordinance as a condition of settlement of the *California Restaurant Association* litigation. Repealing the Ordinance would resolve the litigation.

CONTACT PERSON

Farimah Faiz Brown, City Attorney, 510-981-6998

Attachments:

1: Ordinance

ORDINANCE NO XX,XXX-N.S.

ORDINANCE REPEALING BERKELEY MUNICIPAL CODE CHAPTER 12.80
(PROHIBITION ON NATURAL GAS INFRASTRUCTURE IN NEW BUILDINGS)

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

Section 1. That Berkeley Municipal Code Chapter 12.80 is hereby repealed.

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



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Sharon Friedrichsen, Budget Manager
 Subject: Amendment: FY 2024 Annual Appropriations Ordinance

RECOMMENDATION

Adopt the first reading of an Ordinance amending the FY 2024 Annual Appropriations Ordinance No. 7,892–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments in the amount of \$64,477,630 (gross) and \$52,604,888 (net).

FISCAL IMPACTS OF RECOMMENDATION

On June 27, 2023 the City Council adopted the FY 2024 Budget, authorizing gross appropriations of \$728,631,293 and net appropriations of \$621,229,929 (net of dual appropriations).

City Council approved the First Amendment to the FY 2024 Annual Appropriations Ordinance (AAO#1) on January 16, 2024, which increased the gross appropriations to \$998,987,051 and net appropriations to \$878,056,634 and represent the re-authorization of funding previously committed in FY 2023 and new expenditures added after the adoption of the FY 2024 Budget on June 27, 2023, including new grant fund appropriations.

This Second Amendment to the FY 2024 Annual Appropriations Ordinance (AAO#2) totals \$64,477,630 (gross) and \$52,604,888 (net) and increases gross appropriations to \$1,063,464,681 and net appropriations to \$930,661,522. The proposed changes are primarily adjustments to continue and start capital projects and other City initiatives, as well as funding City fiscal policies.

Requested funding includes:

1. Re-appropriated unencumbered FY 2023 funding of (-\$76,710); and
2. Changes to fund appropriations, primarily due to receipt of new grants and use of available fund balances, in the amount of \$64,554,340. However, this amount also includes \$23,589,645 in new General Fund adjustments for FY 2024.

BACKGROUND

The Annual Appropriations Ordinance (AAO) establishes the expenditure limits by fund for FY 2024. Throughout the year, the City takes actions that amend the adopted budget. These may include, but are not limited to, the acceptance of new grants, revisions to existing grants, adjustments to adopted expenditure authority due to emergency needs, and transfers in accordance with Council’s fiscal policies.

The adopted budget is also amended annually to reflect the re-appropriation of prior year funds for contractual commitments (i.e. encumbrances) as well as unencumbered carryover of unexpended funds previously authorized for one-time, non-recurring purposes. These budget modifications are periodically presented to the Council in the form of an Ordinance amending the Annual Appropriations Ordinance, which formally requires a two-thirds vote of the City Council.

When Council adopts an appropriations ordinance (budget), it is based on projected revenues and expenditures. If fund balances do not support the requested level of expenditures, no carryover is recommended.

The proposed changes via AAO#2, presented in their entirety in Exhibit A, are summarized as follows:

	Recommended Carryover	Recommended Adjustments	Total
General Fund (011)	\$ -	\$ 23,589,645	\$ 23,589,645
Capital Improvement Fund (501)	\$ -	\$ -	\$ -
All Other Funds	\$ (76,710)	\$ 40,964,695	\$ 40,887,985
Total	\$ (76,710)	\$ 64,554,340	\$ 64,477,630

Below is a summary of the FY 2024 Adjustments for the City’s General Fund and Other Funds.

General Fund: The General Fund includes recommended adjustments of \$23,589,645 for the following items:

Recommended Adjustments

- ❑ \$130,300 for Health, Housing & Community Services to add to existing RDA contract, \$15,000; Lifelong Medical Care contract, \$15,300; Prevailing Wage requirements for Southside Feasibility Study, \$50,000; and Street Level Advisors contract, \$50,000
- ❑ \$65,802 for Human Resources LinkedIn subscription, \$37,442 and NeoGov LEARN module subscription, \$28,360
- ❑ \$12,572,946 of FY 2023 Excess Equity allocation to fund the Stabilization Reserve Fund, \$6,915,120 and the Catastrophic Reserve Fund, \$5,657,826
- ❑ \$3,078,016 of General Fund investment interest above the established baseline of \$6 million be allocated in one-third increments to the Section 115 Trust Fund,

\$2,039,008; General Fund Reserves, \$1,039,008; and to Capital (portion was appropriated in AAO#1)

- ❑ \$1,000,000 increase of General Fund transfer to the Public Liability Fund as more appropriation of fund is needed to meet ongoing and anticipated litigation defense efforts through the end of FY 2024
- ❑ \$298,017 increase in transfer from General Fund to FUND\$ Replacement Fund (Fund 503) to pay for personnel expenses that was paid by Fund 503 that should have been expensed out of General Fund starting in July 1, 2020
- ❑ \$944,564 increase in transfer to Measure U1 Fund the difference between FY 2023 U1 budgeted revenues of \$4,900,000 and actual revenues of \$5,844,564
- ❑ \$5,500,000 for Parks, Recreation and Waterfront for the Marina D and E Dock Replacement project, project construction will be expensed from the General Fund that is a transfer in (loan) from the Worker's Compensation Fund per Resolution No. 70,997-N.S.

All of the General Fund items listed above are being funded from the available FY 2023 General Fund Excess Equity balance.

Other Funds: Other City funds total recommended carryover of (-\$76,710) and recommended adjustments of \$40,887,985 includes the following allocations:

Recommended Carryover

- ❑ \$73,249 in Measure BB Local Streets & Roads for the Southside Complete Streets
- ❑ (-\$168,984) in Capital Grants – Feds Fund to correct the grant fund amount requested in AAO#1 as it was over appropriated by \$168,984
- ❑ \$19,025 in CA Integrated Waste Management Fund for Used Oil Grant Funds that need to be spent by 6/30/24

Recommended Adjustments

- ❑ \$12,600,000 in Measure U1 for the Project Homekey Reservation, \$8,500,000; Acquisition of Real Property located at 1900 Fourth Street, \$1,500,000; and Commitment of funds to the Housing Trust Fund per court order, \$2,600,000
- ❑ \$42,598 in Library – Grants Fund for the Stay & Play Grant
- ❑ \$199,880 in Library – Foundation Fund for Claremont Teen Shelves, \$112,817; Library Grant and Foundation Spending, \$57,098; and Tommy Orange event, \$29,965
- ❑ \$95,000 in Asset Forfeiture for amount needed to support ballistic helmets, new bomb Suit, and computer monitors
- ❑ \$2,200 in Fund Raising Activities for donations use for kitchen supplies and field trip event for the Senior Centers

- ❑ \$1,551,690 in Affordable Housing Mitigation Fee for Housing Trust Fund Development Projects
- ❑ \$360,201 in State Transportation Tax for the City's share for traffic signal at Parker Street and San Pablo Avenue
- ❑ \$534,518 in Measure B - Local Streets and Roads for the HSIP Sacramento Pedestrian Crossing Safety Enhancement
- ❑ \$790,193 in Measure B - Bike and Ped for Ohlone Green Modification & Safety Project and Woolsey-Fulton Bike Blvd, appropriate Fund 131 funding as a swap for the additional funding of Fund 135 due to timing and deadline
- ❑ (-\$602,068) in Measure BB Bike & Pedestrian to reduce funding for Ohlone Green Modification & Safety Project and Woolsey-Fulton Bike Blvd and shift to Fund 131 due to timing and deadlines
- ❑ \$203,000 in Parks Tax for court repair and resurfacing at City parks, \$198,000 and appropriate donation from Berkeley Partners for Parks for the Rose Garden, \$5,000
- ❑ \$1,982,502 in Measure FF for FEMA grant match for Fire Training Health and Wellness program, \$76,364 and projected Fire personnel and overtime expenses, \$1,906,138
- ❑ \$312,926 in Capital Grants – State for Woolsey-Fulton Bicycle Boulevard project and Shattuck/MLK Bus Stops project
- ❑ (-\$4,685) Capital Grants – Local to revise appropriation authority to match actual grant amount as AAO #1 had ACTC grant amount for the project as \$5,143,685 and the approved grant amount is \$5,139,000
- ❑ \$10,614 in Health (General) for TB Real Time Allotment grant funding
- ❑ \$168,282 in Target Case Management/Linkages Fund for the projected cost of the FY 2024 Public Health - Medi-Cal Admin Activities (MAA) Participation Fee and Targeted Case Management expenditures.
- ❑ \$600,000 in Mental Health Service Act Fund for Aging Services portion of FY24 participation fee for MAA (Medi-Cal Administration Activities) Program
- ❑ \$59,828 in BUSD Grant for Berkeley Unified School District - Health Center Nurse contract
- ❑ \$43,962 in Alameda County Grants for Tobacco Master Settlement - Infrastructure (MSA) and SEED-Services to Enhance Early Development programs
- ❑ \$775,042 in One-Time Grant fund for East Bay Regional Parks District Pass through from CalFire, \$100,000; Crisis Care Mobile Units (CCMU) Additional Funding Award, \$70,000; Housing Consortium of East Bay/ Rodeway Inn contract, \$108,000; and Office of Planning and Research (OPR) Adaptation Planning Grant Program, \$497,042
- ❑ \$763,636 in FEMA Fund for assistance to Firefighters grant for Fire Training Health and Wellness program
- ❑ \$31,270 in State Department Conservation/Recycling Fund for Beverage Container Recycling City/County Payment Program
- ❑ \$20,000 in Justice Assistance Grant to offset specific overtime expenditures
- ❑ \$12,500 in American Rescue Plan Fund for ARPA Business Assistance

- ❑ \$900,000 in Measure T1 Fund for the Ohlone Park Restroom and Lighting project
- ❑ \$460,739 in Zero Waste Fund for BAAMQD Closed Landfill Notice of Violations payment and increase Clean Cities program budget
- ❑ \$8,768,267 in Coastal Conservancy Grant Fund for Replacement of D and E Dock project, \$4,305,347 and Waterfront Dredging project, \$4,462,920
- ❑ \$60,000 in Dept of Boating and Waterway Fund for removal and disposal of surrendered and abandoned vessels
- ❑ \$13,600 in Marina Funds for memorial benches
- ❑ \$2,500,000 in Equipment Replacement Fund for emergency vehicle purchases, \$2,000,000 and additional funding to recently amended fleet vendors contracts as a transfer to Equipment Maintenance Fund via an interfund transfer, \$500,000
- ❑ \$1,000,000 in Equipment Maintenance for additional funding to pay for maintenance costs and invoices, \$500,000 and transfer from Equipment Replacement Fund to pay for recently amended fleet vendors contracts, \$500,000
- ❑ \$5,525,000 in Worker’s Compensation Fund for Workers' Compensation Insurance Counsel, \$25,000, and Transfer from Worker's Compensation Fund to the General Fund as a loan for the D and E Dock Replacement Project at the Berkeley Waterfront, Resolution No. 70,997-N.S., \$5,500,000
- ❑ \$1,000,000 in Public Liability Fund for outside legal counsel to meet ongoing and anticipated litigation defense efforts

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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 amend the current FY 2024 Revised Budget and re-appropriate funds from FY 2023 to FY 2024 for contractual commitments that need to be paid and to increase appropriations for unbudgeted and unanticipated expenses. It revises the budget to reflect approved carryover requests and adjustments in both discretionary and non-discretionary funds.

Staff has conducted a detailed analysis of the individual carryover and other adjustment requests submitted by departments and is presenting carryover and other adjustment recommendations for projects that are either currently under contract, represent Council priorities, and/or are considered critical.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager’s Office, 981-7000
Maricar Dupaya, Senior Management Analyst, City Manager’s Office, 981-7000

Attachments:

1: Ordinance

Exhibit A: Annual Appropriation Ordinance Summary of Appropriations by Fund

2: FY 2023 Recommended Carryover and FY 2024 Recommended Adjustment
(AAO#2)

ORDINANCE NO. -N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,892–N.S. FOR
FISCAL YEAR 2024

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

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2024 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

A. General Fund (Funds 001-099)	372,294,282
B. Special Funds (Funds 100-199)	179,834,617
C. Grant Funds (Funds 300-399)	105,338,426
D. Capital Projects Funds (Funds 500-550)	107,315,056
E. Debt Service Fund (Funds 551-599)	13,363,356
F. Enterprise Funds (Funds 600-669)	199,994,922
G. Internal Service Funds (Funds 146, 670-699)	71,411,668
H. Successor Agency (Funds 760-769)	57,120
I. Agency Funds (Funds 771-799)	5,832,143
J. Other Funds (Funds 800-899)	8,023,092
<u>K. Total</u>	
Total General Fund	372,294,282
Add: Total Other Than General Fund	691,170,399
Gross Revenue Appropriated	1,063,464,681
Less: Dual Appropriations	-61,391,491
Less: Revolving/Internal Service Funds	-71,411,668
Net Revenue Appropriated	930,661,522

Section 2. 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; Paramedic Tax Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss 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); IT Cost Allocation Fund; 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 the Measure U1 Fund to the Workers’ Compensation Fund
- e. From the Catastrophic Reserve Fund to the Playground Camp Fund
- f. From Gilman Sports Field Fund to Gilman Field Reserve Fund
- g. From Measure FF Fund to Paramedic Tax Fund.
- h. From the American Rescue Plan Fund to the General Fund; Sports Field Fund; Playground Camp Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.
- i. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- j. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- k. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- l. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- m. To Catastrophic Loss Fund from Permit Service Center Fund.
- n. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- o. 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.

- p. 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.
- q. 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 Tax 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.
- r. 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.
- s. 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.
- t. 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.

- u. 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.

- v. 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.

- w. 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.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of 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.

Attachment for Annual Appropriations Ordinance - Fiscal Year 2024

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. The funds are:

Employee Training Fund	965,714
Equipment Replacement Fund	13,441,342
Equipment Maintenance Fund	11,002,972
Building Maintenance Fund	5,147,045
Central Services Fund	418,963
Workers' Compensation Fund	12,334,961
Public Liability Fund	5,852,080
Information Technology Fund	22,248,591
Subtotal Revolving/Internal Service Funds	<u>\$ 71,411,668</u>

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. The dual appropriations are:

Transfers to the General Fund	
<u>Indirect Cost Reimbursement</u>	
CDBG Fund	176,194
Street Light Assessment District Fund	181,591
One-Time Grant: No Cap Exp	95,000
Zero Waste Fund	2,826,020
Marina Enterprise Fund	423,813
Sanitary Sewer Fund	1,391,256
Clean Storm Water Fund	245,033
Permit Service Center Fund	2,204,064
Unified Program (CUPA) Fund	86,575
Subtotal Transfers to General Fund:	<u>\$ 7,629,546</u>

Transfer to Safety Members Pension Fund from General Fund	551,804
Transfer to Measure U1 Fund from General Fund	5,900,000
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	612,210
Transfer to Capital Improvement Fund (CIP) from General Fund	18,370,905
Transfer to Phone System Replacement - VOIP from General Fund	449,408
Transfer to Equipment Replacement Fund from General Fund	1,081,699
Transfer to Worker's Compensation Fund	813,779
Transfer to Public Liability Fund from General Fund	3,895,888
Transfer to Catastrophic Loss Fund from General Fund	6,278,457
Transfer to IT Cost Allocation Fund from General Fund	71,335
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 Employee Training Fund from GF - Payroll Deduction Trust Fund	750,000
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 General Fund from Amercian Rescue Plan Fund	3,255,743
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 to General Fund from IT Cost Allocation Fund	450,613
Transfer to GF - Payroll Deduction Trust from Sick Leave Entitlement Fund	273,854
Transfer to First Source Fund from Parks Tax Fund	6,675
Transfer to First Source Fund from Capital Improvement Fund	29,943
Transfer to First Source Fund from Marina Fund	2,625
Transfer to Public Art Fund from Parks Tax Fund	11,681
Transfer to Public Art Fund from Capital Improvement Fund	52,400
Transfer to Public Art Fund from Marina Fund	4,594
Subtotal Transfers to Other Funds:	<u>53,761,946</u>
Sub-Total Dual Appropriations	61,391,491
Grand Total Dual Appropriations	132,803,159

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund # Fund	FY 2024 Revised #1	2nd AAO		FY 2024 Revised #2	
		Other Reappropriations	Total Adjustments Amend.		
11 General Fund Discretionary	326,589,356	-	23,589,645	23,589,645	350,179,001
16 Measure U1 - Housing	9,106,627	-	12,600,000	12,600,000	21,706,627
17 Climate Equity	408,653.90	-	-	-	408,654
101 Library - Tax	25,950,014	-	-	-	25,950,014
103 Library - Grants	106,554	-	42,598	42,598	149,151
104 Library - Friends & Gift	178,588	-	-	-	178,588
105 Library - Foundation	209,157	-	199,880	199,880	409,037
106 Asset Forfeiture	201,000	-	95,000	95,000	296,000
107 Special Tax Measure E	1,673,845	-	-	-	1,673,845
108 First Source Fund	57,676	-	-	-	57,676
110 Sec 108 Loan Gty Asst.	587,612	-	-	-	587,612
111 Fund Raising Activities	103,348	-	2,200	2,200	105,548
113 Gilman Sports Field	344,001	-	-	-	344,001
115 Animal Shelter	63,939	-	-	-	63,939
116 Paramedic Tax	4,982,370	-	-	-	4,982,370
117 CA Energy Commission	44,249.13	-	-	-	44,249
119 Domestic Violence Prev - Vit Stat	26,635	-	-	-	26,635
120 Affordable Housing Mitigation	16,525,729	-	1,551,690	1,551,690	18,077,419
121 Affordable Child Care	29,868	-	-	-	29,868
122 Inclusionary Housing Program	610,316	-	-	-	610,316
123 Condo Conversion	122,348	-	-	-	122,348
125 Playground Camp	5,639,916	-	-	-	5,639,916
126 State-Prop 172 Pub.Safety	1,995,881	-	-	-	1,995,881
127 State Transportation Tax	10,171,278	-	360,201	360,201	10,531,479
128 CDBG	8,305,812	-	-	-	8,305,812
129 Rental Housing Safety Program	2,397,557	-	-	-	2,397,557
130 Measure B - Local St & Road	2,669,128	-	534,518	534,518	3,203,646
131 Measure B - Bike & Pedestrian	20,911	-	790,193	790,193	811,104
132 Measure B - Paratransit	51,168	-	-	-	51,168
133 Measure F Alameda County VRF St & Rd	2,389,637	-	-	-	2,389,637
134 Measure BB - Local St & Road	20,202,424	73,249	-	73,249	20,275,673
135 Meaure BB - Bike & Pedestrian	2,749,297	-	(602,068)	(602,068)	2,147,229
136 Measure BB - Paratransit	1,118,461	-	184,000	184,000	1,302,461
137 One Time Funding	69,080	-	-	-	69,080
138 Parks Tax	20,267,736	-	203,000	203,000	20,470,736
139 Streets and Open Space Improvement (SOSIP)	200,000	-	-	-	200,000
140 Measure GG - Fire Prep Tax	6,893,477	-	-	-	6,893,477
142 Streetlight Assesment District	4,678,931	-	-	-	4,678,931
143 Berkeley Bus Ec Dev	179,313	-	-	-	179,313
145 Bayer	163,943	-	-	-	163,943
146 Employee Training	965,714	-	-	-	965,714
147 UC Settlement	7,738,861	-	-	-	7,738,861
148 Cultural Trust	1,804,927	-	-	-	1,804,927
149 Private Party Sidewalks	1,500,000	-	-	-	1,500,000
150 Public Art Fund	124,218	-	-	-	124,218
152 Vital & Health Statistics Trust Fund	55,921	-	-	-	55,921
156 Hlth State Aid Realign Trust	4,116,677	-	-	-	4,116,677
157 Tobacco Cont.Trust	392,108	-	-	-	392,108
158 Mental Health State Aid Realign	4,911,547	-	-	-	4,911,547
159 Citizens Option Public Safety Trust	422,292	-	-	-	422,292
161 Alameda Cty Abandoned Vehicle Abatement	131,567	-	-	-	131,567
164 Measure FF	10,626,130	-	1,982,502	1,982,502	12,608,632
165 Fair Elections	612,210	-	-	-	612,210
301 Operating Grants - Federal	130,186	-	-	-	130,186
302 Operating Grants - State	3,391,652	-	-	-	3,391,652
305 Capital Grants - Federal	7,699,411	(168,984)	-	(168,984)	7,530,427
306 Capital Grants - State	2,824,293	-	312,926	312,926	3,137,219
307 Capital Grants - Local	7,565,115	-	(4,685)	(4,685)	7,560,430
309 OTS DUI Enforcement Education Prg.	406,060	-	-	-	406,060
310 HUD/Home	1,075,128	-	-	-	1,075,128
311 ESGP	784,321	-	-	-	784,321
312 Health (General)	3,584,763	-	10,614	10,614	3,595,377
313 Target Case Management Linkages	1,394,442	-	168,282	168,282	1,562,724

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund # Fund	FY 2024 Revised #1	2nd AAO			FY 2024 Revised #2
		Reappropriations	Other Adjustments	Total Amend.	
314 Alameda County Tay Tip	35,812	-	-	-	35,812
315 Mental Health Service Act	15,524,162	-	600,000	600,000	16,124,162
316 Health (Short/Doyle)	8,444,500	-	-	-	8,444,500
317 EPSDT Expansion Proposal	459,456	-	-	-	459,456
318 Alcoholic Bev Ctr OTS/UC	55,639	-	-	-	55,639
319 Youth Lunch	228,714	-	-	-	228,714
320 Sr. Nutrition Title III	238,820	-	-	-	238,820
321 CFP Title X	161,757	-	-	-	161,757
324 BUSD Grant	363,548	-	59,828	59,828	423,376
325 Vector Control	388,041	-	-	-	388,041
326 Alameda County Grants	932,475	-	43,962	43,962	976,437
327 Senior Supportive Social Services	203,198	-	-	-	203,198
328 Family Care Support Program	188,184	-	-	-	188,184
329 CA Integrated Waste Management	6,023	19,025	-	19,025	25,048
331 Housing Mitigation	1,446,642	-	-	-	1,446,642
333 CALHOME	363,100	-	-	-	363,100
334 Community Action	323,894	-	-	-	323,894
336 One-Time Grant: No Cap Exp	23,200,207	-	775,042	775,042	23,975,249
339 MTC	946,949	-	-	-	946,949
340 FEMA	1,266,717	-	763,636	763,636	2,030,354
341 Alameda Cty Waste Mgt.	377,773	-	-	-	377,773
343 State Dept Conserv/Recygl	32,000	-	31,270	31,270	63,270
344 Caltrans Grant	57,501	-	-	-	57,501
347 Shelter+Care HUD	6,541,883	-	-	-	6,541,883
348 Shelter+Care County	906,212	-	-	-	906,212
349 JAG Grant	55,650	-	20,000	20,000	75,650
350 Bioterrorism Grant	716,036	-	-	-	716,036
354 ARPA - Local Fiscal Recovery Fund	10,374,744	-	12,500	12,500	10,387,244
501 Capital Improvement Fund	48,496,742	-	-	-	48,496,742
502 Phone System Replacement	677,722	-	-	-	677,722
503 FUNDS Replacement	4,326,547	-	-	-	4,326,547
504 PEG-Public, Education & Government	100,000	-	-	-	100,000
506 Measure M - St and Watershed Improvement	922,759	-	-	-	922,759
511 Measure T1 - Infra & Facil.	40,004,725	-	900,000	900,000	40,904,725
512 Measure O	11,886,561	-	-	-	11,886,561
552 09 Measure FF Debt Service	1,337,638	-	-	-	1,337,638
553 2015 GORBS	2,047,259	-	-	-	2,047,259
554 2012 Lease Revenue Bonds BJPFA	499,820	-	-	-	499,820
555 2015 GORBS - 2002 G.O. Refunding Bonds	378,696	-	-	-	378,696
556 2015 GORBS (2007, Series A)	142,540	-	-	-	142,540
557 2015 GORBS (2008 Measure I)	480,184	-	-	-	480,184
558 2010 COP (Animal Shelter)	140,085	-	-	-	140,085
559 Measure M GO Street & Water Imps	1,630,863	-	-	-	1,630,863
560 Infrastructure & Facilities Measure T1	4,699,006	-	-	-	4,699,006
561 Measure O - Housing Bonds	2,007,265	-	-	-	2,007,265
601 Zero Waste	63,084,566	-	460,739	460,739	63,545,305
606 Marina - Coastal Conservancy	6,009,900	-	8,768,267	8,768,267	14,778,167
607 Marina - Dept of Boating & Waterway	78,500	-	60,000	60,000	138,500
608 Marina Operation	10,880,282	-	13,600	13,600	10,893,882
611 Sewer	50,095,588	-	-	-	50,095,588
612 Private Sewer Lateral FD	80,417	-	-	-	80,417
616 Clean Storm Water	9,085,765	-	-	-	9,085,765
621 Permit Service Center	27,606,859	-	-	-	27,606,859
622 Unified Program (CUPA)	882,429	-	-	-	882,429
627 Off Street Parking	7,915,719	-	-	-	7,915,719
631 Parking Meter	11,164,794	-	-	-	11,164,794
636 Building Purchases and Management	3,807,499	-	-	-	3,807,499
671 Equipment Replacement	10,941,342	-	2,500,000	2,500,000	13,441,342
672 Equipment Maintenance	10,002,972	-	1,000,000	1,000,000	11,002,972
673 Building Maintenance Fund	5,147,045	-	-	-	5,147,045
674 Central Services	418,963	-	-	-	418,963
676 Workers Compensation	6,809,961	-	5,525,000	5,525,000	12,334,961
678 Public Liability	4,852,080	-	1,000,000	1,000,000	5,852,080

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund # Fund	FY 2024 Revised #1	2nd AAO			FY 2024 Revised #2
		Other Reappropriations	Other Adjustments	Total Amend.	
680 Information Technology	22,248,591	-	-	-	22,248,591
762 Successor Agency - Savo DSF	57,120	-	-	-	57,120
776 Thousand Oaks Underground	98,448	-	-	-	98,448
777 Measure H - School Tax	500,002	-	-	-	500,002
778 Measure Q - CFD#1 Dis. Fire Protect Bond	1,000,403	-	-	-	1,000,403
779 Spl Tax Bds. CFD#1 ML-ROOS	775,623	-	-	-	775,623
781 Berkeley Tourism BID	893,979	-	-	-	893,979
782 Elmwood Business Improvement District	60,151	-	-	-	60,151
783 Solano Ave BID	38,852	-	-	-	38,852
784 Telegraph Avenue Bus. Imp. District	753,872	-	-	-	753,872
785 North Shattuck BID	307,823	-	-	-	307,823
786 Downtown Berkeley Prop & Improv. District	1,402,991	-	-	-	1,402,991
801 Rent Board	8,023,092	-	-	-	8,023,092
GROSS EXPENDITURE:	998,987,051	(76,710)	64,554,340	64,477,630	1,063,464,681
Dual Appropriations	(59,543,749)	-	(1,847,742)	(1,847,742)	(61,391,491)
Revolving & Internal Service Funds	(61,386,668)	-	(10,025,000)	(10,025,000)	(71,411,668)
NET EXPENDITURE:	878,056,634	(76,710)	52,681,598	52,604,888	930,661,522

FY 2023 RECOMMENDED CARRYOVER AND FY 2024 RECOMMENDED ADJUSTMENT (AAO#2)

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
1	011	General Fund	HHCS		\$15,000	HHOMEP2301	Office of the Director - Remaining FY23 Measure P Allocation	011-51-501-501-5002-000-451-612990-			X	\$100,000 of Measure P revenue was allocated to HHCS in FY23 for a 911 assessment. Only \$85K was encumbered. Remaining \$15K will be added to existing RDA service contract.
2	011	General Fund	HHCS		\$15,300		Lifelong Medical Care/No Place Like Home	011-51-504-535-5002-000-444-636110-		X		Appropriate funding for Reso #71,253 for contract with Lifelong Medical Care
3	011	General Fund	HHCS		\$50,000		Prevailing Wage requirements for Southside Feasibility Study	011-51-504-533-2031-000-444-612990-		X		Appropriate funding for Reso #71,252 for contract with Strategic Economics for a feasibility study
4	011	General Fund	HHCS		\$50,000		Street Level Advisors	011-52-504-533-2032-000-444-612240-		X		Appropriate funding for Reso #70,803 for contract with Street Level Advisors LLC
5	011	General Fund	Human Resources		\$37,442		LinkedIn / Carahsoft	011-34-344-000-0000-000-412-612990			X	A significant part of the City's recruitment efforts focuses on LinkedIn to reach candidates, particular in certain professional classifications, such as engineering. This specialized subscription gives priority listing for City vacancy postings and allows HR Analysts to do personalized outreach on the LinkedIn platform. This funding is necessary to renew HR's subscription.
6	011	General Fund	Human Resources		\$28,360		NeoGov Subscription (LEARN Module)	011-34-341-000-0000-000-412-612990			X	NeoGov's LEARN module is the electronic platform that the City will be using to conduct trainings. Employees will complete all digital trainings, including mandatory courses, on this platform, which will track compliance and maintain transcripts of completion. This funding is necessary to renew HR's subscription.
7	011	General Fund	Non-Departmental		\$12,572,946		Fiscal Policy of allocating excess equity to the two General Fund Reserves Funds	011-99-900-900-0000-000-491-681011-		X		Following the fiscal policy of transferring a portion of the General Fund excess equity to the Stabilization Reserves Fund at 55% (\$6,915,120) and Catastrophic Reserves Fund at 45% (\$5,657,826)
8	011	General Fund	Non-Departmental		\$1,000,000		Increase transfer from General Fund to the Public Liability Fund (PLF)	011-99-900-900-0000-000-491-681011-		X		Increase General Fund transfer to the PLF as more appropriation of fund is needed to meet ongoing and anticipated litigation defense efforts through the end of FY 2024.
9	011	General Fund	Non-Departmental		\$3,078,016		Investment Interest above baseline Fiscal policy	011-99-900-900-0000-000-491-681011-		X		Following the fiscal policy of transferring investment interest above baseline of \$6 million to Section 115 Trust Fund (\$2,039,008) and General Fund Reserves Funds (\$1,039,008)
10	011	General Fund	Non-Departmental		\$298,017		Transfer from General Fund to the FUNDS Replacement Fund	011-99-900-900-0000-000-491-681011-			X	Transfer from General Fund to FUNDS Replacement Fund (Fund 503) to pay for personnel expenses that was paid by Fund 503 that should have been expensed out of General Fund starting in July 1, 2020
11	011	General Fund	Non-Departmental		\$944,564		U1 Revenues	011-99-900-900-0000-000-491-681011-			X	Transfer to Measure U1 Fund the difference between FY 2023 U1 budgeted revenues of \$4,900,000 and actual revenues of \$5,844,564.01.
12	011	General Fund	Parks, Recreation, and Waterfront		\$5,500,000	PRWT122013	Marina D and E Dock Replacement Project	011-52-545-000-0000-000-461-663110-		X		Transfer from Worker's Compensation Fund to the General Fund as a loan for the D and E Dock Replacement Project at the Berkeley Waterfront, Resolution No. 70,997-N.S. Need to appropriate funding for the construction contract
General Fund Total				\$0	\$23,589,645							
13	016	Measure U1	HHCS		\$8,500,000		Project Homekey Reservation	016-51-504533-2032-000-444-685110-		X		Project Homekey Funding Reservation for University Inn conversion to permanent supportive housing. Approved by Council on 3/21/23 through Resolution No. 70,736-N.S.

FY 2023 RECOMMENDED CARRYOVER AND FY 2024 RECOMMENDED ADJUSTMENT (AAO#2)

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
14	016	Measure U1	Non-Departmental		\$1,500,000		Acquisition of Real Property Located at 1900 Fourth Street			X		Appropriate funding to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street, transfer the property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people. Ordinance No. 7.899-N.S.
15	016	Measure U1	Non-Departmental		\$2,600,000		Transfer U1 fund balance of \$2.6 million to the Housing Trust Fund	016-99-900-900-0000-000-491-681011-		X		Commitment of funds to Housing Trust Fund per court order
		Measure U1 Total		\$0	\$12,600,000							
16	103	Library - Grants	Library		\$42,598		Library Grants	103-22-242-274-0000-000-463-642990- & 103-22-242-284-0000-000-463-642990-				Appropriate grant funds for Stay & Play Grant (\$4,500), Lunch at Library (\$11,925), and CLLS (\$26,172.59)
		Library - Grants Total		\$0	\$42,598							
17	105	Library - Foundation	Library		\$112,817		Claremont Teen Shelves	105-22-242-278-0000-000-463-634220-				Appropriate funding for the Claremont Movable shelves project.
18	105	Library - Foundation	Library		\$57,098		Library Grant & Foundation Spending	105-22-242-281-0000-000-463-612990- & 105-22-242-278-0000-000-463-651110-				Appropriate FY 2024 Foundation Grant Funding (\$38,000) and FY 2024 Foundation Spending (\$19,098.39)
19	105	Library - Foundation	Library		\$29,965		PACE Adjustment	105-22-242-278-0000-000-463-612990-				Appropriate funding for the Tommy Orange event
		Library - Foundation Total		\$0	\$199,880							
20	106	Asset Forfeiture	Police		\$95,000		Equipment purchases from the state asset forfeiture account	106-71-703-811-0000-000-421-664110-			X	Amount needed to support ballistic helmets, new Bomb Suit, and computer monitors
		Asset Forfeiture Total		\$0	\$95,000							
21	111	Fund Raising Activities	HHCS		\$1,100	HHADNB2301	FY24 NBSC Donations	111-51-505-541-0000-000-444-649990-			X	Purchase additional kitchen supplies needed for daily lunchtime operations at senior center
22	111	Fund Raising Activities	HHCS		\$1,100	HHADSB2301	FY24 SBSC Donations	111-51-505-544-0000-000-444-634120-			X	Purchase tickets to a field trip event for senior center members
		Fund Raising Activities Total		\$0	\$2,200							
23	120	Affordable Housing Mitigation Fee	HHCS		\$1,551,690		Housing Trust Fund Development Projects	120-51-504-533-2028-000-446-685110-			X	Appropriate funding for Housing Trust Fund Development Projects
		Affordable Housing Mitigation Fee Total		\$0	\$1,551,690							
24	127	State Transportation Tax	Public Works		\$360,201		Traffic Signal at Parker Street and San Pablo Avenue	127-54-622-663-0000-000-431-664110-			X	Appropriate City's share for traffic signal at Parker Street and San Pablo Avenue
		State Transportation Tax Total		\$0	\$360,201							
25	130	Measure B - Local Streets and Roads	Public Works		\$534,518	PWTRBP2202	HSIP Sacramento Pedestrian Crossing Safety Enhancement	130-54-622-668-0000-000-431-various			X	Appropriate funds for the Sacramento Pedestrian Crossing Safety Enhancement project
		Measure B - Local Streets and Roads Total		\$0	\$534,518							
26	131	Measure B - Bike and Ped	Public Works		\$790,193	PWTRBP2204 and PWTRBP2205	Ohlone Green Modification & Safety Project and Woolsey-Fulton Bike Blvd	131-54-622-668-0000-000-431-612310-			X	Appropriate fund 131 funding as a swap for the additional funding of fund 135 due to timing and deadline
		Measure B - Bike and Ped Total		\$0	\$790,193							
27	134	Measure BB Local Streets & Roads	Public Works	\$73,249		PWTRCS2001	Southside Complete Streets	134-54-622-668-0000-000-431-612310/511110			X	To continue the Southside Complete Streets project using all of the fund 134 project budget
		Measure BB Local Streets & Roads Total		\$73,249	\$0							
28	135	Measure BB Bike & Pedestrian	Public Works		(\$602,068)	PWTRBP2204 and PWTRBP2205	Ohlone Green Modification & Safety Project and Woolsey-Fulton Bike Blvd	135-54-622-668-0000-000-431-612310-			X	Reduce funding for projects and shift to Fund 131 due to timing and deadlines
		Measure BB Bike & Pedestrian Total		\$0	(\$602,068)							
29	136	Measure BB - Paratransit	HHCS		\$184,000	HHAMBB2301	Paratransit program	136-51-505-542-2038-000-444-612990-			X	Appropriate FY 2024 Measure BB projected cost increase
		Measure BB - Paratransit Total		\$0	\$184,000							
30	138	Parks Tax	Parks, Recreation, and Waterfront		\$5,000	PRWPK23009	Friends of Rose Garden Tracking	138-52-542-567-0000-000-461-642990-			X	Appropriate donation from Berkeley Partners for Parks for the Rose Garden.
31	138	Parks Tax	Parks, Recreation, and Waterfront		\$198,000	PRWPK24006	Court Resurfacing	138-52-545-000-0000-000-461-624110-			X	Adjustment to add funds for additional sport court repair and resurfacing at City parks.
		Parks Tax Total		\$0	\$203,000							

FY 2023 RECOMMENDED CARRYOVER AND FY 2024 RECOMMENDED ADJUSTMENT (AAO#2)

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification	
32	164	Measure FF	Fire		\$76,364		FEMA Grant Match	164-72-742-836-0000-000-422-612990-		X		Non-Federal Funds for FEMA Grant for Fiscal Year (FY) 2022 Assistance to Firefighters Grant for Fire Training Health and Wellness Program. Approved by Council on 3/21/23 through Resolution 70,730-N.S.	
33	164	Measure FF	Fire		\$1,906,138		Fire Personnel and Overtime Budget	164-72-745-000-0000-000-422-511130- \$88,194K Fire 164-72-745-000-0000-000-422-512110- \$250K Hourly 164-72-745-000-0000-000-422-520550- \$175,944 Fringe 164-72-742-837-0000-000-422-513110- \$292,000 OT 164-72-742-837-0000-000-422-511130- \$600K Fire 164-72-742-837-0000-000-422-520550- \$500K Fringe			X	To match expected personnel expenses by the end of FY24 per Mid Year calculations	
Measure FF Total				\$0	\$1,982,502								
34	305	Capital Grants - Feds	Public Works	(\$168,984)		PWTRCS2001	Southside Complete Streets	305-54-622-668-0000-000-431-511110/520560				X	To correct the Grant fund amount requested in AAO#1 as over appropriated by \$168,984.
Capital Grants - Feds Total				(\$168,984)	\$0								
35	306	Capital Grants - State	Public Works		\$156,463	PWTRBP2205	Woolsey-Fulton Bicycle Boulevard Project	306-54-622-668-0000-000-431-665110-				X	Appropriate funding for Woolsey-Fulton Bicycle Boulevard Project in FY 2024
36	306	Capital Grants - State	Public Works		\$156,463	PWTRCS2202	Shattuck/MLK Bus Stops Project	306-54-622-668-0000-000-431-665110-				X	Appropriate funding for the Shattuck/MLK Bus Stops Project in FY 2024
Capital Grants - State Total				\$0	\$312,926								
37	307	Capital Grants - Local	Parks, Recreation, and Waterfront		(\$4,685)	PRWWF24002	Berkeley Pier with Ferry Access Project	307-52-545-000-0000-000-461-720003-				X	AAO #1 had ACTC grant amount for the project as \$5,143,685 and the approved grant amount is \$5,139,000. Revising appropriation authority to match actual grant amount
Capital Grants - Local Total				\$0	(\$4,685)								
38	312	Health (General)	HHCS		\$10,614	HHOTBR2301	TB Real Time Allotment	312-51-501-503-2077-000-451-511110-				X	Appropriate additional FY24 grant funding
Health (General) Total				\$0	\$10,614								
39	313	Target Case Mgmt/Linkages	HHCS		\$2,687	HPMAA2301	Aging Services - Medi-Cal Admin Activities (MAA) - FY24 MAA Participation Fee	313-51-505-540-2070-000-444-637990-				X	Public Health portion of FY24 participation fee for MAA (Medi-Cal Administration Activities) Program
40	313	Target Case Mgmt/Linkages	HHCS		\$4,483	HPMAA2301	Public Health - Medi-Cal Admin Activities (MAA) - FY23 MAA Participation Fee	313-51-506-556-2070-000-451-639120-				X	Public Health portion of FY18-19 TCM (Targeted Case Management) Program audit reconciliation payment
41	313	Target Case Mgmt/Linkages	HHCS		\$1,014	HPMAA2301	Public Health - Medi-Cal Admin Activities (MAA) - FY23 Persimmony Invoice	313-51-506-556-2070-000-451-613130-				X	Contract with Hansine Fisher & Associates providing an analysis and recommendations on TCM (Targeted Case Management) Program
42	313	Target Case Mgmt/Linkages	HHCS		\$33,359	HPMAA2301	Public Health - Medi-Cal Admin Activities (MAA) - FY24 Hansine Fisher & Associates Contract	313-51-506-556-2070-000-451-612990-				X	Public Health portion of FY23 participation fee for MAA (Medi-Cal Administration Activities) Program
43	313	Target Case Mgmt/Linkages	HHCS		\$2,687	HPMAA2301	Public Health - Medi-Cal Admin Activities (MAA) - FY24 MAA Participation Fee	313-51-506-556-2070-000-451-639120-				X	FY23 Persimmony Invoice for time study reporting software for TCM (Targeted Case Management) Program
44	313	Target Case Mgmt/Linkages	HHCS		\$27,645	HPPTCM2301	Public Health - Targeted Case Management (TCM) - FY19 TCM Audit Reconciliation Payment	313-51-506-556-2071-000-451-637990-				X	

FY 2023 RECOMMENDED CARRYOVER AND FY 2024 RECOMMENDED ADJUSTMENT (AAO#2)

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
45	313	Target Case Mgmt/Linkages	HHCS		\$318	HHPTCM2301	Public Health - Targeted Case Management (TCM) - FY23 Persimmony Invoice	313-51-506-556-2070-000-451-613130-			X	FY23 Persimmony Invoice for time study reporting software for MAA (Medi-Cal Administration Activities) Program
46	313	Target Case Mgmt/Linkages	HHCS		\$96,091	HHPTCM2301	Public Health - Targeted Case Management (TCM) - FY24 Hansine Fisher & Associates Contract	313-51-506-556-2071-000-000-612990-			X	Contract with Hansine Fisher & Associates providing an analysis and recommendations on TCM (Targeted Case Management) Program
		Target Case Mgmt/Linkages Total		\$0	\$168,282							
47	315	Mental Health Service Act	HHCS		\$600,000		Trauma Support Services Contract Amendments	315-53-503-526-2016-000-451-636110-			X	Aging Services portion of FY24 participation fee for MAA (Medi-Cal Administration Activities) Program
		Mental Health Service Act Total		\$0	\$600,000							
48	324	BUSD Grant	HHCS		\$59,828	HHPNUR2301	Berkeley Unified School District - Health Center Nurse	324-51-506-560-0000-000-451-511110-			X	FY23-28 contract; Resolution #71,160-N.S.
		BUSD Grant Total		\$0	\$59,828							
49	326	Alameda County Grants	HHCS		\$24,574	HHOMSA2301	Tobacco Master Settlement - Infrastructure (MSA)	326-51-501-503-2053-000-451-511110-			X	FY24 Personnel Based on Allocation
50	326	Alameda County Grants	HHCS		\$19,388		SEED-Services to Enhance Early Development	326-51-506-556-2046-000-451-511110-			X	FY24 Personnel Based on Allocation
		Alameda County Grants Total		\$0	\$43,962							
51	329	CA Integrated Waste Management	Public Works	\$19,025			Used Oil Grant	329-54-624-693-0000-000-431-642990-			X	Appropriate Used Oil Grant Funds from FY 2023 that need to be spent by 6/30/24.
		CA Integrated Waste Management Total		\$19,025	\$0							
52	336	One-Time Grant	Fire		\$100,000		EBRPD Grant	336-72-745-000-0000-000-422-612990-			X	East Bay Regional Parks District Pass through from CalFire
53	336	One-Time Grant	HHCS		\$70,000	HHOCCM2201	Crisis Care Mobile Units (CCMU) Additional Funding Award	336-51-501-501-2075-000-451-612990-			X	Grantor awarded an additional \$250,000, \$70,000 of which will be allocated for use in FY24; Resolution #70,222-N.S.
54	336	One-Time Grant	HHCS		\$108,000		Housing Consortium of East Bay/ Rodeway Inn	336-51-504-535-0000-000-444-636110-			X	Appropriate additional funding for a contract with Housing Consortium of the East Bay Services to Operate Interim Housing at the Rodeway Inn (Reso # 71,427)
55	336	One-Time Grant	Planning		\$497,042	PLLOPR2401	OPR Grant	336-53-584-622-0000-000-441-612990-		X		Appropriate Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP), Reso No. 70,998-N.S.
		One-Time Grant Total		\$0	\$775,042							
56	340	FEMA	Fire		\$763,636			340-72-742-836-0000-000-422-612990-		X		FEMA Grant for Fiscal Year (FY) 2022 Assistance to Firefighters Grant for Fire Training Health and Wellness Program. Approved by Council on 3/21/23 through Resolution 70,730-N.S.
		FEMA Total		\$0	\$763,636							
57	343	State Department Conservation/Recycling	Public Works		\$31,270		Beverage Container Recycling City/County Payment Program	343-54-627-732-3025-000-431-612990-			X	Appropriate funds for the Beverage Container Recycling City/County Payment Program for FY 2024
		State Department Conservation/Recycling Total		\$0	\$31,270							
58	349	Justice Assistance Grant	Police		\$20,000		Specific OT offsets	349-71-702-805-0000-000-421-513110-			X	Increased budget authority due to multiple grant years of funding available to offset specific OT expenditures
		Justice Assistance Grant Total		\$0	\$20,000							
59	354	American Rescue Plan	City Manager's Office		\$7,500	CMEDARPA3	ARPA Business Assistance	354-21-208-251-0000-000-446-612990-			X	Final payment to Boldium for the web development services to support the DiscoveredinBerkeley.com website
60	354	American Rescue Plan	City Manager's Office		\$5,000	CMEDARPA3	ARPA Business Assistance	354-21-208-251-0000-000-446-612990-			X	These funds are for the City's sponsorship of RePicture's STEM Career Accelerator Program that will serve Serving 20 UC Berkeley and Berkeley City College Students.
		American Rescue Plan Total		\$0	\$12,500							
61	511	Measure T1	Parks, Recreation, and Waterfront		\$900,000	PRWT122007	Ohlone Park Restroom and Lighting	511-52-545-000-0000-000-461-663110-			X	Adjustment to add funds for Ohlone Park Restroom and Lighting construction.

FY 2023 RECOMMENDED CARRYOVER AND FY 2024 RECOMMENDED ADJUSTMENT (AAO#2)

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	To Budget Code	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
		Measure T1 Total		\$0	\$900,000							
62	601	Zero Waste	Public Works		\$130,000		BAAMQD Closed Landfill Notice of Violations payment	601-54-623-672-3011-000-474-637990-		X		Payment to Bay Area Air Quality District for findings cited at Closed Landfill
63	601	Zero Waste	Public Works		\$250,804		Clean Cities	601-54-625-714-0000-000-474-670160-			X	Vehicle Replacement Shortfall
64	601	Zero Waste	Public Works		\$79,935		Clean Cities	601-54-625-714-0000-000-474-621130-			X	Transfer Station Fees Shortfall Streets Account #000071679
		Zero Waste Total		\$0	\$460,739							
65	606	Coastal Conservancy Grant Fund	Parks, Recreation, and Waterfront		\$4,305,347	PRWT122013	Replacement of D and E Dock	606-52-545-000-0000-000-461-720003-			X	Adjustment to add State Coastal Conservancy grant funds for the Replacement of D and E Dock system.
66	606	Coastal Conservancy Grant Fund	Parks, Recreation, and Waterfront		\$4,462,920	PRWWF22002	Waterfront Dredging	606-52-545-000-0000-000-461-720003-			X	Adjustment to add State Coastal Conservancy grant funds for the Dredging of the Marina Main Channel Project.
		Coastal Conservancy Grant Fund Total		\$0	\$8,768,267							
67	607	Dept of Boating and Waterway	Parks, Recreation, and Waterfront		\$60,000	PRWWF24005	SAVE 2023	607-52-544-592-0000-000-472-612990-			X	Adjustment to add DBW grant funds for removal and disposal of surrendered and abandoned vessels
		Dept of Boating and Waterway Total		\$0	\$60,000							
68	608	Marina	Parks, Recreation, and Waterfront		\$13,600		Memorial Bench Donations	608-52-541-598-0000-000-479-612990-			X	Adjustment to spend donated funds for memorial benches at the Waterfront. Expenditure is fully offset by revenue from donations.
		Marina Total		\$0	\$13,600							
69	671	Equipment Replacement	Public Works		\$2,000,000		Emergency Vehicle Purchases	671-54-626-723-0000-000-473-664120-			X	Appropriate funds for additional and emergency vehicle purchases in FY 2024
70	671	Equipment Replacement	Public Works		\$500,000		Transfer to Equipment Maintenance Fund to pay for contract and invoices				X	Appropriate funding necessary to encumber 14 fleet vendors with recently amended POs (3/26/24 Council) via interfund transfer to Equipment Maintenance Fund
		Equipment Replacement Total		\$0	\$2,500,000							
71	672	Equipment Maintenance	Public Works		\$500,000		Transfer from Equipment Replacement Fund to pay for contract and invoices	672-54-626-722-0000-000-472-613110- 672-54-626-722-0000-000-473-642120-			X	Necessary to encumber 14 fleet vendors with recently amended POs (3/26/24 Council)
72	672	Equipment Maintenance	Public Works		\$500,000		Vehicle Maintenance Expenses	672-54-626-722-0000-000-472-613110-			X	Appropriate additional funds in FY 2024 for fleet vehicle maintenance costs and invoices
		Equipment Maintenance Total		\$0	\$1,000,000							
73	676	Worker's Compensation	City Attorney		\$25,000		Workers' Compensation Insurance Counsel	676-31-31-302-000-0000-000-479-682110-		X		Appropriate fund to retain Workers' Comp Insurance counsel to determine the most cost-effective course of action (litigation, global settlement) with regard to a dispute with a WC insurance carrier.
74	676	Worker's Compensation	Non-Departmental		\$5,500,000		Transfer from Worker's Compensation Fund to the General Fund for the Marina D and E Dock Replacement Project			X		Transfer from Worker's Compensation Fund to the General Fund as a loan for the D and E Dock Replacement Project at the Berkeley Waterfront, Resolution No. 70,997-N.S.
		Worker's Compensation Total		\$0	\$5,525,000							
75	678	Public Liability Fund	City Attorney		\$700,000		Outside Legal Counsel	678-31-302-000-0000-000-472-612110-		X		Appropriate fund to meet ongoing and anticipated litigation defense efforts through the end of FY 2024.
76	678	Public Liability Fund	City Attorney		\$300,000		Outside Legal Counsel	678-31-302-000-0000-000-472-612110-		X		Appropriate fund to allocate appropriation necessitated by the need to supplement the capacity of the PLF to meet ongoing and anticipated litigation defense efforts through the end of FY 2024.
		Public Liability Fund Total		\$0	\$1,000,000							
		Grand Total		(\$76,710)	\$64,554,340							



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David Sprague, Fire Chief, Fire Department

Subject: Grant Application: California Fire Safe Council (CFSC) Grant to establish an Alameda County Coordinator

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.

FISCAL IMPACTS OF RECOMMENDATION

The Fire Department (Department) is applying for \$200,000, there is no requirement for matching funds, and this grant will have no impact on the City's budget.

CURRENT SITUATION AND ITS EFFECTS

Alameda County is one of six (52 of 58) Counties in the State of California that does not have one of these coordinators. The Department will request funding to implement a County Coordinator for Alameda County. The position will be housed within Department and will actively coordinate and collaborate with county-wide community groups, fire councils, HOAs, and other mitigation support groups. This grant will also fund a third-party contractor to manage planning activities, fund technology-related costs, and travel costs for the Coordinator's training. The Alameda County Board of Supervisors passed a resolution in support of the Department hosting this regional position.

This grant supports the City's Strategic Plan's goals and objectives as follows:

Goal 1: Create a resilient, safe, connected, and prepared City

3.23 Fire Prevention: Increase fire/life safety capacity and resources to effectively maintain community safety.

Goal 2: Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

9.10 Increase and improve communications from the Fire Department

Program Objectives

In addition to Goals 1-3 listed above, this program provides Berkeley and Alameda County Residents with the following expanded community service objectives:

1. Build a census of all active wildfire mitigation groups, contact points, collaboration efforts, and projects in Alameda County.
2. Analyze gaps in county-wide wildfire resiliency and emergency preparedness and develop recommendations to fill these needs.
3. Develop mechanisms to improve outreach and coordination efforts, such as group formation, funding plans, governance structures, and state/regional/local planning efforts.

BACKGROUND

California Fire Safe Council funds County Coordinator positions and Alameda County is one of six counties that do not have a Coordinator position. With the recent and robust nature of FireSafe Berkeley initiatives and the awareness that wildfire does not abide by political boundaries, the Department is taking on the responsibility of applying for, contracting, and administering the grant that supports interagency collaboration on behalf of the County.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Ensuring the Department is maximizing available resources and working with other county coordinators to collaborate on regional mitigation activities will help sustain the local environment and mitigate the potential of fire, mudslides, and other catastrophic impacts associated with the overgrowth of vegetation and loss of habitat post-wildfire.

RATIONALE FOR RECOMMENDATION

The Department identified this opportunity several years ago; however, no other jurisdiction is applying on behalf of the County. Allowing these grant applications, agreements, and receipt of the associated funding will help to improve communication and collaborative work within the communities and fire department leadership and initiatives like the Community Wildfire Protection Plans and Local Hazard Mitigation Plans within Alameda County.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Shanalee Gallagher, Program Manager, 510-981-3473

Attachments:

- 1: Resolution

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

GRANT APPLICATION: CALIFORNIA FIRE SAFE COUNCIL (CFSC) GRANT TO
ESTABLISH AN ALAMEDA COUNTY COORDINATOR

WHEREAS, the California Fire Safe Council funds County Coordinator positions and Alameda County is one of six counties that do not have a Coordinator position; and

WHEREAS, the Berkeley Fire Department has taken the lead role in applying for funding from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning; and

WHEREAS, the funding obtained will be utilized funds to contract a County Coordinator, fund contractors to support, purchased necessary software and technology, and fund required training costs; and,

WHEREAS, the grant and resulting coordination provide an opportunity to support the City's Strategic Plan goals; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to apply for and accept a grant, and any amendments, from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Margot Ernst, Interim Director, Health, Housing, and Community Services
 Subject: Contract No. 32100126 Amendment: Anjanette Scott LLC for Housing Consultant Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100126 with Anjanette Scott LLC extending and increasing the contract by \$25,000 for consulting services to support the Housing Trust Fund program in a total amount not to exceed \$175,000, with a contract end date of June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

The total not-to-exceed amount of this contract will be \$175,000. Resources for the contract will be provided from General Fund (#011) allocated to the Department of Health, Housing and Community Services' Housing and Community Services Division (HHCS/HCS), which is currently available in the Fiscal Year 2024 Budget.

CURRENT SITUATION AND ITS EFFECTS

The City has a contract with Anjanette Scott LLC to provide project management services for the Housing Trust Fund program. These services include reviewing and underwriting project proposals, drafting loan documents, managing projects under development, reviewing draw requests, providing trainings to staff, and supporting other work of the Housing Trust Fund and Below Market Rate programs as needed.

The current contract with Anjanette Scott LLC expires on June 30, 2024, though the City Manager is authorized to extend the contract by giving written notice. Staff will request an extension of the current contract to June 30, 2025. The contract was previously extended through a Council-approved extension on April 11, 2023 with Resolution No. 70,756-N.S.

The City has a robust pipeline of affordable housing developments, and the work required to support the existing projects exceeds the capacity of current housing staff, particularly with a 50% vacancy rate in the Housing Development Unit (2 FTE's). Ms.

Scott brings a high level of housing development experience and can support current needs while HCS continues work to increase its capacity.

BACKGROUND

Anjanette Scott LLC entered into the current contract with the City on February 7, 2021 to provide project management services to support the City's affordable housing programs, particularly the Housing Trust Fund program. In response to the continued need for outside project management support, the contract was amended on August 1, 2021 to extend the contract and increase the total amount to \$50,000. Due to ongoing need for staffing support, Council approved an additional extension on March 8, 2022, adding \$50,000 to the contract for a new total not to exceed \$100,000. On April 11, 2023, Council approved an increase adding \$50,000 for a new total not to exceed \$150,000.

The consultant participated in construction and management meetings for multiple Housing Trust Fund projects, reviewed project draw requests, reviewed and assessed funding applications received through the City's 2022 Homekey Request for Proposals process, drafted loan documents for Housing Trust Fund projects, trained new and existing staff in affordable housing project management, and provided general project management support on housing projects as needed. The consultant has provided critical support in a time of unprecedented housing activity, and staff request extending the contract to ensure continuous support for housing programs and projects.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

In recent years, the City has funded an unprecedented number of affordable housing projects thanks to new affordable housing funding sources. The amount and complexity of project work now required exceeds HHCS/HCS' current capacity. HHCS/HCS is working to fill position vacancies, and recommend extending Anjanette Scott LLC's contract in the meantime.

ALTERNATIVE ACTIONS CONSIDERED

It would be challenging to find another consultant as qualified and as familiar with the City's programs and processes. If the Department is unable to amend and extend the contract with Anjanette Scott LLC, staff will not be able to adequately support the affordable housing projects in the City's pipeline.

CONTACT PERSON

Jenny Wyant, Senior Community Development Project Coordinator, HHCS,
(510) 981-5228

Contract No. 32100126 Amendment: Anjanette Scott LLC
for Housing Consultant Services

CONSENT CALENDAR
May 14, 2024

Attachment:
1: Resolution

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

CONTRACT NO. 32100126 AMENDMENT: PERSONAL SERVICES CONTRACT
WITH ANJANETTE SCOTT LLC

WHEREAS, the City Council established a Housing Trust Fund (HTF) program to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley, and authorized the City Manager to implement the HTF program; and

WHEREAS, on February 7, 2021, the Health, Housing and Community Services Department entered into a contract with Anjanette Scott LLC (contract # 32100126) to provide project management support to the City's affordable housing programs including the HTF program and Below Market Rate program as needed; and

WHEREAS, due to ongoing project management support needs, the City Manager approved an amendment to the contract on August 1, 2021, and on March 8, 2022, an additional amendment was approved by Council with Resolution 70,245-N.S for a combined total not to exceed \$100,000, and on April 11, 2023, an amendment to the contract was approved by Council with Resolution 70,756-N.S. for a total amount not to exceed \$150,000; and

WHEREAS, Anjanette Scott LLC continues to provide critical support to the affordable housing programs, and staff identified an ongoing need to provide coverage and support to housing developments with City funding reservations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to amend Contract No. 32100126 with Anjanette Scott LLC for personal services to add up to \$25,000 for a total not to exceed amount of up to \$175,000, and extend the contract to June 30, 2025.

BE IT FURTHER RESOLVED the City Manager, or her designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements and any amendments will be kept on file in the Office of City Clerk.



Office of the City Manager

CONSENT CALENDAR

May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: Reinstatement of Sick Leave

RECOMMENDATION

Approve a resolution adopting new Personnel Rule 11.09 – Reinstatement of Sick Leave, which provides that (1) temporary or non-career employees who transition into career positions or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C) shall carry over their accrued sick leave banks to their new positions, and (2) consistent with California Labor Code Section 246(g)(2), unused paid sick days shall be reinstated for any employee who separates from the City but is rehired within a year, unless a longer period is specified by an applicable Memorandum of Understanding with the employee’s bargaining group.

FISCAL IMPACT

The fiscal impact of this rule will vary, depending on the number of employees who come under the provisions of the rule each year, the number of sick leave hours they have accrued in their bank, and their salary rate. However, the impact is expected to be very modest, affecting only a few employees each year.

CURRENT SITUATION AND ITS EFFECTS

The new rule change ensures that employees who transition from temporary or non-career positions into career positions or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C) do not lose their accrued sick leave time during the process of being separated from their temporary or non-career position and being hired back into a career position or at-will position set forth in BMC Section 4.04.120(A)-(C). It is wholly meant to benefit employees in these circumstances and not penalize them for accepting a position with different status within the City.

Moreover, the proposed change is meant to be consistent with California Labor Code Section 246(g)(2), which provides that unused paid sick days shall be reinstated for any employee who separates from an employer but is rehired within a year. However, that

law does not apply to represented employees whose MOUs address paid sick days; therefore, an express change in policy is necessary.

The Personnel Board unanimously approved the new rule at its April 1, 2024 meeting.

BACKGROUND

Past practice in the City dictated that temporary or non-career employees who obtained career positions (or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C)) would lose their accrued sick time during the process of separating from their former position and being hired into their new one. The proposed rule prevents this loss of accrued time and fosters retention.

Contracts with certain bargaining units provide for reinstatement of sick leave upon rehire, but some do not. The proposed rule provides a standardized baseline policy that would apply to all City employees.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONAL FOR RECOMMENDATION

Temporary or non-career City employees should not suffer the loss of sick leave banks when they transition to career positions (or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C)). Moreover, the City should have a standardized baseline policy regarding reinstatement of sick leave time applicable to the entire workforce.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.

ATTACHMENTS

1: Resolution

Attachment 1 – Personnel Rule 11.09

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

REINSTATEMENT OF SICK LEAVE

WHEREAS, past practice in the City dictated that temporary or non-career employees who obtained career positions (or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C)) would lose their accrued sick time during the process of separating from their former position and being hired into their new one; and

WHEREAS, California Labor Code Section 246(g)(2) provides that unused paid sick days shall be reinstated for any employee who separates from an employer but is rehired within a year, but does not apply to represented employees whose MOUs address paid sick days; and

WHEREAS, the City's contracts with certain bargaining units provide for reinstatement of sick leave upon rehire, but some do not; and

WHEREAS, the City needs a standardized baseline policy that would apply to all City employees, comply with law, and promote retention;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Personnel Rule 11.09, set forth in Attachment 1, is hereby adopted to ensure that employees who transition from temporary or non-career positions into career positions or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C) do not lose their accrued sick leave time during the process of being separated from their temporary or non-career position and being hired back into a career position or at-will position set forth in BMC Section 4.04.120(A)-(C).

ATTACHMENT 1

Personnel Rule 11.09 – Reinstatement of Sick Leave

Temporary or non-career employees who transition into career positions or at-will positions set forth in Berkeley Municipal Code Section 4.04.120(A)-(C) shall carry over their accrued sick leave banks to their new positions.

Consistent with California Labor Code Section 246(g)(2), unused paid sick days shall be reinstated for any employee who separates from the City but is rehired within a year, unless a longer period is specified by an applicable Memorandum of Understanding with the employee's bargaining group.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
 Subject: Amendment #1 to the WETA Memorandum of Understanding for the Berkeley Water Transportation Pier Ferry Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute amendment #1 to the existing Memorandum of Understanding (MOU) with the Water Emergency Transportation Authority (WETA) to accept up to \$3,000,000 in WETA funding for the engineering, design and environmental phase of the new pier-ferry project at the Berkeley Marina.

FISCAL IMPACTS OF RECOMMENDATION

The City has been awarded a California Coastal Conservancy grant of \$2.96M and an Alameda County Transportation Commission (ACTC) grant of \$5.139M to fund the engineering, detailed design and environmental studies for the Berkeley Water Transportation Pier-Ferry Project (Project). Amendment #1 to the MOU allows the City to access up to \$3,000,000 in WETA funding to help the City complete the engineering, design, and environmental phase of the Project.

CURRENT SITUATION AND ITS EFFECTS

In March of 2019, the City of Berkeley and WETA executed an MOU setting forth the multi-phase framework for the Berkeley Marina Ferry Facility Project (authorized by Council Resolution No. 68,782-N.S. on March 12, 2019). The MOU contained a Funding Agreement letter dated May 9, 2019, to fund Phase 1 set forth in the MOU. That phase is complete and resulted in the Ferry Facility at Berkeley Municipal Pier Feasibility Study¹ (Feasibility Study). On December 7, 2021, City staff presented the preferred concept from the Feasibility Study, which includes landside and on-water improvements to provide a dual-purpose pier allowing both recreation and ferry access. The Feasibility Study was finalized and posted to the Project website in June, 2023². The existing MOU with WETA was intended to cover the initial feasibility phase which is now complete. The next phase (Phase 2) of work includes detailed technical analyses,

¹ [December 7, 2021 Work Session](#)

² [Feasibility Study, Ferry Facility at Berkeley Municipal Pier, June 2023](#)

design, environmental studies, public engagement and permitting for the preferred Project concept presented in the Feasibility Study. Phase 2 will include the completion of many technical and environmental studies, including but not limited to geotechnical and seismic analyses, traffic, parking, biological (aquatic and terrestrial), plant, greenhouse gas emissions, and sea level rise. Evaluation of environmental and technical constraints will be incorporated into the detailed design, environmental documents and permitting for the Project.

WETA has allocated funding in the amount of \$3,000,000 for the engineering, design and environmental phase (Phase 2) of the Project in its 2023/24 Capital Budget. This allocation will be used to support WETA staff time on the Project as well as to reimburse the City for professional service costs associated with Phase 2 of the Project not otherwise covered by the ACTC and Coastal Conservancy grants. WETA's financial contribution for Phase 2 is from Regional Measure 3 (RM3).

The existing MOU must be amended to reflect the Phase 2 scope and provide a new Funding Agreement for the allocation and source of the WETA contribution.

BACKGROUND

In July of 2015, the Berkeley Municipal Pier was closed to the public indefinitely due to structural safety issues. On June 21, 2017, the City contracted with GHD, Inc. to perform a structural engineering assessment to identify feasible options and costs for fixing the Pier (contract No. 10632, Resolution No. 67,856). The draft study identified twelve options ranging in cost from \$16 million to \$51 million. A second component of the study looked at the feasibility of small-scale ferry service at the potentially renovated pier. (Small-scale ferry service is currently offered by two independent providers at K-dock at the main basin at the Marina).

In February of 2016, the Water Emergency Transportation Authority (WETA) updated its Strategic Plan, which identified a network of sixteen ideal locations for expanded ferry service throughout the Bay Area region, including Berkeley, to help provide alternative transportation for disasters and commuter needs.

WETA

In 1999, the California State Legislature established the Water Transit Authority (WTA) (which is WETA's predecessor agency), to consolidate existing ferry services operated by the cities of Valley, Alameda and Oakland into a comprehensive water transit system; and to expand water transit on the San Francisco Bay. In 2007, the agency name was changed to Water Emergency Transportation Authority (WETA) and its responsibilities expanded to include coordination of the water transit response to a regional emergency.

WETA's overall mission is to plan for and operate passenger-only ferry services on the

San Francisco Bay for commuter and disaster response purposes. The Berkeley location has been identified in WETA's System Expansion & Strategic Plan (2016) as one of the higher priority Near-Term projects, along with the Seaplane Lagoon in Alameda, Mission Bay in San Francisco, and Redwood City.

PREFERRED PROJECT

The Feasibility Study identified a preferred Project that consists of landslide and waterside improvements summarized below. All dimensions and concepts here are preliminary, and subject to change based on the detailed engineering and environmental studies that will occur in Phase 2. The planning-level construction cost estimate for the preferred Project is approximately \$70M (not including electric ferry vessels or cost escalation, see Feasibility Study Appendix E).

- A new, 22-foot-wide pier (same width as the existing Berkeley Municipal Pier) to accommodate both ferry foot traffic, recreational activities, and emergency and maintenance vehicles. The pier extends from the shoreline at Seawall Drive westward to a new breakwater (approximately 580 feet long).
- A new breakwater creating a safe harbor from the predominantly southwesterly winds and waves for ferry boarding on the north side of the new pier (approximately 400 feet long). The breakwater would provide surface decking to allow public access for recreational activities.
- An extension of the new pier westward into the Bay beyond the breakwater for recreational use (approximately 500 feet long).
- A ferry facility including ferry berthing floats, float piles, ADA gangways, and security gates.
- Renovation of the parking lot located at 199 Seawall Drive, which would include new pavement surfacing, new striping, and new stormwater bioswales to treat stormwater.
- Improvement of an area along the southwestern side of University Avenue would provide for public buses, shuttles, and a drop-off zone for rideshare and family vehicles.
- Renovation of pedestrian pathways and safety lighting.
- Shifting the Seawall Drive vista parking zone from the west side to the east side of the road.
- A new water access point at the small peninsula located at the southwest corner of Seawall Drive.
- A new restroom and fish cleaning area.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The transportation system in the Bay Area has become severely impacted by the growing economy and population boom, causing severe traffic congestion and overcrowding on public transit systems. Traffic congestion keeps more vehicles on roads, and overcrowding on public transit systems can push commuters back into cars,

both of which result in more greenhouse gas emissions.

The City's Climate Action Plan identifies public transit as a more sustainable form of transportation (Chapter 3), and sets a goal to expand under-used modes of transportation, such as ferry service at the Berkeley Marina to connect to San Francisco and other locations. In spring, 2023, WETA completed the Blueprint for Zero Emission Vessel Transition. The Berkeley pier-ferry will be designed to support zero-emission ferry service.

As a water-based transportation service, WETA will be directly impacted by Sea-level Rise. As agencies throughout the Bay Area explore adaptation strategies and other mitigations, WETA will monitor forecasts and trends to ensure that its plans for expansion and operations will remain an effective public transit option for the foreseeable future.

RATIONALE FOR RECOMMENDATION

With access to both state and federal transportation funding, the concept of a dual-purpose public pier at the Berkeley Marina is currently the most feasible way to bring back the public recreation opportunities to the beloved Berkeley Pier, provide alternative public transportation in the form a new ferry service to an already overburdened Bay Area transportation system, as well as providing the City with transportation resiliency for emergency situations. The City's Climate Action Plan of 2009 has identified a partnership with ferry service as a priority. The amendment to the MOU does not commit the City to construction of the Project, and the City can withdraw from the MOU at any time.

ALTERNATIVE ACTIONS CONSIDERED

The City can decide that a new ferry service at the Berkeley Marina is not in the City's best interest at this time, although the MOU allows the City to opt out of the project at any time.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Christina Erickson, Deputy Director, PRW, 981-6712
Liza McNulty, PRW Capital Improvement Program Manager, 542-4131

Attachments:

- 1: Resolution
- 2: Amendment #1 to the Project Memorandum of Understanding, Berkeley Marina Ferry Facility Project

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

AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF
BERKELEY AND WATER EMERGENCY TRANSPORTATION AUTHORITY

WHEREAS, the City and Water Transportation Authority executed a Memorandum of Understanding effective July 1, 2019 for the Planning Phase of the Berkeley Pier-Ferry Project (Project) which included a feasibility study and public engagement; and

WHEREAS, the Planning Phase is complete; and

WHEREAS, the second phase (Phase 2) of work includes detailed technical analyses, design, environmental studies, public engagement and permitting for the preferred Project concept; and

WHEREAS, WETA has allocated \$3,000,000 of Regional Measure 3 funds for the Phase 2 of the Project in its adopted 2023/24 Capital Budget; and

WHEREAS, the City has been awarded a California Coastal Conservancy grant of \$2.96M and an Alameda County Transportation Commission (ACTC) of \$5.139M to fund the engineering, detailed design and environmental studies for the Project; and

WHEREAS, it is necessary to amend the existing MOU to reflect the Phase 2 scope and fund allocations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute Amendment #1 to the MOU and its associated funding agreement between the City and Water Emergency Transportation Authority for the Planning/Design phase of a dual-purpose municipal pier. A record signature copy of the MOU and any amendments to be on file in the Office of the City Clerk.

**AMENDMENT #1 TO THE PROJECT MEMORANDUM OF UNDERSTANDING
BERKELEY MARINA FERRY FACILITY PROJECT**

April 1, 2024

Term, Parties

1. General	<p>This Amendment #1 amends the Memorandum of Understanding, dated March 12, 2019 (“MOU”, Exhibit A) for the funding, development and operation of the planned ferry service facility at the Berkeley Marina (the “Project”). Unless otherwise set forth in this Amendment #1, all provisions of the MOU remain in effect.</p> <p>Phase 1 is complete. This amendment to the MOU covers Phase 2, including Design, Environmental Clearances, Public Engagement and Permitting.</p>
2. Term	<p>Notwithstanding section 2 of the MOU, the parties agree that the MOU has not expired and will remain in place throughout the phases anticipated in the MOU, unless otherwise terminated by the parties. Either Party may terminate this MOU at any time and for any reason with 30 days’ notice. Phase 2 will be determined to be complete after: (1) City adoption of CEQA findings, (2) City receipt of environmental permits and (3) City preparation of public contract documents.</p>
3. WETA System Expansion Policy	<p>On June 4, 2015 the WETA Board of Directors adopted a System Expansion Policy (MOU Exhibit A) incorporated herein (“System Expansion Policy”) to serve as a framework for evaluating the feasibility of new ferry projects. This Policy is applicable to the proposed Project. WETA is developing a 2050 Service Vision & Business Plan (“Business Plan”) which will also be applicable to the proposed Project.</p>
4. Partnering	<p>Phase 2 funding is provided in by grants awarded to the City of Berkeley from Alameda County Transportation Commission and California State Coastal Commission and by RM3 funds provided by WETA.</p>

Phase 1: Planning Phase (Feasibility Study - COMPLETE)

5. Feasibility Study	<p>As part of the Phase 1 Planning Phase, the City, with assistance from WETA, prepared the Expanded Feasibility Study that included technical analyses and a public process (Feasibility Study). The Feasibility Study developed the conceptual designs for a dual-function facility (ferry and public access) including both waterside and landside improvements. The Feasibility Study provides multiple feasible alternatives for a dual-function facility to serve as a passenger ferry facility for berthing public ferry service vessels and providing public access to San Francisco Bay.</p> <p>WETA has developed a Berkeley Ferry Service Business Plan Version 1.0 (“Berkeley Business Plan”). The Business Plan will be periodically updated by WETA in collaboration with the City and other Project partners.</p>
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Berkeley Marina Ferry Service Project Agreement Amendment #1

Phase 2: Design (Design, Environmental Clearance, Public Engagement, Permitting, and Funding)

<p>6. Planning and Permitting</p>	<p>As part of the Phase 2 Planning and Permitting, City will conduct CEQA compliance environmental reviews and reports (“Environmental Review”) for a new dual-function facility (including landside improvements) for a new terminal and ferry service to the City of Berkeley originating in San Francisco. The Environmental Review will include technical analyses, public outreach and participation, environmental analysis and preparation of appropriate documents under the California Environmental Quality Act (CEQA) and other studies and supporting documents needed to permit construction (i.e. for U.S. Army Corps of Engineers, California Regional Water Quality Control Board, S.F. Bay Conservation and Development Commission, etc.). City will serve as the lead agency, with assistance from WETA, for the Environmental Review.</p> <p>If Federal Funding and a Federal Lead Agency is identified, City and WETA will partner with the Lead Agency to conduct NEPA-compliance environmental reviews and reports as part of this Phase, with specific roles and responsibilities to be determined based on the funding agency.</p>
<p>7. Design</p>	<p>As part of the Phase 2 Design, City will prepare design engineering plans and specifications for a dual-purpose facility (including landside improvements) in the City of Berkeley (“Design Engineering”). The Design Engineering will comply with all applicable state and federal accessibility requirements. The facility will be designed as an essential facility to remain operational after a seismic event, and will have both waterside and landside components as described in the Feasibility Study.</p> <p>City will serve as the Project lead for the Planning, Permitting and Design Phases that will include technical studies and reports, public outreach, waterside and landside design and planning.</p> <p>WETA will coordinate with the City and provide technical resources and assistance to support the Design Phase.</p>
<p>8. Contracting</p>	<p>City will contract for professional services to conduct the Environmental Review and Design Engineering. City will be solely responsible for managing and paying for such contracted professional services.</p>
<p>9. Public Engagement</p>	<p>All interaction with the public as part of Phase 2 will be managed by City with assistance and participation from WETA. This coordination includes public notices, scoping meetings, public engagements and comments, City Council and Commission presentations.</p>
<p>10. Funding</p>	<p>Refer to Phase 2 funding agreement.</p>
<p>11. Feasibility Determination</p>	<p>At the conclusion of Phase 2, the Parties, subject to identification of sufficient funding, may elect to undertake Phase 3, Construction.</p> <p>If the City Council or WETA Board determines, each in its sole and unfettered discretion, not to proceed with the Project, this MOU shall</p>

April 1, 2024

Page 2 of 3
20680397.1

Berkeley Marina Ferry Service Project Agreement Amendment #1

	automatically terminate and the Parties shall have no further obligations under this MOU.
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WETA and the City of Berkeley have amended the Memorandum of Understanding dated March 12,2019 as of the last date set forth below.

**San Francisco Bay Area
Water Emergency Transportation
Authority**

By: _____
Seamus Murphy
Executive Director

Date: _____

Reviewed:

By: _____
Steven Miller
Legal Counsel to Authority

City of Berkeley

By: _____
Dee Williams-Ridley
City Manager

Date: _____

Reviewed:

By: _____
Farimah Brown
City Attorney

Attachments:

Exhibit A: Project Memorandum of Understanding, Berkeley Marina Ferry Facility Project, March 12, 2019

Exhibit B: Phase 2 Funding Agreement

April 1, 2024

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20680397.1

Berkeley Marina Ferry Service Project Agreement Amendment

EXHIBIT A

Project Memorandum of Understanding, Berkeley Marina Ferry Facility Project, March 12, 2019

April 1, 2024

20680397.1

Berkeley Marina Ferry Service Project Agreement

**PROJECT MEMORANDUM OF UNDERSTANDING
BERKELEY MARINA FERRY FACILITY PROJECT**

March 12, 2019

Term, Parties

<p>1. General</p>	<p>This Memorandum of Understanding ("MOU") establishes the framework for the funding, development and operation of the planned ferry service facility at the Berkeley Marina (the "Project", as further described in paragraph 5 below). The Project is anticipated to be carried out in the following four consecutive phases: (1) Planning; (2) Design; (3) Construction; and (4) Operation.</p> <p>This MOU covers the Planning Phase. City and WETA have secured a portion of the necessary funding needed for the Planning Phase. Although this MOU also provides general assumptions for the Design, Construction, and Operation Phases, the Parties are not obligated to embark on, and have not secured funding for the Design, Construction, or Operation phases. In addition, the Parties anticipate executing either amendments to this MOU, or separate agreements to govern the precise terms of the subsequent phases, each of which shall be subject to the approvals of the City Council and WETA Board.</p>
<p>2. Term</p>	<p>The term ("Term") of this MOU shall commence on <u>July 1st</u>, 2019 ("Effective Date") and shall remain in effect until the first to occur of: (i) December 31st <u>2021</u> or (ii) the date which is one (1) year following completion of the Planning Phase work, or such later date as the Parties may mutually agree.</p>
<p>3. Parties</p>	<p>This MOU is entered into between the San Francisco Bay Area Water Emergency Transportation Authority ("WETA") and the City of Berkeley ("City"). City and WETA may be individually referred to herein as a "Party," and collectively as the "Parties."</p> <p>WETA was established in 2008 as the successor agency to the Water Transit Authority with a mission to consolidate and operate certain existing publicly operated ferry services on the San Francisco Bay, expand new routes, and coordinate ferry services in the event of an emergency.</p> <p>City is a charter city and municipal corporation located in Alameda County. City has jurisdiction over the property in and around the Berkeley Marina where the proposed Project may be located.</p>
<p>4. WETA System Expansion Policy</p>	<p>On June 4, 2015 the WETA Board of Directors adopted a System Expansion Policy attached hereto as <u>Exhibit A</u> and incorporated herein ("System Expansion Policy") to serve as a framework for evaluating the feasibility of new ferry projects. This Policy is applicable to the proposed Project.</p>

ORIGINAL

March 12, 2019

Page 1 of 6
15027302.2

Berkeley Marina Ferry Service Project Agreement

<p>5. Project Objectives</p>	<p>WETA's 2016 WETA Strategic Plan indicates the desire to construct and operate a Berkeley ferry service. It is the intention of both Parties that, upon completion of the Project, WETA will commence public ferry service between San Francisco and the Berkeley Marina. WETA anticipates that it will initially provide direct public ferry service to and from San Francisco during commute times. As ridership grows, WETA may include direct public ferry service to and from the Berkeley Marina to its other facilities. WETA also anticipates that it may provide direct public ferry service for special events. City desires to reconstruct or replace the Berkeley Municipal Pier, which is currently closed due to structural safety concerns, to restore public access to San Francisco Bay. City and WETA agree to work together in good faith to coordinate their efforts in pursuing these objectives.</p> <p>The proposed Berkeley Marina Ferry Facility Project ("Project") contemplated by this MOU would include a new or restored dual-use pier facility that would both serve as a passenger ferry facility for berthing public ferry service vessels and provide public access to San Francisco Bay. WETA may permit non-WETA vessel operators to call on the Berkeley Marina Ferry Facility provided they do not interfere with regularly scheduled WETA service and they meet WETA's private landing requirements, and agree to pay reasonable docking fees, if applicable, to WETA. The Parties anticipate that the dual-use pier will be located at or near the Berkeley Municipal Pier located at the west terminus of University Avenue along Seawall Drive.</p> <p>The Project would also include landside improvements, such as reconfiguration of the existing parking facility, new parking facilities, roadway improvements, bus/ride share drop areas, pedestrian trail improvements, landscaping, and security measures. The Project may also include construction of a breakwater and the dredging of a navigation channel extending west into the Bay.</p>
<p>6. Partnering</p>	<p>Federal, state, regional or local funding may become available during the term of this MOU. WETA and the City commit to collaborate and coordinate to pursue funding for the Project. Such support may include, but will not be limited to: application support letters, provision of ridership data, operating or capital cost information or other technical information required by funders, as well as WETA Board or City Council resolutions in support of one another's funding applications.</p> <p>City and WETA agree to work collaboratively to advocate for and coordinate with AC Transit and other potential local transit operators to provide frequent, reliable, and convenient bus or shuttle service to the Berkeley Marina Ferry Facility.</p>

March 12, 2019

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15027302.2

Berkeley Marina Ferry Service Project Agreement

Phase 1: Planning Phase (Feasibility Study, Public Engagement, and Funding)

<p>7. Feasibility Study</p>	<p>The City is currently conducting and has completed a draft feasibility and structural condition assessment to explore options for restoring, rehabilitating or reconstructing the Berkeley Municipal Pier in conjunction with ferry service. That work is nearly complete and has been fully funded by City at a cost to City of approximately \$330,744.</p> <p>In partnership with WETA, City will expand this assessment to consider development of a WETA-scale ferry facility alongside a new or restored pier ("Expanded Feasibility Study").</p> <p>City will serve as the project lead, with assistance from WETA, for the Expanded Feasibility Study that will include technical analyses and a public process. The Expanded Feasibility Study will also develop the conceptual designs for a dual-function facility (ferry and public access) including both waterside and landside improvements. The Expanded Feasibility Study will also include conceptual analysis on wave protection. Landside facilities will include, but are not limited to, parking areas, paths-of-travel, restrooms, bus and shuttle stops, and ride and bike share stations. The Parties will mutually agree to a final scope of work prior to initiating work on the Expanded Feasibility Study.</p>
<p>8. Public Engagement</p>	<p>All interaction with the public as part of the planning phase will be managed by City with assistance and participation from WETA. This coordination includes public notices, scoping meetings, public engagements and comments, City Council and Commission presentations.</p>
<p>9. Contracting</p>	<p>City will contract for professional consultant services for the Expanded Feasibility Study.</p>
<p>10. Funding</p>	<p>WETA will reimburse City for a total amount not to exceed \$250,000 of the cost of the Expanded Feasibility Study unless otherwise agreed to by the Parties. The City will contribute for a total amount not to exceed \$110,000 of the cost of the Expanded Feasibility Study. The Parties will execute a funding agreement in the form attached as Exhibit B. City and WETA will each contribute staff resources to support the Planning Phase.</p>
<p>11. Feasibility Determination</p>	<p>It is anticipated that the Planning Phase will conclude with a determination by the City Council of the City of Berkeley and the WETA Board regarding the feasibility of the proposed Project. If the City Council or WETA Board determines, each in its sole and unfettered discretion, not to proceed with the Project, this MOU shall automatically terminate and the Parties shall have no further obligations under this MOU.</p>

March 12, 2019

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15027302.2

Berkeley Marina Ferry Service Project Agreement

Phase 2: Design (Design, Environmental Clearance, Permitting, and Funding)

<p>12. Design Assumptions</p>	<p>If the Parties mutually determine to proceed to the Design Phase, the Parties will prepare an amendment to this MOU to address design, environmental review, permitting, and funding. The MOU amendment shall memorialize the Parties' determination that the proposed Project is feasible, and describe in greater detail the obligations of the Parties in the Design Phase.</p> <p>The Parties anticipate that the City will serve as the lead agency for CEQA review and any associated public outreach or interaction during the Design Phase.</p> <p>The City will also be responsible for project permitting and leading the design process, including contracting for professional design services.</p> <p>WETA will coordinate with the City and provide technical resources and assistance to support the Design Phase.</p> <p>Subject to applicable laws and the Parties' ability to secure adequate funding, WETA will pay all costs associated with Project elements associated with public ferry service, including CEQA (and, if applicable, NEPA) compliance, resource agency permitting, and design costs, City will pay all costs associated with public access aspects of the Project. For aspects of the Project that are required for both types of elements, WETA and City will implement a reasonable cost-sharing method. The City and WETA will each contribute staff resources to support the Design Phase.</p>
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Phase 3: Construction (Bidding, Construction, Construction Administration, and Funding)

<p>13. Construction Assumptions</p>	<p>If, after conclusion of the Phase 2 Design Phase, the Parties determine to proceed to the Phase 3 Construction Phase, the Parties will negotiate and enter into appropriate agreements to address bidding, construction, construction management, funding, and related issues, subject to the concurrent approvals of the City Council and WETA Board</p> <p>The Parties anticipate that City will serve as the Project lead, with assistance from WETA to advertise and bid out the construction of the Project in accordance with applicable provisions of the Public Contract Code and any specific funding requirements. The Parties contemplate that the Project will be constructed as soon as possible after necessary permits and regulatory approvals have been approved and 100% of the construction funding has been secured.</p> <p>The City will contract for professional construction management services for inspection, construction support and management for the Project.</p> <p>Subject to applicable laws and the Parties' ability to secure adequate funding, WETA will pay all costs associated with Project elements associated with public ferry service, including any needed dredging work, and City will pay all costs associated with public access elements of the Project. For aspects of the Project that are required for both types of elements, WETA and City will implement a reasonable cost-sharing</p>
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March 12, 2019

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15027302.2

Berkeley Marina Ferry Service Project Agreement

	method. The City and WETA will each contribute staff resources to support the Construction Phase.
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Phase 4: Operation

<p>14. Operation Assumptions</p>	<p>Prior to the commencement of construction of the Project, the Parties shall negotiate and execute appropriate agreements to address the use, operation, maintenance and repair of the new Berkeley Marina Ferry Facility, subject to concurrent approvals of the City Council and WETA Board. Issues to be considered include responsibilities for capital rehabilitation, funding, landing and property rights, use by third parties, and related issues. It is anticipated that WETA will own all improvements to the waterside of the access control gate built exclusively to support ferry operations, including, but limited to the gangway, float, guide piles and the access control gate itself, and that City will retain ownership of the waterside improvements related to public access, and all other landside improvements and property upland of the access control gate, including all State public trust lands.</p> <p>City acknowledges that WETA's initiation of public ferry service between San Francisco and Berkeley is contingent upon City providing parking facilities within a reasonable distance from the access control gate. This reasonable distance and the number of required spaces will be determined and mutually agreed upon after feasibility and other necessary studies have been conducted. The parking facilities will be owned, maintained, and operated by City or its designated representative. City will evaluate the possible implementation of public/private transit connections and potential parking fees, the proceeds of which, if any, would be committed to support maintenance and operation of the landside facilities, including the parking facilities.</p>
<p>15. Public Ferry Service Assumptions</p>	<p>Vessels: The public ferry service contemplated by this MOU will likely require a dedicated vessel and a shared spare vessel to ensure reliable operations. The estimated cost of a dedicated vessel and shared spare is approximately \$22 million (FY 2018 dollars).</p> <p>Initial Ferry Service: A minimum level of service is desired to operate an effective commuter service, which the Parties will endeavor to provide upon the initiation of the San Francisco/Berkeley ferry service consistent with the WETA System Expansion Policy. It is anticipated that the initial service would include a minimum of three departures during the AM peak (6-9 AM) from Berkeley to San Francisco and 3 departures during the PM peak (4-8 PM) from San Francisco to Berkeley. Midday and weekend service is not initially anticipated but may be added as demand warrants and funding is available.</p> <p>Expansion of Service: The initial ferry service level defined for Berkeley Marina service may be expanded as necessary. All service adjustments, including possible 30-minute or faster headways in the peak hour and initiation of midday or weekend services, are anticipated to be consistent with the WETA System Performance Targets Policy adopted by the WETA</p>

March 12, 2019

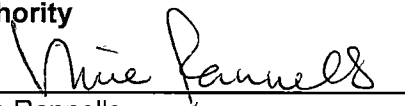
Page 5 of 6
15027302.2

Berkeley Marina Ferry Service Project Agreement

	<p>Board on June 4, 2015 and other WETA service planning policies in effect at the time of adjustment, as applicable.</p> <p>Emergency Response and Recovery: In the event of a natural disaster or disruptive regional event ("Casualty Event"), WETA ferries may be called upon by the California Office of Emergency Services ("Cal OES") to provide service from the Berkeley Ferry Terminal for both emergency response and recovery after the Casualty Event.</p> <p>In the immediate aftermath of an event, Cal OES will determine how to allocate regional transportation resources including WETA ferries. The Berkeley Marina Ferry Facility will be an asset in this emergency network and it will be a state and regional decision as to how this asset will be used.</p> <p>In the weeks and months following an event as the Bay Area recovers, WETA ferry service will play a critical role as a component of the regional transit network that can be quickly operationalized at facilities like Berkeley. Decisions regarding funding and asset deployment during the recovery phase will also likely take place at the state and regional level.</p>
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WETA and the City of Berkeley have entered into this Memorandum of Understanding as of the last date set forth below.

**San Francisco Bay Area
Water Emergency Transportation
Authority**

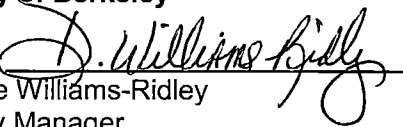
By: 
Nina Rannells
Executive Director

Date: 6/24/19

Reviewed:

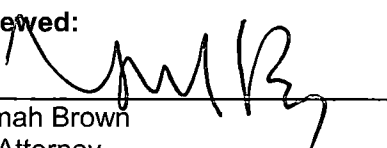
By: 
Madeline Chun
Legal Counsel to Authority

City of Berkeley

By: 
Dee Williams-Ridley
City Manager

Date: 7/26/19

Reviewed:

By: 
Farimah Brown
City Attorney

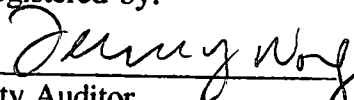
Attachments:

Exhibit A: WETA System Expansion Policy

Exhibit B: Funding Agreement

Exhibit C: Amendment to Consulting Services Agreement

Registered by:


City Auditor

March 12, 2019

ATTEST FOR THE CITY OF BERKELEY


DEPUTY CITY CLERK

Berkeley Marina Ferry Service Project Agreement

EXHIBIT A

WETA System Expansion Policy

<https://weta.sanfranciscobayferry.com/strategic-plan>

March 12, 2019

15027302.2

OAK #4827-5224-8434 v7
05604-0016

Berkeley Marina Ferry Service Project Agreement

EXHIBIT B

Funding Agreement

March 12, 2019

15027302.2

OAK #4827-5224-8434 v7
05604-0016



May 9, 2019

City of Berkeley
Attn: City Manager
2180 Milvia St.
Berkeley, CA 94704

Re: RM2 Funding Agreement - Berkeley Marina Ferry Facility Project

Dear Ms. Dee Williams-Ridley,

This letter agreement memorializes the understandings between the San Francisco Bay Area Water Emergency Transportation Authority (WETA) and the City of Berkeley (CITY), to fund an expanded feasibility study of the Berkeley Marina, utilizing RM2 operating funds available to WETA.

The City of Berkeley's contractor, GHD, pursuant to an Agreement for Consulting Services between City and GHD dated May 8, 2017 ("GHD Agreement"), has already conducted a feasibility and structural condition assessment to explore options for restoring, rehabilitating or reconstructing the Berkeley Municipal Pier in conjunction with the potential for ferry service.

It is agreed that CITY shall amend the GHD Agreement to expand the scope of the GHD feasibility study to assess the potential for a WETA-scale ferry terminal, and to develop conceptual designs for a dual-function facility (public ferry service and waterfront public access) including both waterside and landside improvements.

CITY will serve as the project lead, with assistance from WETA, for the expanded feasibility study, which will include technical analyses and a public engagement process. The expanded feasibility study will include water technical analysis on wave protection. Landside facilities will include, but are not limited to, parking areas, paths-of-travel, restrooms, bus and shuttle stops, and ride and bike share stations. The parties will mutually agree to a final scope of work prior to initiating work on the expanded feasibility study. CITY will engage professional consultant services, approved by WETA, to conduct the expanded study. CITY and WETA will each contribute staff resources to support the expanded feasibility study, and will confer on a regular basis on the progress of the work. CITY will provide drafts of the study for WETA's review prior to finalizing the work.

WETA will reimburse CITY for CITY's actual costs incurred for authorized and satisfactorily completed work and services rendered by CITY's outside professional consultants, including GHD, for the expanded feasibility study, not to exceed Two Hundred and Fifty Thousand (\$250,000.00). Payment will be made within thirty (30) days of receipt of an invoice, approved by WETA (which approval shall not be unreasonably withheld, conditioned or delayed), describing work performed, itemizing all costs for which reimbursement is requested, and

City of Berkeley
May 9, 2019
Page 2

stating the payment requested and the cumulative amount billed to date. CITY shall also attach to each invoice such receipts, proof of payment, and other supporting documentation as may be reasonably required by WETA.

All invoices must be made in writing and delivered or mailed to WETA as follows:

Attention: Accounting Department
San Francisco Bay Area Water Emergency Transportation Authority
Pier 9, Suite 111, The Embarcadero
San Francisco, CA 94111

Performance will begin on or after August 1st, 2019 and be completed by December 31st, 2020, unless this Agreement is terminated by either WETA or CITY as provided below. Invoices must be submitted before March 31st, 2021 to be paid.

Either CITY or WETA may terminate this Agreement, in each party's sole discretion, for any force majeure event, if such events (i) irrecoverably disrupt or render impossible CITY's performance hereunder; or (ii) disrupt WETA's ability to make payments hereunder. CITY will be entitled to payment for costs of work performed by CITY's outside professional consultants, including GHD, prior to the date of such termination, up to the maximum amount payable under this Agreement.

If CITY fails to perform as specified in this Agreement, WETA may terminate this Agreement for cause by advance ten (10)-day written notice and CITY will only be entitled to costs of work performed by CITY's outside professional consultants, including GHD, in accordance with this Agreement, not to exceed the maximum amount payable under the Agreement for such work.

CITY agrees to retain all documents, working papers, records, accounts and other materials relating to its performance under this Agreement for a minimum of four (4) years following the fiscal year of the last expenditure under this Agreement and WETA and its authorized representatives may inspect and audit such records during that period of time.

In performing services under this Agreement, CITY will be acting as an independent contractor and not as an agent or employee of WETA. CITY will have no authority to contract in the name of WETA, and CITY will be responsible for its own acts and those of its agents, contractors and employees.

CITY agrees that the amendment to the GHD Agreement ("GHD Amendment") shall be substantially in the form attached hereto and shall, among other things, (i) obligate GHD to defend, indemnify and hold harmless WETA and its officers, agents, officials, representatives and employees from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of GHD or its subconsultants), expense and liability of every kind, nature and description that arise out of, pertain to or relate to the negligence, recklessness, or willful misconduct of GHD and its subconsultants, anyone directly or indirectly employed by the them, or anyone that they control; (ii) name WETA and its directors, officers, representatives, employees, consultants, subcontractors and agents as additional insureds under GHD's commercial general liability, business automobile liability and professional liability insurance policies; and (iii) name WETA as a third party beneficiary of the

City of Berkeley
May 9, 2019
Page 3

GHD's indemnity and insurance obligations under the GHD Agreement, as amended by the GHD Amendment, and provide that such provisions may not be amended without WETA's consent.

Any amendment of the Agreement must be in writing, specifically identified as an amendment to this agreement, and signed by both CITY's City Manager and WETA's Executive Director, or their designated representatives.

Please sign and date both counterparts of this letter in the space provided below, return one counterpart to WETA, and retain the other counterpart for your files.

Sincerely,

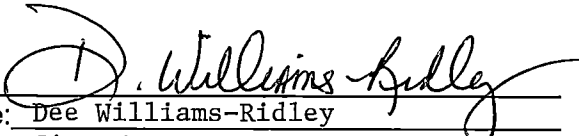


Nina Rannells
Executive Director

* * * * *

Accepted and Agreed this 26th day of July, 2019.

CITY OF BERKELEY

By: 
Name: Dee Williams-Ridley
Title: City Manager

OAK #4851-4585-9205 v7

RESOLUTION NO. 68,782-N.S.

A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE WATER EMERGENCY TRANSPORTATION AUTHORITY (WETA) TO ACCEPT UP TO \$250,000 IN WETA FUNDING FOR THE PLANNING PHASE FOR THE VIABILITY OF A NEW WETA FERRY SERVICE AND PUBLIC RECREATION PIER AT THE BERKELEY MARINA

WHEREAS, WETA's overall mission is to plan for and operate passenger-only ferry services on the San Francisco Bay for commuter and disaster response purposes. In February of 2016, the Water Emergency Transportation Authority (WETA) updated their Strategic Plan, which identified a network of sixteen ideal locations for expanded ferry service throughout the Bay Area region, including the Berkeley Marina, to help provide alternative transportation for passengers and emergency response; and

WHEREAS, in July of 2015, the Berkeley Municipal Pier was closed to the public indefinitely due to structural safety issues. On June 21, 2017, the City contracted with GHD, Inc. to perform a structural engineering assessment to identify feasible options and costs for fixing the Pier (Contract No. 10632, Resolution No. 67,856); and

WHEREAS, on June 5, 2018, Bay Area voters approved Regional Measure Three (RM3) toll bridge increase to finance \$4.5 billion in highway and transit projects, and would provide \$60 million each year to operate new bus and ferry services in congested bridge corridors. WETA is expected to receive up to \$300 million for one-time capital construction projects and up to \$35 million per year to operate an expanded regionwide ferry system; and

WHEREAS, WETA staff contacted City staff to initiate a dialogue for a potential partnership to study the feasibility of ferry service at the Berkeley Marina. During initial meetings, WETA and City staff realized that it would be cost-effective to investigate a single pier that would provide two uses – ferry service and public recreation; and

WHEREAS, the Planning Phase for the potential WETA ferry service and public recreation pier would include engineering feasibility studies on the proposed improvements and impacts: the waterside improvements would look at fixing the existing or building a new pier, wave dynamics and breakwaters, and dredging, etc.; and the landside improvements would include renovations to existing parking lots, public access (e.g., paths), and public amenities (e.g., restrooms). The Planning Phase will also include a robust public engagement process that will review the findings of the studies and help the City decide if there is a preferred project alternative that is viable enough to move forward to the Design Phase; and

WHEREAS, if the project is found to be viable in terms of costs, public benefits, and minimized impacts at the Berkeley Waterfront, the project would move to subsequent phases (design, construction, and operations) in the form of additional MOU amendments, each of which would be subject to approvals by the City Council and WETA Board; and

WHEREAS, WETA will cover the costs of the technical feasibility study in an amount up to \$250,000. The City will use \$75,000 from the Measure T1 allocation for the Berkeley Pier Project to cover those costs associated with the non-ferry-related elements of the project.

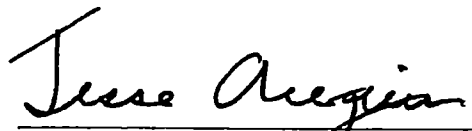
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley That the Council authorizes the City Manager to execute a Memorandum of Understanding (MOU) (Attachment 1) with the Water Emergency Transportation Authority (WETA) to accept up to \$250,000 in WETA funding for the Planning Phase (technical feasibility study and public engagement process) for the viability of a new WETA ferry service and public recreation pier at the Berkeley Marina. A record signature copy of the MOU and any amendments to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on March 12, 2019 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2019-09

**APPROVE MEMORANDUM OF UNDERSTANDING WITH CITY OF BERKELEY FOR A
FERRY TERMINAL PLANNING AND FEASIBILITY STUDY**

WHEREAS, WETA is working in partnership with the City of Berkeley to develop a ferry terminal and ferry service in Berkeley, CA consistent with the 2003 Implementation and Operations Plan adopted by the Water Transit Authority (predecessor to WETA), the 20-year vision of potential expansion projects included in the 2016 WETA Strategic Plan, and the multi-agency Core Capacity Transit Study completed by the Metropolitan Transportation Commission in 2017; and

WHEREAS, WETA undertook initial environmental and design work for a potential terminal and ferry service in Berkeley, but halted this effort in 2013 due to feasibility concerns including, but limited to, dredging, potential mitigation measures, and lack of a clear funding source; and

WHEREAS, WETA and the City of Berkeley have identified several changed conditions since 2013 that could represent new opportunities to create a feasible project to build a ferry terminal and operate ferry service in Berkeley, CA; and

WHEREAS, the City of Berkeley has initiated a \$330,000 study to identify feasible options for fixing or replacing the Municipal Pier located in the Berkeley Marina as a dual-use facility that would restore public access and serve as a new landing location for small-scale ferry operations; and

WHEREAS, WETA and the City of Berkeley desire to invest up to \$360,000 to expand the study to consider the feasibility of constructing a WETA-scale facility located at or near the Municipal Pier; and

WHEREAS, WETA and the City of Berkeley have drafted a Memorandum of Understanding (MOU) setting forth specific roles and responsibilities for each party during the planning phase of the project, including contributions of up to \$250,000 by WETA and \$110,000 by the City to expand the feasibility study; and

WHEREAS, the MOU covers only the planning phase of the project, other project phases, including design, construction, and operation, would not be pursued without future agreement between the parties once the feasibility study is completed; and

WHEREAS, on March 12, 2019, the Berkeley City Council approved a consent item authorizing the City Manager to execute the MOU with WETA; and

WHEREAS, staff recommends that the Board approve moving forward with the project feasibility study consistent with WETA and MTC plans; now, therefore, be it

RESOLVED, that the Board approves the MOU with the City of Berkeley for ferry terminal planning and feasibility study activities and authorizes the Executive Director to execute the MOU and enter into related funding agreements.

CERTIFICATION


The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on May 9, 2019.

YEA: J Breckenridge, J DelBono, A Intintoli, J Wunderman

NAY: N Josefowitz

ABSTAIN: None

ABSENT: None



/s/ Board Secretary

2019-09

END

EXHIBIT B

Phase 2 Funding Agreement

April 1, 2024

20680397.1

City of Berkeley
Attn: City Manager
2180 Milvia St.
Berkeley, CA 94704

Re: RM3 Funding Agreement - Berkeley Water Transportation Pier-Ferry Project Phase 2

Dear Ms. Dee Williams-Ridley,

This letter agreement ("Agreement") memorializes the understanding between the San Francisco Bay Area Water Emergency Transportation Authority (WETA) and the City of Berkeley (CITY) to fund the environmental review and design engineering (together, "Phase 2") for the Berkeley Water Transportation Pier-Ferry Project (Project).

WETA and the CITY mutually signed a MOU on March 12, 2019 setting forth general understanding of the Berkeley Marina Ferry Facility Project. Associated with that MOU, the parties agreed to a Funding Agreement letter dated May 9, 2019, to fund Phase 1 set forth in the MOU. That Phase 1 work is complete, resulting in the *Ferry Facility at Berkeley Municipal Pier Feasibility Study* (Feasibility Study), GHD, June, 2023.

Phase 2 of the Project includes detailed technical analyses, design, environmental studies, public engagement and permitting for the preferred Project concept presented in the Feasibility Study. The City has been awarded \$8,000,930 of grant funding for Phase 2 work from the Alameda County Transportation Commission (\$5,813,204¹) and the California State Coastal Conservancy (\$2,187,726²). WETA has included \$3,000,000 in its adopted 2023/24 Capital Budget for the Planning/Design phase of the Project.

WETA's financial contribution for Phase 2 is generated from Regional Measure 3 (RM3). WETA's obligation to reimburse project costs is subject to compliance with all applicable rules and regulations of the Metropolitan Transportation Commission (MTC) governing RM3 funds, including *Regional Measure 3 Policies and Procedures* (MTC Resolution No. 4404 Attachment A). WETA will only reimburse eligible RM3 expenses, and invoices for reimbursement from the City must comply with MTC's requirements.

The City will serve as the Phase 2 project lead with assistance from WETA. The scope of Phase 2 work includes environmental studies, reports and permits, technical/engineering studies and reports, and development of detailed bid-ready design documents. WETA staff will be given the opportunity to review draft scope of work documents, and the parties will mutually agree to a final scope of work prior to initiating work. CITY will engage professional consultant services, approved by WETA, to conduct the Phase 2 work.

CITY and WETA will each contribute staff resources to support the Phase 2 work and will confer on a regular basis on the progress of the work. CITY will provide drafts of all studies and design submittals for WETA's review prior to finalizing the work.

¹ [Alameda County Transportation Commission Meeting Minutes 5-25-23; approval of 2024 Comprehensive Investment Plan including Berkeley Pier Ferry Project allocation](#)

² [California Coastal Conservancy Meeting 6-1-23; staff recommendation for Berkeley Pier allocation](#)

CITY is responsible for all aspects of managing the Alameda County Transportation Commission (ACTC) and California State Coastal Conservancy (SCC) grants. WETA will periodically provide CITY with documentation of its staff time/costs, which CITY will submit to ACTC (along with CITY staff time/costs) to serve as grant matching funds. WETA's staff time and costs will be reimbursed by, and included within, WETA's overall \$3M contribution of RM3 funds.

WETA will reimburse CITY for authorized and satisfactorily completed work and services rendered by CITY's outside professional consultants for the Phase 2 work that is not otherwise eligible for reimbursement from the ACTC or SCC grants. The CITY shall make all reasonable efforts to have Phase 2 consultant costs reimbursed by the ACTC or SCC grants prior to requesting reimbursement from WETA. WETA reimbursement shall not exceed Three Million Dollars (\$3,000,000). CITY staff time is not eligible for reimbursement from WETA. The CITY will submit invoices to WETA, at a minimum, on a quarterly basis, and within 30 days following the end of each quarter of the fiscal year.

WETA will endeavor to make payment within ninety days of receipt of an invoice, approved by WETA and MTC (which approval shall not be unreasonably withheld, conditioned or delayed), describing work performed, itemizing all costs for which reimbursement is requested, and stating the payment requested and the cumulative amount billed to date. Upon its review and approval, WETA will promptly submit the CITY's invoices to MTC for reimbursement. CITY shall also attach to each invoice such receipts, proof of payment, and other supporting documentation as may be reasonably required by WETA or MTC. CITY will be responsible for providing any additional materials that are required by MTC to comply with RM3 funding and reimbursement requirements.

All invoices must be made in writing, and delivered or mailed to WETA as follows:

Attention: Accounting Department
San Francisco Bay Area Water Emergency Transportation Authority
Pier 9, Suite 111, The Embarcadero
San Francisco, CA 94111

Performance will begin on or after January 1, 2024 and be completed by December 31st, 2027, unless this Agreement is terminated by either WETA or CITY as provided below. Invoices must be submitted before March 31st, 2028 to be paid.

Either CITY or WETA may terminate this Agreement, in each party's sole discretion, for any reason upon thirty days' written notice to the other party. Upon termination, the parties will promptly meet and confer to discuss the impact of termination on Phase 2 work. WETA will reimburse City only for that portion of work completed (either by CITY or its outside professional consultants) prior to termination, not to exceed the maximum amount payable under the Agreement for such work.

If CITY fails to perform as specified in this Agreement, WETA may terminate this Agreement for cause by advance ten (10)-day written notice and CITY will only be entitled to costs of work performed by CITY's outside professional consultants in accordance with this Agreement, not to exceed the maximum amount payable under the Agreement for such work.

CITY agrees to retain all documents, working papers, records, accounts and other materials relating to its performance under this Agreement for a minimum of four (4) years following the fiscal year of the

last expenditure under this Project and WETA and its authorized representatives may inspect and audit such records during that period of time.

In performing services under this Agreement, CITY will be acting as an independent contractor and not as an agent or employee of WETA. CITY will have no authority to contract in the name of WETA, and CITY will be responsible for its own acts and those of its agents, contractors and employees.

CITY agrees that the professional contracts executed for the work of Phase 2 shall, among other things, (i) obligate [CONTRACTOR] to defend, indemnify and hold harmless WETA and its officers, agents, officials, representatives and employees to the maximum extent allowed by law and to the same extent as the City from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of [CONTRACTOR] or its subconsultants), expense and liability of every kind, nature and description that arise out of, pertain to or relate to the negligence, recklessness, or willful misconduct of [CONTRACTOR] and its subconsultants, anyone directly or indirectly employed by the them, or anyone that they control; (ii) name WETA and its directors, officers, representatives, employees, consultants, subcontractors and agents as additional insureds under [CONTRACTOR] 's commercial general liability, business automobile liability and professional liability insurance policies; and (iii) name WETA as a third party beneficiary of the [CONTRACTOR]'s indemnity and insurance obligations, and provide that such provisions may not be amended without WETA's consent.

Any amendment of this Agreement must be in writing, specifically identified as an amendment to this agreement, and signed by both CITY's City Manager and WETA's Executive Director, or their designated representatives.

Please sign and date both counterparts of this letter in the space provided below, return one counterpart to WETA, and retain the other counterpart for your files.

Sincerely,

Seamus Murphy
Executive Director

* * * * *

Accepted and Agreed this _____ day of _____, 2024.

CITY OF BERKELEY

By: _____

Name: Dee Williams-Ridley

Title: City Manager



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
 Subject: Contract: COWI North America, Inc. for Engineering and Design of the Berkeley Water Transportation Pier Ferry Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with COWI North America, Inc (COWI) in an amount not to exceed \$6,500,000 which includes \$250,000 of contingency to provide engineering and design services for the Berkeley Water Transportation Pier Ferry Project (Project) for the period June 1, 2024 through June 1, 2027.

FISCAL IMPACTS OF RECOMMENDATION

The cost of this contract is covered by a combination of Water Emergency Transportation Authority (WETA) funds and Alameda County Transportation Commission (ACTC) and California Coastal Conservancy (CCC) grants. Funds for the Project are available in the 2024 budget as follows:

- \$1,700,000 in 606-52-545-000-0000-000-479-720003- PRWWF24002-606-COAST;
- \$4,000,000 in 307-52-545-000-0000-000-461-720003- PRWWF24002-307; and
- \$800,000 in funding from WETA is anticipated to be included in the first AAO of FY25.

CURRENT SITUATION AND ITS EFFECTS

On December 7, 2021, City staff presented the preferred concept from the Ferry Facility at Berkeley Municipal Pier Feasibility Study¹ (Feasibility Study), which includes landside and on-water improvements to provide a dual-purpose pier allowing both recreation and ferry access. The Feasibility Study was finalized and posted to the Project website in June, 2023².

The City has been awarded a California Coastal Conservancy grant of \$2.96M and an Alameda County Transportation Commission (ACTC) of \$5.139M to fund the

¹ [December 7, 2021 Work Session](#)

² [Feasibility Study, Ferry Facility at Berkeley Municipal Pier, June 2023](#)

engineering, detailed design and environmental studies for the Project. WETA has allocated funding in the amount of \$3,000,000 for the engineering, design and environmental phase (Phase 2) of the Project in its 2023/24 Capital Budget. The City is in the process of amending its existing WETA MOU to reflect the Phase 2 scope and budget allocation.

On December 15, 2023 the City issued a request for qualifications for design services for the Berkeley Water Transportation Pier Ferry Project (Spec No. 24-11626-C). The City received three proposals and conducted interviews of all three firms. After evaluation of written proposals, reference checks and interviews, the selection panel identified COWI as the consultant best-suited to meet the City's needs for this Project.

This contract will provide engineering studies, design services, and permitting support to develop bid-ready design documents for the Berkeley Water Transportation Pier-Ferry Project.

BACKGROUND

In July of 2015, the Berkeley Municipal Pier was closed to the public indefinitely due to structural safety issues. On June 21, 2017, the City contracted with GHD, Inc. to perform a structural engineering assessment to identify feasible options and costs for fixing the Pier (contract No. 10632, Resolution No. 67,856). The draft study identified twelve options ranging in cost from \$16 million to \$51 million. A second component of the study looked at the feasibility of small-scale ferry service at the potentially renovated pier. (Small-scale ferry service is currently offered by two independent providers at K-dock at the main basin at the Marina).

In February of 2016, the Water Emergency Transportation Authority (WETA) updated its Strategic Plan, which identified a network of sixteen ideal locations for expanded ferry service throughout the Bay Area region, including Berkeley, to help provide alternative transportation for disasters and commuter needs.

WETA

In 1999, the California State Legislature established the Water Transit Authority (WTA) (which is WETA's predecessor agency), to consolidate existing ferry services operated by the cities of Valley, Alameda and Oakland into a comprehensive water transit system; and to expand water transit on the San Francisco Bay. In 2007, the agency name was changed to Water Emergency Transportation Authority (WETA) and its responsibilities expanded to include coordination of the water transit response to a regional emergency.

WETA's overall mission is to plan for and operate passenger-only ferry services on the San Francisco Bay for commuter and disaster response purposes. The Berkeley location has been identified in WETA's System Expansion & Strategic Plan (2016) as one of the higher priority Near-Term projects, along with the Seaplane Lagoon in

Alameda, Mission Bay in San Francisco, and Redwood City.

PREFERRED PROJECT

The Feasibility Study identified a preferred Project that consists of landslide and waterside improvements summarized below. All dimensions and concepts here are preliminary, and subject to change based on the detailed engineering and environmental studies that will occur in Phase 2. The planning-level construction cost estimate for the preferred Project is approximately \$70M (not including electric ferry vessels or cost escalation, see Feasibility Study Appendix E).

- A new, 22-foot-wide pier (same width as the existing Berkeley Municipal Pier) to accommodate both ferry foot traffic, recreational activities, and emergency and maintenance vehicles. The pier extends from the shoreline at Seawall Drive westward to a new breakwater (approximately 580 feet long).
- A new breakwater creating a safe harbor from the predominantly southwesterly winds and waves for ferry boarding on the north side of the new pier (approximately 400 feet long). The breakwater would provide surface decking to allow public access for recreational activities.
- An extension of the new pier westward into the Bay beyond the breakwater for recreational use (approximately 500 feet long).
- A ferry facility including ferry berthing floats, float piles, ADA gangways, and security gates.
- Renovation of the parking lot located at 199 Seawall Drive, which would include new pavement surfacing, new striping, and new stormwater bioswales to treat stormwater.
- Improvement of an area along the southwestern side of University Avenue would provide for public buses, shuttles, and a drop-off zone for rideshare and family vehicles.
- Renovation of pedestrian pathways and safety lighting.
- Shifting the Seawall Drive vista parking zone from the west side to the east side of the road.
- A new water access point at the small peninsula located at the southwest corner of Seawall Drive.
- A new restroom and fish cleaning area.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The transportation system in the Bay Area has become severely impacted by the growing economy and population boom, causing severe traffic congestion and overcrowding on public transit systems. Traffic congestion keeps more vehicles on roads, and overcrowding on public transit systems can push commuters back into cars, both of which result in more greenhouse gas emissions.

The City's Climate Action Plan identifies public transit as a more sustainable form of

transportation (Chapter 3), and sets a goal to expand under-used modes of transportation, such as ferry service at the Berkeley Marina to connect to San Francisco and other locations. In spring, 2023, WETA completed the Blueprint for Zero Emission Vessel Transition. The Berkeley pier-ferry will be designed to support zero-emission ferry service.

As a water-based transportation service, WETA will be directly impacted by Sea-level Rise. As agencies throughout the Bay Area explore adaptation strategies and other mitigations, WETA will monitor forecasts and trends to ensure that its plans for expansion and operations will remain an effective public transit option for the foreseeable future.

This contract includes significant coordination between the design consultant (COWI) and the to-be-determined environmental consultant to ensure that Project environmental impacts are avoided and/or mitigated to the maximum extent feasible.

RATIONALE FOR RECOMMENDATION

After reviewing three proposals and conducting interviews and reference checks, the selection panel identified COWI as the best-suited for the City's needs. Staff therefore recommends Council approval of a contract with COWI for engineering and design services for the Berkeley Water Transportation Pier-Ferry Project.

ALTERNATIVE ACTIONS CONSIDERED

The City does not have the expertise required to complete the tasks covered by this contract. Therefore no alternative actions were considered.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700

Christina Erickson, Deputy Director, PRW, 981-6712

Liza McNulty, PRW Capital Improvement Program Manager, 542-4131

Attachments:

1: Resolution

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

CONTRACT: COWI NORTH AMERICA, INC. FOR ENGINEERING AND DESIGN OF THE BERKELEY WATER TRANSPORTATION PIER FERRY PROJECT

WHEREAS, the City and Water Transportation Authority executed a Memorandum of Understanding effective July 1, 2019 for the Planning Phase of the Berkeley Pier-Ferry Project (Project) which included a feasibility study and public engagement; and

WHEREAS, the Planning Phase is complete and a preferred concept has been identified; and

WHEREAS, the second phase (Phase 2) of work includes detailed technical analyses, design, environmental studies, public engagement and permitting for the preferred Project concept; and

WHEREAS, WETA has allocated \$3,000,000 of Regional Measure 3 funds for the Phase 2 of the Project in its adopted 2023/24 Capital Budget; and

WHEREAS, the City has been awarded a California Coastal Conservancy grant of \$2.96M and an Alameda County Transportation Commission (ACTC) of \$5.139M to fund the engineering, detailed design and environmental studies for the Project; and

WHEREAS, on December 15, 2024 the City issued a Request for Qualifications for engineering and design services for the Berkeley Water Transportation Pier Ferry Project (Spec No. 24-11626-C) and after reviewing three proposals and conducting interviews and reference checks the selection panel identified COWI North America, Inc. as the consultant best-suited for the City's needs; and

WHEREAS, the cost of this contract is covered by a combination of Alameda County Transportation Commission funds (ACTC) (\$4,000,000 in 307-52-545-000-0000-000-461-720003- PRWWF24002-307), State Coastal Conservancy (SCC) funds (\$1,700,000 in 606-52-545-000-0000-000-479-720003- PRWWF24002-606-COAST, and Water Emergency Transportation Authority (WETA) funds (\$800,000 in funding from WETA is anticipated to be included in the first AAO of FY25).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with COWI North America Inc. in an amount not to exceed \$6,500,000 which includes \$250,000 of contingency for the Berkeley Water Transportation Pier Ferry Project for the period June 1, 2024 through June 1, 2027. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Accepting a Donation from Friends of Fountain Walk for Installation of Benches and Repairs to Balustrades of Fountain Walk

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to accept a donation of \$16,800 from the Friends of Fountain Walk (“Friends”) for the installation of two benches and repairs to the historic balustrades and railings along Fountain Walk, a pathway and staircase from Marin Circle to the intersection of Del Norte Street and Sutter Street.

FISCAL IMPACTS OF RECOMMENDATION

The cash donation of \$16,800 will be deposited into the Public Works revenue budget for the One-Time Fund FY 137 and will be appropriated into the FY 2024 Street & Utilities Division Maintenance Budget. The Public Works Department is also allocating \$4,600 from the Measure BB Local Streets and Roads Fund 134 for maintenance of Fountain Walk for a total project budget up to \$21,400.

Friends of Fountain Walk donation.....	\$16,800
City expenditure: Measure BB – Local Streets & Roads	\$4,600
Total Project Budget	\$21,400

CURRENT SITUATION AND ITS EFFECTS

The Fountain Walk from Marin Circle to the intersection of Del Norte Street and Sutter Street contains a series of decorative concrete railings called balustrades. Over time, the balustrades become damaged by vehicles as well as age, and the City has done several replacements, including work performed in 2012 and 2020. The Friends, who helped raise funds for the 2012 balustrades repair work, wish to donate \$16,800 towards a project to install two new benches on the walk and repair some balustrades.

Construction plans for the work have been prepared on a pro-bono basis by a landscape architect who is a member of the Friends. Public Works has agreed to allocate another \$4,600 in funding from the Measure BB budget, principally for City staff and administrative costs related to the project. Any remainder from City funds would be allocated for construction. These are the items planned for this project:

Accepting a Donation from Friends of Fountain Walk for Installation of Benches and Repairs to Balustrades of Fountain Walk

CONSENT CALENDAR
May 14, 2024

1. Install two concrete bench pads
2. Install two precast benches
3. Stabilize and correct five leaning balustrades

This repair project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project will have no positive or negative environmental impact or climate impacts.

RATIONALE FOR RECOMMENDATION

Accepting the funds allows the City to repair the Fountain Walk, an important element of the City's historic fabric. Executing this work will also celebrate the work of the community volunteers who raised these private donations.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

John Hurtado, Streets & Utilities Maintenance Superintendent, 510-981-6484

Attachment:

1: Resolution

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

ACCEPTING A DONATION FROM FRIENDS OF FOUNTAIN WALK FOR
INSTALLATION OF BENCHES AND REPAIRS OF FOUNTAIN WALK

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, Fountain Walk is an important historic element of Berkeley; and

WHEREAS, over time, the balustrades become damaged by vehicles as well as age, and the City has done several replacements; and

WHEREAS, the Friends of Fountain Walk wish to donate of \$16,800 for the repair and restoration of Fountain Walk which will be deposited into the One-Time Fund 137 and Public Works will also allocate \$4,600 in funding from the Measure BB Fund 134.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City accepts a donation of \$16,800 from the Friends of Fountain Walk for repairs to the historic balustrades and railings along Fountain Walk from Marin Circle to Del Norte Street.

BE IT FURTHER RESOLVED that the City Council expresses its deep appreciation to the Friends of Foundation Walk for their kind and generous donation.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Accepting a Donation from Residents of The Uplands for Resurfacing

RECOMMENDATION

Adopt a Resolution accepting a cash donation from the residents of 255 through 305 The Uplands in the amount of \$50,000 to resurface the City owned parcel that performs as a public street for these residents.

FISCAL IMPACTS OF RECOMMENDATION

The resurfacing of this stretch of The Uplands would be performed by the contractor that the City selects to conduct the citywide 2024 Street Rehabilitation Project to be awarded summer of 2024. Prices would be based on the competitively bid unit prices. The estimated cost for resurfacing the City owned parcel is \$49,440. The cash donation of \$50,000 will be deposited into the Public Works revenue budget for the One-Time Fund FY 137 and will be appropriated into the 2024 Street Rehabilitation Project budget for construction with this project.

CURRENT SITUATION AND ITS EFFECTS

In 2023, residents approached the Public Works Department about a donation to pay for paving the City owned parcel that performs as their street. The request was for the street to be paved in association with one of the City’s paving projects. Since this is a City owned parcel and not public right-of-way, it has not been included in the overall paving plan for City streets.

BACKGROUND

The residents live on what could be considered a side street off of The Uplands near State Highway 13. The roadway serving the residents is a parcel owned by the City (APN 064-4232-011) that begins at the right-of-way line for The Uplands and extends into the area of the residential parcels. The paved City parcel provides residents access to The Uplands, but is not considered a City street and the City does not maintain it.

The pavement on the City parcel is deteriorating and the residents of seven parcels along the roadway would like to donate funds in the total amount of \$50,000 to the City in order to have the pavement resurfaced with one of the City’s pavement rehabilitation projects.

The City's Open Governance Ordinance requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The pavement removed will be delivered to the pavement material provider for processing and recycling for other uses such as aggregate base for street and sidewalk construction.

RATIONALE FOR RECOMMENDATION

The donation allows for paving of a City owned parcel that would not normally receive funding for paving through the City's annual paving projects. This also prevents the City from applying limited available funds to pave the parcel, which allows those funds to be used for other public needs.

ALTERNATIVE ACTIONS CONSIDERED

No alternatives were considered. Should the donation not be accepted for the proposed use, the pavement would continue to deteriorate until the City would need to identify funding for pavement rehabilitation of the parcel.

CONTACT PERSON

Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439

Attachments:
1: Resolution

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

ACCEPTING DONATION IN THE AMOUNT OF \$50,000 FROM RESIDENTS OF THE UPLANDS FOR RESURAFACING

WHEREAS, the City's Open Governance Ordinance requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, in 2023, residents of 255 thru 305 The Uplands approached the Public Works Department about a donation of \$50,000 to pay for paving the City owned parcel that performs as their street; and

WHEREAS, the estimated cost for resurfacing the City owned parcel is \$49,440; and

WHEREAS, since this is a City owned parcel and not public right-of-way, it has not been included in the overall paving plan for City streets; and

WHEREAS, the donation allows for paving of a City owned parcel that would not normally receive funding for paving through the City's annual paving projects; and

WHEREAS, the cash donation of \$50,000 will be deposited into the Public Works One-Time Fund 137 revenue budget and will be appropriated into the FY 2024 Street Rehabilitation Project budget (Project PWENST2401) for construction with this project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$50,000 from the residents of 255 thru 305 The Uplands for pavement rehabilitation of the City owned parcel, that serves as their street, is hereby accepted.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Terrance Davis, Director of Public Works
 Subject: Bike Share Electric-Assist Bicycle Expansion Agreement

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an agreement with Lyft Bikes and Scooters, LLC, subject to the terms of the Franchise Agreement, for the addition of 221 docked electric-assist bicycles and 11 infill bike share stations in Berkeley as part of the Bay Area Bike Share Program.

SUMMARY

The proposed agreement between the City and Lyft Bikes and Scooters, LLC (Lyft) would add 221 docked electric-assist bicycles (e-bikes) and 11 infill bike stations to the City's existing bike share network. Lyft currently owns and operates 391 docked manually-powered bicycles and 37 bike share stations within Berkeley. In October 2023, the Metropolitan Transportation Commission (MTC) and Lyft executed their Regional Funding Agreement (RFA), which invests \$13,940,000 to expand the regional bike share system in Berkeley, San Francisco, San Jose, Oakland, and Emeryville with docked e-bikes and additional bike share stations.

The proposed agreement would expand the current City bike share network, and increase transportation options for more residents. Notably, there are a lack of bike stations in Districts 1, 2, and 3. The regional bike share program provides an alternative mode of transportation for residents that can be used to bridge the gap for those making last-mile transit connections.

The City, with the support of an MTC-funded consultant, and Lyft would coordinate on the public engagement and permitting process for the installation of the 11 infill bike stations. The City and Lyft would work with the public, property owners, business improvement districts and businesses to identify feasible bike share station locations. The one-time permitting cost to the City to install the new bike stations is estimated to be \$10,500. Staff will aim to minimize any significant parking revenue loss by limiting the loss of metered parking spaces and adjusting parking meter rates as needed.

Funding from the MTC Fund 339 and the federally-restricted portion of the goBerkeley revenue in ERMA Fund 631 (Parking Meter fund) is available to cover the City's share of bike station permit and inspection fees.

FISCAL IMPACTS OF RECOMMENDATION

MTC is able to fully fund the purchase of a fleet of e-bikes and bike stations to expand the regional bike share network through the 2023 RFA between MTC and Lyft. Lyft will operate and maintain the new e-bikes and stations subject to the terms of the 2015 Bay Area Bike Share Coordination Agreement (Coordination Agreement), which governs the Bay Area Bike Share Program operations between Lyft, MTC, and the Cities of Berkeley, Emeryville, Oakland, San Francisco, and San Jose.

Per Section 16 of the Coordination Agreement, Lyft is obligated to provide funding of \$200 per bike share station towards permit and inspection fees. The total permitting cost for 11 bike stations borne by Lyft would be \$2,200. The remaining cost associated with permit and inspection fees would be covered by the Transportation Division.

Funding from MTC Fund 339 is available to cover the City's portion of the bike station permit and inspection fees. Funding from this account comes from bike share program revenue collected by MTC per Sections 10 through 12 of the Coordination Agreement.

MTC would also provide station siting consultantation, which includes detailed design and public outreach, at no cost to the City. The MTC-funded consultant supported the City's intitial bike share bike station siting process in 2016. The average annual City parking revenue per metered space is \$2,010. Staff will aim to minimize any significant parking revenue loss by limiting the loss of metered parking spaces and adjusting parking meter rates as needed.

CURRENT SITUATION AND ITS EFFECTS

The proposed agreement between the City and Lyft would add 221 docked e-bikes and 11 infill bike stations to the City's existing bike share network of manual bikes and stations. The docked e-bikes and the existing manual bikes will be compatible with the current and new bike share stations, thus expanding the City's bike share network. In addition to maintaining the existing manual bike fleet, Lyft would maintain the proposed e-bike fleet service for the remaining duration of the Bike Share Program per the Coordination Agreement. The proposed agreement was coordinated with the Cities of Oakland and Emeryville and would provide consistent regional e-bike service across the three cities. The proposed agreement, the Coordination Agreement, and the 2016 Bike Share Franchise Agreement between Lyft and the City would continue to provide the City with a bike share program.

The proposed agreement would address gaps in the current bike share network, and increase transportation options for more residents. Lyft currently owns and operates 37 bike share stations and 391 docked manually-powered bicycles within the City. The

majority of existing stations are concentrated in the City's central and southeast areas. Bike station network gaps exist notably in Districts 1, 2, and 3. Portions of these districts are also MTC-designated Equity Priority Communities (EPCs), which are defined as census tracts with significant concentrations of underserved populations, such as households with low incomes and people of color (Attachment 2). Additional bikes and bike share stations in these areas would help to address the equity gaps in the current network.

The City's existing bike share network only consists of manually powered bikes. Not all residents are physically able to ride manually-powered bikes. The City's hilly geography may deter some residents from considering bikes as a viable transportation option. Adding e-bikes and new stations to the bike share system would increase mobility options for residents, leading to better access to jobs and economic and recreational opportunities.

Staff will implement a comprehensive station siting process. The City's "Sidewalk and On-Street Bike Share Station Placement Recommendations" (Attachment 3) document will be used to assess impacts to vehicle circulation and curbside uses. Staff, with the support of the MTC-funded consultant, would coordinate with Lyft on the permitting and inspection process. Staff would guide Lyft in the public engagement process to ensure a successful roll out of e-bikes in the City. Bike share stations would be placed on sidewalks, streets, plazas, parking lots or on private property where available space exists and as appropriate.

The proposed agreement addresses the City's strategic priorities of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities, championing and demonstrating social and racial equity, and being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

On January 22, 2016, Council adopted an Ordinance granting a Franchise Agreement with Bay Area Motivate, LLC (Ordinance No. 7,454-N.S.) to operate a bike share program in the City under the terms of the Coordination Agreement. The Coordination Agreement was adopted by Council on December 15, 2015 (Resolution No. 67,326-N.S.) and outlines operational requirements, including the mandate that no less than 20% of all bike share stations be installed in EPCs. Station siting done for the existing network assessed site suitability against job and housing density, and proximity to transit. The Coordination Agreement and Franchise Agreement established the terms for the existing bike share system.

In 2018, the ride-hailing company Lyft, Inc. purchased Bay Area Motivate, LLC and renamed the business "Lyft Bikes and Scooters, LLC". In 2019, the bike share program's corporate sponsor, Ford Motor Company, announced it would end its sponsorship of the program. These change in ownership and corporate sponsorship did not affect the City's rights and responsibilities under the regional Coordination

Agreement or the City's Franchise Agreement with Motivate. Lyft subsequently re-branded the bike share program as "Bay Wheels."

In October 2023, MTC and Lyft executed their RFA, which invests \$13,940,000 to expand the regional bike share system in the City, San Francisco, San Jose, Oakland, and Emeryville with docked e-bikes and additional bike share stations. Per the Coordination Agreement, the proposed expansion of the bike share system would ensure that at least a portion of new bike stations be installed in EPCs.

Sixty percent of the City's greenhouse gas emissions can be attributed to transportation. Private vehicles represent the greatest portion of transportation emissions. Historically, transportation investments and decisions have unjustly burdened low-income communities and communities of color by exposing them to higher levels of air pollution, while failing to meet their transportation needs. These communities have typically been located adjacent to high-volume roads, freeways, ports, and other freight corridors. To reduce these transportation emissions and address inequities in transportation the City has committed to ongoing efforts to shift trips to alternative modes of transportation such as walking, biking, public transit and shared electric mobility.

The regional bike share program provides an alternative mode of transportation for residents. It is a sustainable and regionally-focused solution that helps bridge the gap for transit riders making last-mile commuting connections. The proposed agreement would require Lyft to deploy and maintain a fleet of 221 "Cosmo" docked-only e-bikes for use in the City, bringing the total number of bike share bicycles to 612, a 57% increase. The proposed agreement would also require Lyft to deploy and operate 11 infill bike stations in the City, a 30% increase in the total number of bike stations. The station siting guidelines and metrics set forth in the Coordination Agreement will apply. Lyft and the City would be required to agree upon a clear process of ad-hoc station siting and selection. The City would utilize its internal bike station siting recommendations to help guide the site selection process.

Staff updated the Transportation and Infrastructure Commission (TIC) on March 21, 2024 and the status of the proposed agreement. Upon execution of the proposed agreement, Staff would solicit bike station siting feedback from the TIC and respond to any outstanding questions regarding the agreement.

The MTC-Lyft RFA, which is referenced in this proposed agreement, also includes reduced prices for annual Bay Wheels memberships from \$169 per year to \$150 per year. This new pricing is already effective in the City. Highly discounted "Bikeshare For All" Bay Wheels passes are, and will continue to be, available for those that qualify for CalFresh food assistance or Pacific Gas & Electric's California Alternate Rates for Energy Program (CARE) program. Bikeshare For All memberships cost \$5 for the first year and \$5 per month after that. No annual commitment is required.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Per the City’s Electric Mobility Roadmap, e-bikes are part of the City’s strategy to increase alternative modes of transportation. E-bikes are an environmentally beneficial mode of transportation that emit no air pollution or greenhouse gasses. An estimated 30% of bike share trips would have been made by car if bike share did not exist. Providing sustainable first- and last- mile choices help to remove barriers for public transportation use, eliminate traffic from city streets, and support healthier outcomes from increased physical activity and reduced transportation pollution.

RATIONALE FOR RECOMMENDATION

The proposed agreement would provide a mobility alternative for residents. The addition of infill bike stations included in the agreement would allow these shared mobility devices to reach neighborhoods not currently serviced by the City’s existing bike share network. As not all residents are physically able to ride a manually powered bike, the electric assist motor of the e-bikes could provide a viable transportation alternative for some residents.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to expand the existing station-based bike share program. This would potentially position the City behind the region in terms of offering alternative modes of transportation to its residents and in terms of meeting the City’s Climate Action Plan targets. Opting out of this agreement would result in a reduced regional e-bike system as nearby Cities of Emeryville and Oakland have already opted in.

CONTACT PERSON

Jennifer Sajor, Electric Mobility Coordinator, 510-981-7056
Kenneth Jung, Supervising Civil Engineer, 510-981-7028
Hamid Mostowfi, Transportation Manager, 510-981-6403
Wahid Amiri, Deputy Director of Engineering and Transportation, 510-981-6396

Attachments:

- 1: Resolution
- 2: Metropolitan Transportation Commission-Designated Equity Priority Communities Map in Berkeley
- 3: City of Berkeley Sidewalk and On-Street Bike Share Station Placement Recommendations

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

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN LYFT BIKES AND SCOOTERS, LLC AND THE CITY OF BERKELEY FOR DOCKED ELECTRIC-ASSIST BICYCLES

WHEREAS, On December 15, 2015 the City adopted a resolution to enter into the 2015 Bay Area Bike Share Coordination Agreement (Resolution No. 67,326-N.S.) with Bay Area Motivate, LLC, Metropolitan Transportation Commission, and the Cities of Emeryville, Oakland, San Francisco, and San Jose to establish the terms of a regional bike share program; and

WHEREAS, On January 22, 2016, City Council adopted an Ordinance granting a Franchise Agreement with Bay Area Motivate, LLC (Ordinance No. 7,454-N.S.) to operate a Bike Share program in the City; and

WHEREAS, In 2018, Lyft, Inc. purchased Bay Area Motivate, LLC, renamed the business “Lyft Bikes and Scooters, LLC,” and subsequently re-branded the bike share program as “Bay Wheels”; and

WHEREAS, After Lyft, Inc.’s purchase of Bay Area Motivate, LLC, the Franchise Agreement is still in effect albeit between the City and Lyft Bikes and Scooter, LLC; and

WHEREAS, The existing City bike share system consists of 391 manually-powered bikes and 37 stations; and

WHEREAS, To reduce transportation emissions and address inequities in transportation the City has committed to ongoing efforts to shift trips to alternative modes of transportation such as walking, biking, public transit and shared electric mobility; and

WHEREAS, Additional bikes and bike stations will address gaps in the current bike share network and increase transportation options for more City residents.

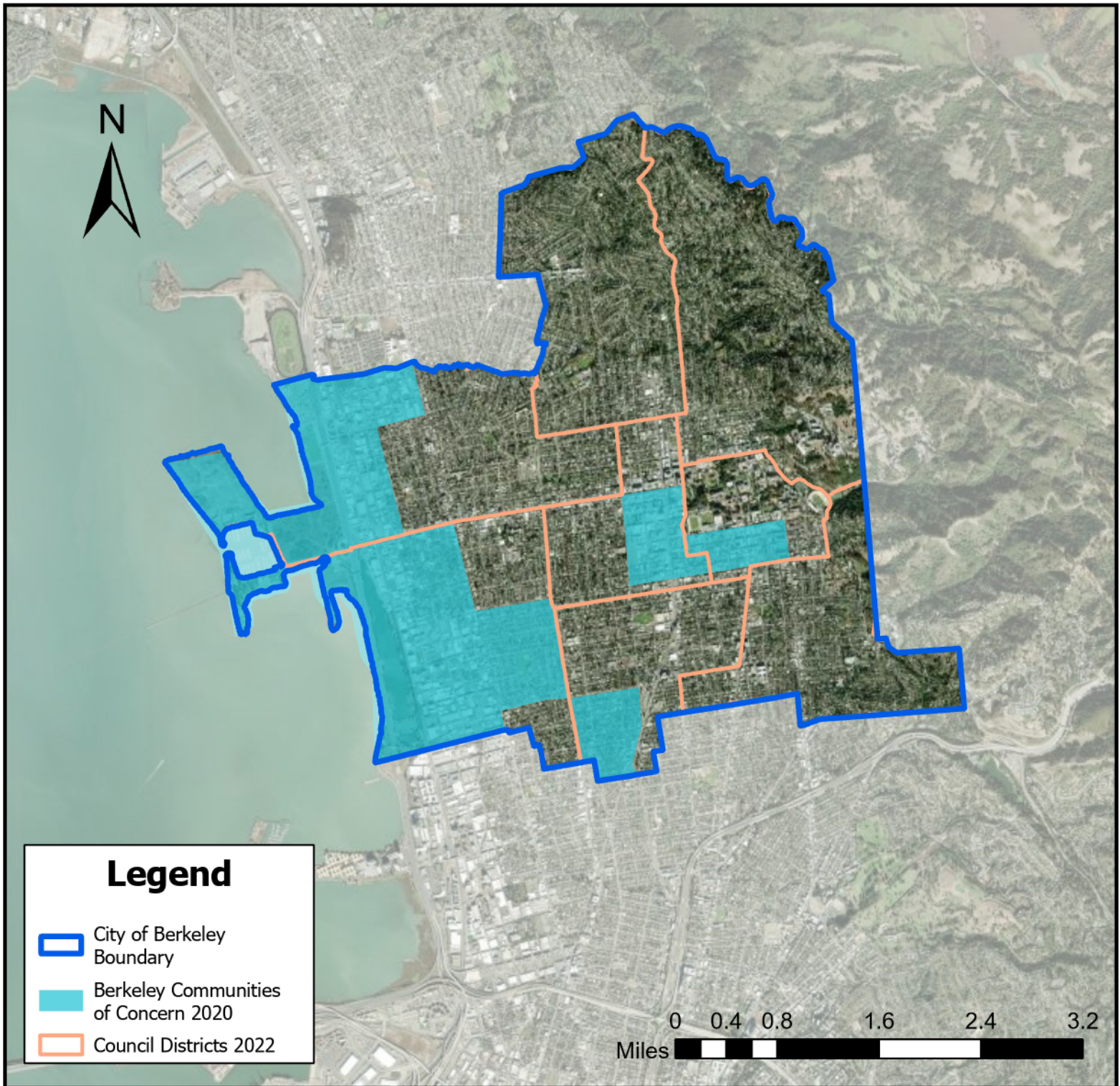
WHEREAS, Metropolitan Transportation Commission is fully funding the purchase of a fleet of docked electric-assist bicycles and bike stations to expand the regional bike share network through their 2023 Regional Funding Agreement with Lyft Bikes and Scooters, LLC; and

WHEREAS, Funding from the MTC Fund 339 and the federally-restricted portion of the goBerkeley revenue in On-Street Parking Fund 631 is available to cover the City’s share of bike station permitting costs, estimated to be \$10,500.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City Manager is authorized to execute an agreement with Lyft Bikes and Scooters, LLC,

subject to the terms of the Franchise Agreement, for 221 docked electric-assist bicycles and 11 infill bike share stations in Berkeley as part of the Bay Area Bike Share Program.

Metropolitan Transportation Commission-Designated Equity Priority Communities Map in Berkeley





Department of Public Works
Transportation Division

City of Berkeley Sidewalk and On-Street Bike Share Station Placement Recommendations

Background

This document contains required and recommended clearances for placing bike share stations at sidewalk locations in the public right-of-way, and on-street in the public right-of-way, consistent with national and statewide standards and local policies. Except where legal requirements are referenced, these guidelines are not meant to be rigid standards, but rather to provide guidance subject to engineering judgment on a case-by-case basis.

Station Siting Overview

Berkeley’s bike sharing stations will be battery powered, solar charged, modular, secured by their own weight, require no excavation and will each have a point of sale computer and bike share map with a sponsorship panel. These station will have anywhere from 11 - 47 bicycle docks and should be placed on a hard, level, paved surface. All stations are 5’11” wide and composed of at least three, 4 - dock modular plates that are each 9’10 in length. For example, A 19 dock station, shown below, is 5’7 X 49’2.

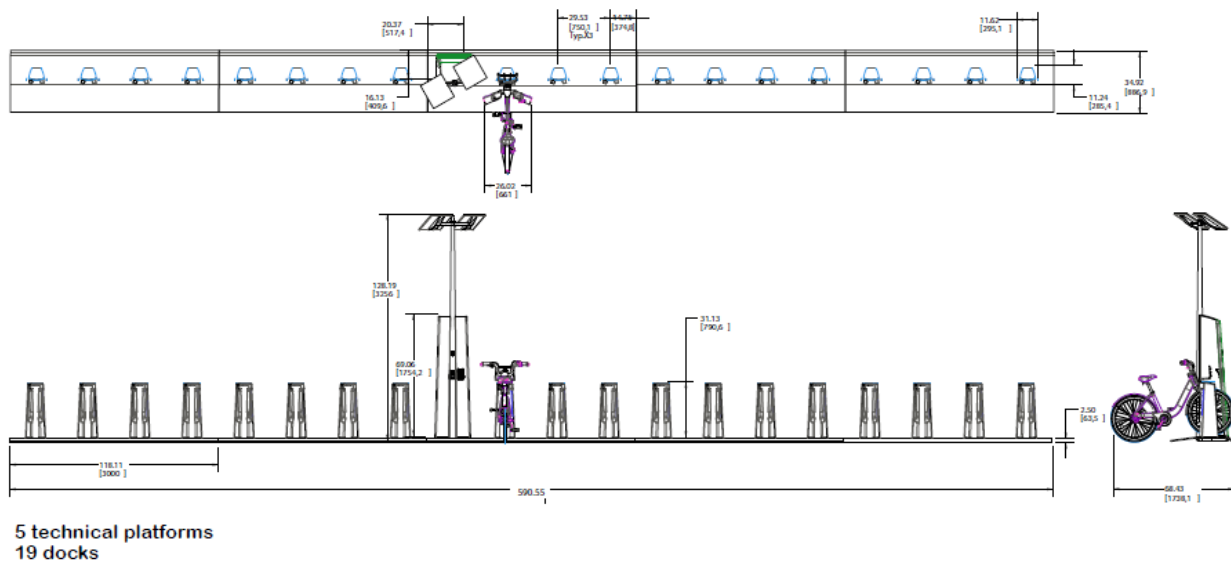


Figure 1 Bike Sharing Station.



Department of Public Works
Transportation Division

City of Berkeley Sidewalk and On-Street Bike Share Station Placement Recommendations

Station dimensions:

- Station width (with bikes): 5'11"
- 1 Plate length: 9'10"
- Ad Panel length: 15"
- Station lengths:
 - 3 plates or 11 docks: 29'6"
 - 4 plates or 15 docks: 39'4"
 - 5 plates or 19 dock: 49'2"
 - 6 plates or 23 docks: 59'
- Each station has at least three plates, which includes a solar panel, Point of Sale kiosk and an Ad Panel with system map, seen in Figures 2 & 3.

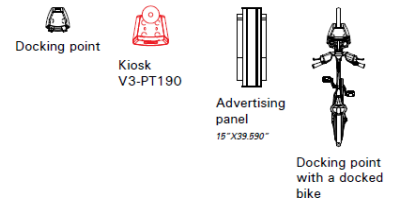


Figure 2 Station components.

Stations should be placed:

- in the open, easily seen and accessible
- where there is 24 hour public access
- ideally on a corner to increase options for trip direction and visibility
- where 3 hours of sunlight is available to provide solar power
- where convenient maintenance by the bike sharing vendor is possible
- ideally, within 1-3 blocks of nearby bikeway, bike route or bike lane



Figure 3 One dock which includes the solar panel and P.O.S screen (2015 design).

Bike share stations must not interfere with the entry or exit of any building, and should be adequately lit at night for security and prevention of tripping hazards. By necessity, most locations will be in the public right-of-way (on the street or on the sidewalk), but they can also be placed on other public properties such as plazas or parking lots¹ or on private property where appropriate. Given that sidewalks in Downtown Berkeley are heavily used, and have an abundance of existing street furniture and fixtures, where feasible bike share stations should be located adjacent to the curb in the street, similar to parklets and on-street bicycle parking corrals. Placing stations on-street greatly reduces the potential for conflicts between people walking and equipment users of the bike share station. Bike share stations can be

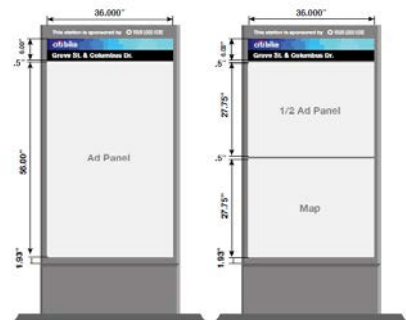


Figure 4 Ad Panel and system map.

¹ During the next 2.5 years, prefer not to use city lots as location until completion of Center Street Garage Rebuild Project. The exception would be working with the Elmwood Lot Merchant Association to use the Elmwood Lot.



Department of Public Works
Transportation Division

City of Berkeley Sidewalk and On-Street Bike Share Station Placement Recommendations

moved for emergencies or street construction, but will be placed in Berkeley for at least 5-10 years, the length of the owner and operator's contract term with the City of Berkeley and MTC.

Station Placement Requirements and Recommendations

Bike sharing station placement shall comply with State and Federal Guidelines (i.e. California Fire Code, Americans with Disabilities Act). As the City of Berkeley has established many other applicable guidelines with regards to design of public spaces, signs and placement of objects in the public right-of-way, these guidelines will also come into account. Berkeley's specific guidance documents include City of Berkeley Municipal Code, Design Requirements Chapter 21.40², Chapter 14.48³, City of Berkeley Bike Rack Specifications and Installation Standards⁴, City of Berkeley Application, Review and Installation for In-Street Bike Parking Corrals,⁵ and City of Berkeley Street and Open Space Improvement Plan (SOSIP)⁶. All bike share stations within the public right-of-way, including on city streets or sidewalks, will be peer-reviewed by the Department of Public Works.

General Considerations for placing bike sharing station on the sidewalk

Bike share stations may be placed within the furnishings zone on the sidewalk (See Figure 2). In all cases, bike share placement must maintain sight lines for safe pedestrian passage. When the stations are in the sidewalk furnishings zone, the following guidelines apply:

- A. When street conditions allow (i.e., no parking and either parallel bike lanes, routes or boulevard), bike return and removal should be oriented towards the street to avoid conflict with people walking and reduce desire to ride on the sidewalk.
- B. Bike share stations must comply with ADA requirements to ensure detectability and reduce potential for tripping.
- C. The map/sponsorship panel should be placed at the end of the station furthest from the intersection to improve visibility of the intersection. In rare cases, display cases may be placed at the end closest to the intersection if other measures are in place to improve visibility of the intersection or if intersection configuration and traffic controls allow.
- D. When possible, bike sharing stations should be placed within a block of commercial loading, while maintaining four feet of clearance to the loading zone per the guidelines shown in the tables below. This will facilitate bike rebalancing and station maintenance by the bike sharing system operator, while preserving space for delivery truck unloading.

²City of Berkeley Municipal Code, Design Requirements ([Chapter 21.40](#))

³City of Berkeley Municipal Code, Design Requirements ([Chapter 14.48.200](#))

⁴City of Berkeley [Bike Rack Specifications and Installation Standards; Berkeley Municipal Code Section 16.18.080](#)

⁵[Installation for In-Street Bike Parking Corrals](#)

⁶City of Berkeley Streets and Open Space Improvement Plan ([SOSIP](#))



Department of Public Works
Transportation Division

City of Berkeley Sidewalk and On-Street Bike Share Station Placement Recommendations

- E. At all sidewalk locations, the placement of existing trash cans, bike racks, and other non-structural fixtures adjacent to the bike share facilities will be evaluated and potentially relocated or removed to maintain desirable conditions for pedestrian circulation. Replacement on these non-structural fixtures on the same block face is preferred. If no other locations are available within a two block radius, the City Department which oversees installation of that piece of street furniture, and the local business improvement districts will need to be met with prior to any removal.

Street & Sidewalk Clearance Guidelines

The following table lists preferred and minimum clearances to ensure that the placement of bike sharing stations will not impede travel on public streets, block access to utilities, inconvenience property owners, or otherwise limit the use of the public rights-of-way.

Object	Preferred Clearance (ft.)	Minimum Clearance (ft.)
In ground utilities, utility covers	3*	2*
Driveway or wheelchair ramp	6 ⁷	3
Face of curb when station placed on sidewalk	2	1.5 ⁸
Face of curb when station placed on sidewalk adjacent to on-street parking	3	2
Face of curb when placed in street	1	.5
Crosswalk ⁹	5	4
If no crosswalk, corner radii of blocks	20	15 ¹⁰
Fire hydrant		5 ⁵
ADA, Loading & Transit Zones (blue, white, yellow and red curbs) ¹¹	5	4 ¹²
Street furniture	4	3
Fire escape/exit (including building entrances)	8	8
Adjacent parking space	3	3
Traffic signal controller cabinet	8	6
Clearance for pedestrian right-of-way	7	6 ⁴
Storm drain grate	4	3
Access for fire hose between curb and building standpipe	3	2.5
Electric utility pole (climbable)	5	2.5

⁷, ¹⁰ California MUTCD 2014, Section 3B Parking Space Markings, Policy on Parking Restrictions, pg 685

⁸ City of Berkeley Municipal Code, Design Requirements (Chapter 14.48.200)

⁹ On the approach to crosswalk when on street, the ad panel should be placed at least 20ft from crosswalk for visibility, in reference to Caltrans Highway Design Manual, Pedestrian Accessibility Guidelines.

¹⁰ City of Berkeley, Municipal Code, Design Requirements (Chapter 21.40.150)

¹¹ "Transit Zone" means an on-street segment adjacent to the curb designated for an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, BART entrance, or another public transit provider.



Department of Public Works
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City of Berkeley Sidewalk and On-Street Bike Share Station Placement Recommendations

Note: All clearances are for the entire envelope of the station, which include the technical platforms and docked bikes, except for the items with asterisk (*). Clearances to in-ground utilities, and utility covers are to the technical platforms only and are needed to access these utilities; not for pedestrian path of travel. Docked bikes may rest over in-ground utilities and can be removed when access to the utility is needed.

General Guidelines for on-street bike sharing stations:

- Bike sharing stations shall not at any time be placed in front of fire hydrants over water valves, or obstruct access to fire protection equipment.¹³
- Bike sharing stations should not be placed over public utility valves or covers. Bike sharing stations should not prevent access to aforementioned utilities.
- Bike share stations should be placed on the far side of intersections. If this is not feasible, the bike share station shall be a minimum of 4' from the nearest edge of the crosswalk line at a controlled intersection. The City may consider exceptions only on the approach to a stop sign controlled intersection.
- When possible, bike sharing stations should be placed in within a block of a commercial loading, adhering to four foot minimal clearance. This will facilitate bike rebalancing and station maintenance by the bike sharing system operator.
- The bike station shall be placed so that it does not exceed the width of a parking lane
- When traffic speed is greater than 30 mph without a bike lane, stations should be orientated so bikes are checked out/in towards sidewalk.



Figure 5 Street Furnishing Zone.

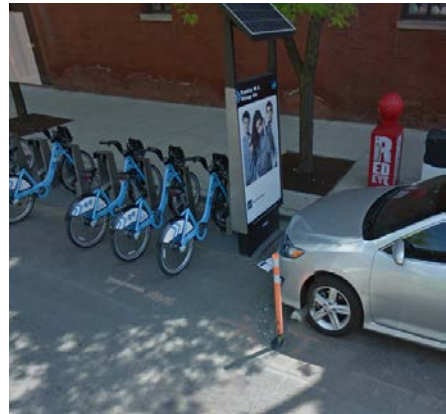


Figure 6 Examples of bike share station placed on the street. This photo displays the map/sponsorship panel, solar panels, wheel stop and flexible delineators.

¹³ 2010 California Fire Code Section 507 – Fire Protection Water Supplies



Department of Public Works
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City of Berkeley Sidewalk and On-Street Bike Share Station Placement Recommendations

Adjacent to or replacing colored curb

- Bike sharing stations shall not be placed in blue zones or in the space required to access the blue zone.
- Bike sharing stations may replace commercial vehicle loading zones (yellow zones) or motorcycle parking by 1) Checking in with the Traffic Engineer and 2) posting notices and/or sending letters to the affected businesses or residents.
- Bike sharing stations may replace time limited parking zones (green zone) if zone can be appropriately relocated.
- Bike sharing stations should not replace white zones.
- Bike sharing stations may replace no parking zones (red zones) by 1) confirming no hydrant is present 2) confirming turn radius requirements of 15' for residential and 20' for commercial zones is met, and 3) Checking in with Traffic Engineering.
- Bike sharing stations may replace time limited parking zones (green zones) by 1) confirming the zone can be appropriately relocated 2) checking in with traffic Engineering 3) posting notices and/or sending letters to the affected residents.

On-Street Station Site Improvements

Depending on the station location and existing site conditions, station site improvements may be installed to improve the comfort and usability of a bike sharing station.

- Reflective flexible delineators (safe-hit posts) to improve visibility of the station for people driving and better characterize the space for people using bike share.
 - Safe-hit posts are generally placed at 20' intervals along the length of the station.
 - When stations are placed at the end of a block, an additional safe-hit post should be placed 3' away from the face of the curb to increase visibility of the exposed end of the station.
- Wheel stops and buffer areas at the ends of the station to provide clearances to adjacent parking stalls and to account for vehicle overhang during parking maneuvers.
 - Wheel stops are generally placed three feet 3' away from the station and 12" off of the face of curb.
- The use of pavers to provide a landing within a landscape strip for accessing the station pay kiosk when the station is located on the street adjacent to a sidewalk landscape strip. As a swivel zone, this landing must be at least four feet wide from the perspective of a wheelchair user facing the curb and must have no more than a 2% cross-slope in all directions.



Department of Public Works
Transportation Division

City of Berkeley Sidewalk and On-Street Bike Share Station Placement Recommendations

Community outreach and notification guidelines

Notification and outreach to abutting property owners, residents, business owners and merchants or neighborhood groups is required before a bike share station application may be approved. To the extent feasible, these stakeholders' concerns should be taken into account before and during the site selection process.

The following stakeholders must be contacted:

- Primary abutter: the owner(s) of the property or properties immediately abutting the proposed station. Contact must be made and imagery of site footprint provided. If the business or property owner is unresponsive after multiple attempts the City of Berkeley's services can be called upon to help facilitate connection and/or confirm as witness of contact if necessary.
- Secondary abutters: the property owner(s) or the residential properties (if any) immediately across the street from the proposed station. Contact must be made and imagery of site footprint provided.
- Merchant or neighborhood group: any organized group of merchants, property owners or residents who represent the area where the station is proposed. "Bike Share coming to your neighborhood" handbill (with site footprint imagery) must be left on the front porch or mailed to each individual unit on both sides of the street that the station is located on, all the way to the next intersection in either direction (the block face of both sides of the street that the station is located on).

When conducting outreach to stakeholders, maximum effort should be made to contact all of the stakeholders listed above. In the event that stakeholders are not responsive, the project applicant should alert the City Bike Share Coordinator and Principal Planner for Bike Share, who may follow up with the stakeholder(s) in question. The following information should be recorded for each stakeholder contacted:

- Full name
- Affiliated property address
- Preferred contact information (phone number, mailing address, or email)
- Stance on the proposed station (support, neutral or opposed)
- Comments or feedback on the proposed location

When reviewing the bike share station application, staff will take into account the outreach records provided by the project applicant. Opposition from secondary abutters, merchant groups or neighborhood groups based on the loss of on-street parking in grey-curb zones will be weighed against the mobility benefits of the proposed station. In the event that a primary abutter opposes the proposed location and a feasible alternative location cannot be found within the same zone (indicated by a letter-number combination), staff may bring the proposed location to the City's Transportation Commission for guidance, and notify the abutting stakeholder of the upcoming meeting date.



Office of the City Manager

CONSENT CALENDAR

May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Terrance Davis, Director of Public Works

Subject: Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by \$1,530,000 for a total not to exceed amount of \$2,244,022.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this amendment of \$600,000 is available in FY 2024 in the Zero Waste Fund (601). An additional \$930,000 is subject to appropriation in FY 2025 from the Zero Waste Fund (601).

CURRENT SITUATION AND ITS EFFECTS

The City relies on the resources and expertise of qualified consultants to maintain the landfill gas collection and flare system at Cesar Chavez Park and to monitor surface and subsurface conditions at the landfill in compliance with regulatory agencies.

The current contract with SCS Engineers (SCS) for landfill post-closure maintenance, monitoring, and compliance services was authorized by the Council on September 20, 2022, by Resolution No. 70,532-N.S. This contract covers services for the period of January 1, 2023, to June 30, 2026, in an amount not to exceed \$714,022.

From January 1, 2023, to December 31, 2023, task orders for services have been authorized to SCS for approximately 98% of the total approved contract amount. The expedited contract spending was triggered by notices of violation issued by the Bay Area Quality Management District Board ("Air District") to the City; preparations for a variance request to the Air District for these violations; and a subsequent hearing with the Air District Hearing Board. Following hearings on January 23, 2024, and February 6, 2024, the Air District denied the City's variance request and issued an Abatement Order. The order mandates compliance actions and conditions beyond routine monitoring and maintenance activities, and these actions are estimated to require \$1,530,000 in additional funding over the next two years

In order to be compliant with the timeline included in the Abatement Order and the City's permit to operate the closed landfill, staff proposes amending the contract for SCS to increase expenditure authority. If this contract is not amended, the City cannot comply with mandatory regulations.

The services provided by the SCS contract support the Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Cesar Chavez Park (previously known as North Waterfront Park) is located at the Berkeley Marina on the former ninety-acre Berkeley Landfill site. The Park has been open to the public for recreational use since 1991. The Bay Area Air Quality Management District ("Air District") issued the City of Berkeley an operations permit for a Landfill Post Closure Monitoring and Maintenance Program to monitor and maintain the landfill gas collection system, groundwater wells, leachate wells, and other surface and subsurface conditions in accordance with Air District, CalRecycle, and State Regional Water Quality Control Board regulations. Landfill post-closure compliance services will be required for forty to fifty years before the site can be permanently closed.

Beginning on November 22, 2021, the Air District issued a series of Notices of Violations ("NOVs") related to non-compliant operation of the landfill gas collection system. Due to these NOVs and the City's efforts to seek regular variance for the permitted landfill operations, a hearing with the Air District Hearing Board ("Hearing Board") was requested. Following the hearings, which were held on January 23, 2024, and February 6, 2024, the Hearing Board voted to deny the request for variance and issued an abatement order, which requires the City to take a series of compliance actions to bring the closed landfill to full compliance. Actions include but are not limited to the location of missing gas collection wells; additional monitoring, testing, and repairs of various elements of the gas collection system; planning and implementation of a drone survey to detect landfill gas leaks; and the development and implementation of a process to fingerprint landfill gas to facilitate tracing of any gas seeping offsite from the landfill area.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

To ensure public safety, the retention of SCS for ongoing landfill post-closure engineering services guarantees that any greenhouse gases naturally emitted from Cesar Chavez Park are properly captured and incinerated, preventing their release into the atmosphere. Additionally, SCS can offer the necessary expertise and resources to assess whether the landfill's gas emissions necessitate continuous flare operation.

RATIONALE FOR RECOMMENDATION

The services requested are required to comply with the landfill post-closure operations permit and the recently issued Abatement Order. The City does not have the in-house expertise or resources to fulfill these obligations. If this contract is not amended, the City cannot comply with mandatory regulations and potentially impact public safety

ALTERNATIVE ACTIONS CONSIDERED

No alternative action was considered since compliance with the federal, state, and regional regulatory requirements is mandatory.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, (510) 981-6396

Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439

Attachments:

1: Resolution – Amendment to Contract with SCS Engineers

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

CONTRACT NO. 32300096 AMENDMENT: SCS ENGINEERS FOR LANDFILL POST-CLOSURE MAINTENANCE AND MONITORING SERVICES

WHEREAS, the City is required to maintain the landfill gas collection and flare system at Cesar Chavez Park, as well as monitor surface and subsurface conditions at the closed landfill, in accordance with a post-closure permit issued by the Bay Area Air Quality Management District (“Air District”); and

WHEREAS, the City does not have the Staff resources or expertise to fulfill the obligations of the landfill post-closure permit and requires the services of qualified firms to fulfill these obligations; and

WHEREAS, on June 28, 2022, the City released a Request for Qualifications (Specification No. 22-11521-C) seeking firms to provide professional services for the landfill post-closure maintenance and monitoring project at Cesar Chave Park, and SCS Engineers was determined to be the best qualified consultant; and

WHEREAS, on September 20, 2022, with adoption of Resolution No. 70,532-N.S., the City Council authorized Contract No. 32300096 with SCS Engineers for landfill post closures maintenance and monitoring, in an amount not to exceed \$714,022 for the contract period of January 1, 2023, to June 30, 2026; and

WHEREAS, an Abatement Order was issued for the closed landfill by the Air District on February 16, 2024, which mandates compliance actions and conditions beyond routine monitoring and maintenance activities, and these actions are estimated to require \$1,530,000 of additional funding over the next two years; and

WHEREAS, \$600,000 is available in FY 2024 in Zero Waste Fund (601) and an additional \$930,000 is subject to appropriation from Zero Waste Fund (601) in FY 2025.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 32300096 with SCS Engineers for continuing engineering, monitoring, maintenance, and compliance services for the closed landfill, increasing the amount by \$1,530,000 for a total amount not to exceed \$2,244,022. A record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Contract No. 32300080 Amendment: On-Call Civil Engineering Services, CSW Stuber-Stroeh Engineering Group, Inc.

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300080 with CSW Stuber-Stroeh Engineering Group, Inc. for on-call civil engineering services, increasing the contract amount by \$750,000 for a total not to exceed the amount of \$1,500,000 and extending the term of the contract from December 31, 2025, to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is subject to appropriation in the Fiscal Year (FY) 2025 capital improvement program budget for storm in the Clean Storm Water Fund (616). Funding for FY 2026 and FY 2027 is subject to appropriation in the future fiscal years' capital budget based on the department's needs for civil engineering services.

CURRENT SITUATION AND ITS EFFECTS

As the City strives to continue delivering a high-volume of capital improvement initiatives, it is essential that the Engineering Division is supplemented with the resources and expertise of outside civil engineering consultants. These consultants play a crucial role in the design and construction management of a variety of capital improvement projects.

The contract with CSW Stuber-Stroeh Engineering Group, Inc. (CSWST2) was established to provide on-call civil engineering services from FY 2023 through FY 2025, with a not to exceed the amount of \$750,000.

From November 1, 2022, to February 28, 2024, task orders for civil engineering services have been authorized to CSWST2 for approximately 80% of their total contract amount. The scope of work has included design, bidding, and construction support for sanitary sewer, green infrastructure, storm drains, creeks, retaining walls, sidewalks, and other capital improvements, in accordance with the prioritized workload of the Division. Amending the contract with CSWST2 to increase expenditure authority by \$750,000

would address the increasing demands of the City's capital improvement projects. This would result in a total not-to-exceed amount of \$1,500,000.

The services executed by CSWST2 will support the Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Public Works Engineering Division is experiencing significantly increased workloads resulting from staff vacancies, deferred maintenance, ongoing capital projects, including Measure T1 Infrastructure and Facilities Bond funded projects, and a ramp-up in the City's paving program. The City has used civil engineering consultants to design and manage projects to supplement Staff and provide support with specialized projects for which Staff have limited expertise. On-call contracts provide professional design, engineering, and construction management services when needed and while the Department continues to prioritize filling Staff vacancies in the Engineering Division. With the ever-evolving needs of our community, it is imperative that the Engineering Division has sufficient resources in place to ensure the successful execution of capital projects.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental effects of this action. This contract will help ensure the successful completion of capital improvement projects, including complete street projects that facilitate walking and cycling as alternatives to driving and green infrastructure projects, which will contribute to a reduction in peak storm runoff flows, the removal of pollutants from storm runoff, an increase in green space, and a reduction of the urban heat island effect.

RATIONALE FOR RECOMMENDATION

CSW Stuber-Stroeh Engineering Group, Inc. has expertise in civil engineering and can support the City in various capital projects. Given the limited staffing and resources within the Engineering Division, there is a pressing need to augment the department's capabilities to design and execute the numerous projects outlined in the capital program. By amending this contract, the Department can significantly bolster its capacity, enabling planned capital improvement projects to advance with greater efficiency and effectiveness.

ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to amend this contract, which would delay the progress of planned capital improvement projects and result in a reduction in the Department's level of service.

CONTACT PERSON

Wahid Amiri, Deputy Director (510) 981-6396

Ronald A. Nevels, Manager of Engineering (510) 981-6439

Srinivas Muktevi, Supervising Civil Engineer (510) 981-6402

Contract Amendments: Contract No. 32300080

CSW Stuber-Stroeh Engineering Group, Inc. for On-Call Civil Engineering Services

CONSENT CALENDAR

May 14, 2024

Attachments:

1: Resolution – Amendment to Contract with CSW Stuber-Stroeh Engineering Group, Inc.

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

CONTRACT NO. 32300080 AMENDMENT: CSW STUBER-STROEH ENGINEERING GROUP INC. FOR ON-CALL CIVIL ENGINEERING SERVICES

WHEREAS, on September 20, 2022, by Resolution No. 70,535-N.S., the Council authorized Contract No. 32300080 with CSW Stuber-Stroeh Engineering Group, Inc. for on-call civil engineering services, in an amount not to exceed \$750,000 for a three-year period expiring December 31, 2025; and

WHEREAS, the City does not have sufficient in-house resources to perform the volume of necessary civil engineering services within the next one to two years, and

WHEREAS, the City desires to retain on-call civil engineering services for various Public Works projects, including multiple projects generated by the passage of the Measure T1 Infrastructure & Facilities GO Bond; and

WHEREAS, funding is available in the FY 2024 budget, the Clean Storm Fund and funding for future years will be identified and requested for appropriation as project needs arise.

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. 32300080 with CSW Stuber-Stroeh Engineering Group, Inc. for on-call civil engineering services, increasing the amount by \$750,000 for a total not to exceed \$1,500,000 and extending the term of the contract to June 30, 2027. A record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Contract (Specification No. 23-11556-C): Koios Engineering, Inc. for MRP Trash Capture FY 2023 Project

RECOMMENDATION

Adopt a Resolution:

- Approving plans and specifications for the MRP Trash Capture FY 2023 Project, Specification No. 23-11556-C;
- Accepting the bid of the lowest, responsive and responsible bidder, Koios Engineering, Inc.; 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 \$460,350.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the project is available in the Storm Water Capital Improvement Program budget. No other funding is required.

Bid submitted by Koios Engineering, Inc.	\$418,500
10% Contingency	\$41,850
Total construction cost	\$460,350
Clean Storm Fund	\$460,350

CURRENT SITUATION AND ITS EFFECTS

The MRP Trash Capture FY 2023 Project (Specification No. 23-11556-C) was previously advertised for bids in 2023. At the time of the bid opening a clerical error resulted in the misplacement of a submitted bid. The bid was located immediately after the public opening and was found to be the lowest responsive bid. The City informed bidders of the error and of the City’s intention to award to the contractor who submitted the misplaced bid. A bid protest was submitted shortly after by the second lowest bidder. To mitigate potential litigation risk, Staff recommended that bids be rejected and that the project be re-advertised. City Council approved this recommendation with Resolution No. 70,792.

Following the rejection of bids and some changes in project scope, the project was re-issued for bids on February 28, 2024, and bids were opened on March 26, 2024. Three non-local bids were received, from a low of \$390,850 to a high of \$531,534. The engineer’s estimate for the project was \$450,000. The lowest bid, submitted by Corcus Construction, Inc. was found to be non-responsive, as the bid was missing required documentation.

Koios Engineering, Inc. (Koios) of San Francisco, CA, was the lowest, responsive and responsible bidder with a bid of \$418,500. References for Koios proved satisfactory.

This project supports the City’s Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities and of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

Under the Municipal Regional National Pollutant Discharge Elimination System Stormwater Discharge Permit (MRP) the City is mandated to implement trash load reduction controls to reduce trash discharges to receiving water bodies. The current MRP, Order No. R2-2022-0018, stipulates permittees are required by June 30, 2025 to reduce trash discharge levels by 100% relative to benchmark levels established in 2009.

To date, the City has achieved a 65 percent trash load reduction through the installation of 407 full trash capture devices throughout many of the City’s medium, high, and very high trash generating areas. Full trash capture devices (FTCDs) are storm drain inlet-based controls which keep trash within the inlet structures, preventing it from advancing further downstream and onto receiving waters. The MRP Trash Capture FY 2023 Project would install approximately 140 additional FTCDs, mostly in moderate and high trash generating areas, allowing the City to achieve an additional 10 percent trash load reduction credit.

The City is also in the implementation phase of a visual trash assessment program to document the efficacy of existing trash management activities such as street sweeping, illegal dumping response and enforcement, and other trash controls currently being implemented by the City. Once the assessment is complete, the City may be able to claim up to an additional 20% trash load reduction.

The table below provides a summary of current and planned trash management actions which the City is implementing to reach its regulatory goal by the target deadline.

Trash Control Measure	Estimated Trash Load Reduction
Current trash reduction achieved with FTCDs	65%
Reduction expected from MRP Trash Capture FY 2023 Project	10%
Additional trash capture controls to be implemented in FY 2025	2-5%

Trash Control Measure	Estimated Trash Load Reduction
Implementation of inspection, outreach, and enforcement program to manage trash in select private properties (On-going, to be completed in FY 2025)	3%
Other existing and planned trash management actions: Street sweeping, illegal dumping response and enforcement, signage, manual trash pickup by Downtown Streets team, and other trash controls (Current and planned to be completed in FY 25)	17-20%

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The continued efforts to reduce trash and litter entering the storm drain systems improve the health of Berkeley’s creeks and waterways, improves water quality, protects native flora and fauna, and prevents pollutants from entering San Francisco Bay.

RATIONALE FOR RECOMMENDATION

Under MRP 3.0, Provision C.10, “Trash Load Reduction,” the City is mandated to reduce trash and litter in its storm drain system and waterways that flow to the San Francisco Bay. The nature of the work necessitates contracted services, as the City lacks the requisite in-house labor to undertake the project.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered for this trash capture project. The installation of full trash capture devices is an effective way for the City to meet regulatory requirements.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, (510) 981-6396
 Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439
 Srinivas Muktevi, Supervising Civil Engineer, Public Works, (510) 981-6402

Attachments:

- 1: Resolution
- 2: Abstract of Bids

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

CONTRACT: KOIOS ENGINEERING, INC. FOR MRP TRASH CAPTURE FY 2023
PROJECT

WHEREAS, the City is a permittee under Municipal Regional National Pollutant Discharge Elimination System (NPDES) San Francisco Bay Region Stormwater Discharge Permit, Order No. R2-2022-0018 (MRP 3); and

WHEREAS, under Provision C.10 of MRP 3, by June 30, 2025, the City is required to reduce the trash load reaching San Francisco Bay by 100% relative to benchmark levels established in 2009; and

WHEREAS, the MRP Trash Capture FY 2023 Project is part of the City's ongoing efforts to reach the regulatory trash load reduction milestones; and

WHEREAS, the City does not possess the in-house labor necessary to undertake this Project in a timely fashion; and

WHEREAS, the MRP Trash Capture FY 2023 Project (Specification No. 23-11556-C) was previously released for bids in 2023 and at the time of bid opening a clerical error resulted in a bid protest and potential litigation risk if the City moved to award; and

WHEREAS, Council Resolution No. 70,792 approved the rejection of bids and authorized the City Manager to re-advertise the MRP Trash Capture FY 2023 Project; and

WHEREAS, following the rejection of bids and some changes in project scope an invitation for bids was duly re-advertised and bids were opened on February 28, 2024; and

WHEREAS, the City received three bids, and Koios Engineering, Inc. was found to be the lowest cost, responsive and responsible bidder; and

WHEREAS, funding is available in the current year budget in the Clean Storm Fund (616).

THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the plans and specifications for the MRP Trash Capture FY 2023 Project, Specification No. 23-11556-C 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 Koios Engineering, Inc. for the MRP Trash Capture FY 2023 Project, in an amount not to exceed \$460,350, 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 **MRP Trash Capture FY 2023 Project**
Spec. # 23-11556 (Re-Issue)

Bid Date: 3/26/2024

required w/ bi0d

	Bidders	Base Bid	Addenda	Bid Bond	Exp. & Fin. Qualifications	Taxpayer	NF	OS	SC	EBO
1	Corcus Construction <i>(NON-RESPONSIVE BID. Missing required documentation)</i>	\$ 390,850.00		X	X	X	X	X	X	X
2	Koios	\$ 418,500.00	X	X	X	X	X	X	X	X
3	United Storm Water Inc.	\$ 531,534.00	X	X	X	X	X	X	X	X
4										
5										
6										
7										
8										
9										
10										

Bid Recorder: Roopreet Soorma 
 Bid Opener: Josh Roben 
 Project Manager: Ricardo Salcedo 

Date 03/26/2024
 Date Mar 27, 2024
 Date Mar 27, 2024

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



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Final Map of Tract 8639: 3000 San Pablo Avenue

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8639 for a 79-unit condominium project consisting of 78 residential units and 1 commercial unit at 3000 San Pablo Avenue.

FISCAL IMPACTS OF RECOMMENDATION

There is no cost to the City. The applicant paid the appropriate fees with the submission of their tract map application.

CURRENT SITUATION AND ITS EFFECTS

The Planning Commission approved the tentative map on May 3, 2023, and that map is valid for 24 months from the approval date. Prior to the sale of any condominium units, state law and City Ordinances require the owner to submit a final map to City Council for approval. The owner duly submitted a final map for this project within the required 24-month timeframe and is now seeking Council approval.

BACKGROUND

On May 3, 2023, the Planning Commission voted to approve the application of R & S Ashby, LLC (owner of the 3000 San Pablo Avenue property) for a 79-unit condominium project as described above.

Section 21.20.100 of the Berkeley Municipal Code requires City Council approval of all final map subdivisions. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, a legislative body must approve such a final map if it finds it to be in substantial compliance with the approved tentative map.

All conditions of approval have been completed to the satisfaction of the Public Works Department and the Planning and Development Department. Engineering Division staff have examined the final map, and determined it to be in substantial compliance with the approved tentative map.

The final map is meant to provide a record of the underlying property survey, and does not constitute approval of a proposed or existing structure upon the property. Separate action is required for this approval, which has been obtained by virtue of use permits and building permits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project complies with the California Green Building Standards Code (CALGreen). CALGreen is California's green building code to improve public health, safety, and general welfare through enhanced design and construction of buildings utilizing concepts which promote a positive environmental impact and sustainable construction practices. In addition, the project utilizes media filtration device to treat stormwater as required by section C.3 of the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) permit.

RATIONALE FOR RECOMMENDATION

Pursuant to Section 66474.1 of Division 2 of the Government Code, the City Council must approve the final map if it finds it to be in substantial compliance with the approved tentative map. Staff has reviewed the map and finds it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative course of action is recommended.

CONTACT PERSON

Ronald A. Nevels, Manager of Engineering, Engineering Division (510) 981-6439
Vincent Chen, Acting Supervising Civil Engineer, Engineering Division (510) 981-6409

Attachment:

1: Resolution

Exhibit A: Tract Map 8639

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

FINAL MAP OF TRACT 8639: 3000 SAN PABLO AVENUE

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2019-0155 on July 9, 2020 to construct a six-story mixed-use building with 78 dwelling units and 1 commercial unit; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8639 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8639 on May 3, 2023; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8639 substantially conforms to the conditionally approved tentative map, as required by the California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8639 for a 79-unit condominium project consisting of 78 residential units and 1 commercial unit at 3000 San Pablo Avenue, is hereby approved.

Exhibits

A: Tract Map 8639

OWNER'S STATEMENT

I HEREBY STATE THAT I AM THE OWNER OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8639; THAT I ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED SEPTEMBER 8, 2021 UNDER RECORDER'S SERIAL NUMBER 2021-303989, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT I CONSENT TO THE PREPARATION OF AND FILING OF THIS MAP.

R&S ASHBY, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: READ REALTY MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY
ITS: MANAGER

BY: MORGAN READ
ITS: MANAGER

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ }
COUNTY OF _____ } SS

ON _____, 20__ BEFORE ME
_____, A NOTARY PUBLIC IN AND
FOR SAID COUNTY AND STATE PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: _____

NOTARY PUBLIC, STATE OF _____ COMMISSION
NO.: _____

MY COMMISSION EXPIRES: _____

COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF R & S ASHBY, LLC, IN JANUARY 2022. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: _____
JACQUELINE LUK, P.L.S. 8934

DATE: _____



NAME AND ADDRESS OF SUBDIVIDER

R&S ASHBY, LLC
2025 FOURTH STREET
BERKELEY, CA 94710

BENEFICIARY'S STATEMENT

THE UNDERSIGNED, AS BENEFICIARY UNDER THE DEED OF TRUST RECORDED SEPTEMBER 16, 2021, INSTRUMENT NO. 2021-313331, OFFICIAL RECORDS OF THE ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNER'S STATEMENT AND TO THE PREPARATION AND RECORDATION OF THIS TRACT MAP.

JPMORGAN CHASE BANK, N.A.

BY: _____

NAME: _____

TITLE: AUTHORIZED SIGNER

BENEFICIARY'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }
COUNTY OF _____ }

ON _____, 20__ BEFORE ME, A NOTARY PUBLIC,
_____ PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: _____

NOTARY PUBLIC, STATE OF CA COMMISSION NO.: _____

MY COMMISSION EXPIRES: _____

COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____

CITY CONSULTANT SURVEYOR'S STATEMENT

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I, PATRICK M. REI, HEREBY STATE THAT IT HAS BEEN EXAMINED BY ME, OR UNDER MY DIRECTION BY CITY OF BERKELEY STAFF, AND AM SATISFIED THAT IT IS TECHNICALLY CORRECT.

DATE: _____
PATRICK M. REI, PLS 8178
CITY CONSULTANT SURVEYOR

CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND ANY APPROVED ALTERATIONS THEREOF.

DATE: _____
RONALD A. NEVELS, RCE 62524
CITY ENGINEER

CITY CLERK'S STATEMENT

I, MARK NUMAINVILLE, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED TRACT MAP NO. 8639, WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY, AT A MEETING THEREOF, HELD ON THE _____TH DAY OF _____, 202__, AND THAT SAID COUNCIL, BY RESOLUTION NUMBER _____ DID APPROVE SAID MAP; THAT SAID COUNCIL FINDS THAT THE ZONING OF THIS PROPERTY PERMITS THIS USE, AND THE SALES OF INDIVIDUAL UNITS WILL BE PERMITTED.

IN WITNESS I HAVE SET MY HAND THIS _____ DAY OF _____, 202__.

MARK NUMAINVILLE
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF BERKELEY

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED: _____ ANIKA CAMPBELL-BELTON
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY CLERK

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 202__, AT _____M., IN BOOK _____ OF MAPS, AT PAGE _____, OFFICIAL RECORDS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AT THE REQUEST OF CHICAGO TITLE COMPANY.

MELISSA WILK
COUNTY RECORDER

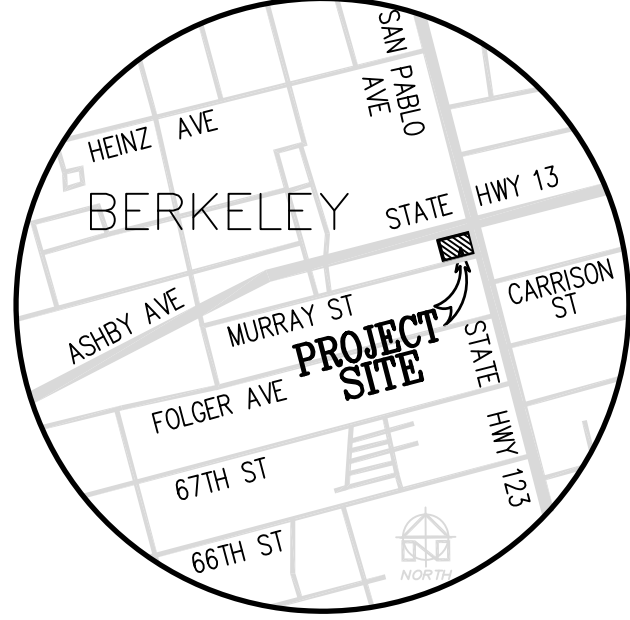
BY: _____
DEPUTY COUNTY RECORDER

TRACT MAP NO. 8639

1-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES
78 RESIDENTIAL UNITS AND 1 COMMERCIAL UNIT
BEING A ONE LOT SUBDIVISION OF THAT PARCEL OF LAND AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 8, 2021 AS DOCUMENT NUMBER 2021303989, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA
3000 SAN PABLO AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
LUK AND ASSOCIATES
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
510 724-3388

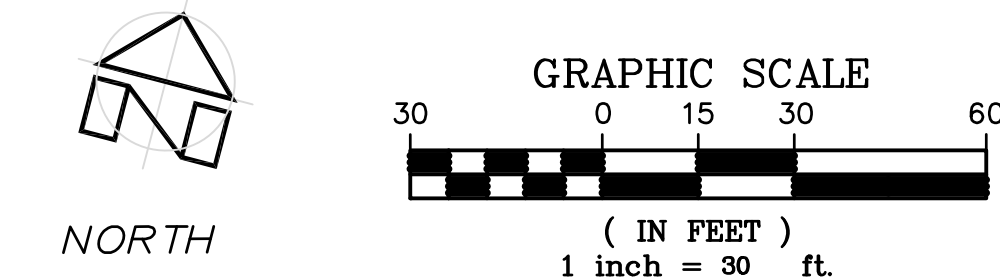
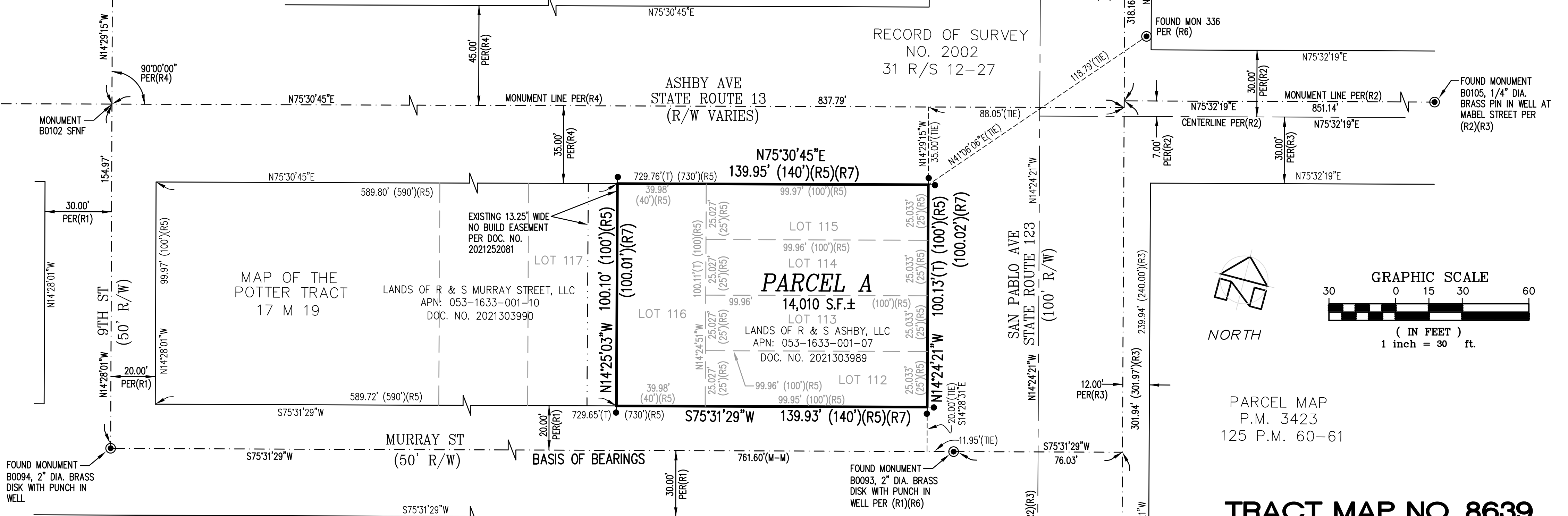
DECEMBER 2023

VICINITY MAP
NOT TO SCALE



FOUND MONUMENT
B0435, 2" DIA. BRASS
DISK WITH PUNCH IN
WELL AT POTTER
STREET PER(R1)(R4)

FOUND MONUMENT B0142,
3/8" DIA. BRASS PIN IN
WELL AT BURNETT
STREET PER (R2)



PARCEL MAP
P.M. 3423
125 P.M. 60-61

TRACT MAP NO. 8639

1-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES
78 RESIDENTIAL UNITS AND 1 COMMERCIAL UNIT
BEING A ONE LOT SUBDIVISION OF THAT PARCEL OF LAND AS DESCRIBED IN THAT
CERTAIN GRANT DEED RECORDED SEPTEMBER 8, 2021 AS DOCUMENT NUMBER
2021303989, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA
3000 SAN PABLO AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
LUK AND ASSOCIATES
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
510 724-3388
DECEMBER 2023

REFERENCES

- (R1) "RECORD OF SURVEY, R/S NO. 2352", FILED SEPTEMBER 8, 2010 IN BOOK 36 OF RECORDS OF SURVEY, AT PAGE 25, ALAMEDA COUNTY RECORDS.
- (R2) "RECORD OF SURVEY, R/S NO. 989", FILED AUGUST 30, 1991 IN BOOK 15 OF RECORDS OF SURVEY, AT PAGE 63, ALAMEDA COUNTY RECORDS.
- (R3) PARCEL MAP P.M. 3423, FILED MARCH 30, 1981 IN BOOK 125 OF PARCEL MAPS, AT PAGES 60 TO 61, ALAMEDA COUNTY RECORDS.
- (R4) "PARCEL MAP NO. 8179", FILED NOVEMBER 10, 2005 IN BOOK 284 OF PARCEL MAPS, AT PAGES 91 TO 93 INCLUSIVE, ALAMEDA COUNTY RECORDS.
- (R5) "MAP OF THE POTTER TRACT, BERKELEY, ALAMEDA CO., CAL.", FILED JUNE 3, 1892 IN LIBER 17 OF MAPS, AT PAGE 19, ALAMEDA COUNTY RECORDS.
- (R6) "RECORD OF SURVEY, R/S NO. 2002", FILED JUNE 23, 2006 IN BOOK 31 OF RECORDS OF SURVEY, AT PAGES 12 TO 27 INCLUSIVE, ALAMEDA COUNTY RECORDS.
- (R7) GRANT DEED, RECORDED SEPTEMBER 8, 2021 AS DOCUMENT NUMBER 2021303989, ALAMEDA COUNTY RECORDS.

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY IS TAKEN BETWEEN THE TWO FOUND STREET MONUMENTS ALONG MURRAY STREET BETWEEN 9TH STREET AND SAN PABLO AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY, R/S NO. 2352", FILED SEPTEMBER 8, 2010 IN BOOK 36 OF RECORDS OF SURVEY, AT PAGE 25, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA. TAKEN AS SOUTH 75°31'29" WEST.

RECORD OF SURVEY

NO. 2352
36 R/S 25

LEGEND

- BOUNDARY OF SUBJECT PROPERTY
- RIGHT OF WAY LINE
- OLD SUBDIVISION LOT LINE
- CENTERLINE
- TIE LINE
- MONUMENT LINE
- EASEMENT LINE
- FOUND STREET MONUMENT AS NOTED
- RECORD DATA
- (100') TOTAL
- (T) SEARCH FOR AND NOT FOUND
- S.F. SQUARE FEET
- ± MORE OR LESS
- R/W RIGHT OF WAY
- (R1) REFERENCE
- R/S RECORDS OF SURVEY
- (M-M) MONUMENT TO MONUMENT
- P.M. PARCEL MAP(S)
- PTN PORTION
- NAIL & TAG PLS 8934 TO BE SET AT 2' PROPERTY LINE EXTENSION



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Increase Purchase Order No. 22203563 for Nicholas K Corp dba the Ford Store San Leandro

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to increase FY 2022 purchase order number 22203563 to Nicholas K Corp dba the Ford Store San Leandro by \$20,000 for a new not to exceed amount of \$155,000 to account for the increased cost of new model year vehicles.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the increase of cost are available in the FY 2024 Equipment Replacement Fund 671.

Original Purchase order Amount	\$135,000.00
<u>Additional purchase order amount</u>	<u>\$ 20,000.00</u>
Amended purchase order amount	\$155,000.00

CURRENT SITUATION AND ITS EFFECTS

Council approved \$135,000 for the purchase of three Electric F150 Pickup Trucks in March 2022. The initial order was impacted by supply chain and capacity issues affecting the manufacturer’s ability to complete the order. One of three vehicles in the initial order was produced that year, while the remaining order was deferred until the following new model year ('23). Subsequently, the new model pricing increased, resulting in an additional cost of \$20,000 to complete the order.

This purchase supports the City’s Strategic Plan Goal of being the global leader in addressing climate change.

BACKGROUND

On March 22, 2022, City Council adopted Resolution No. 70,272-N.S. authorizing the City Manager to authorize a purchase order with Nicholas K Corp dba the Ford Store San Leandro for the purchase of three Electric Vehicle Ford Pickup Trucks, for an amount not to exceed \$135,000. The City processed a piggyback purchase off County

Increase Purchase Order No. 22203563 for
Nicholas K Corp dba the Ford Store San Leandro

CONSENT CALENDAR
May 14, 2024

of Alameda Purchase Order Contract (Master Contract No. 901979). County of Alameda's bid procedures satisfy the procurement requirements of the City of Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The three vehicles will utilize 100% electric power, thus mitigating environmental concerns associated with internal combustion engine systems, while reducing maintenance costs due to fewer moving parts.

RATIONALE FOR RECOMMENDATION

The City's fleet vehicle needs must be met in order to ensure safe and reliable vehicles to best serve residents.

ALTERNATIVE ACTIONS CONSIDERED

None. The City needs to purchase these three vehicles to replace vehicles that have reached the end of their life.

CONTACT PERSON

Greg Ellington, Superintendent, Department of Public Works (510) 981-6469

Attachment:
1: Resolution

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

INCREASE PURCHASE ORDER NO. 22203563 FOR NICHOLAS K CORP DBA THE FORD STORE SAN LEANDRO

WHEREAS, Council passed Resolution No. 70,272-N.S. and approved the purchase of three Electric Vehicle Ford Pickup Trucks; and

WHEREAS, Purchase Order 22203563 was issued to Nicholas K Corp dba the Ford Store San Leandro with funds approved from the Equipment Replacement Fund budget: 671-54-626-723-0000-000-473-664120; and

WHEREAS, due to market complications which caused delay of initial order thus deferring order until the next fiscal year model; and

WHREAS, one of the three ordered units has been received and paid; and

WHEREAS, funds for the increase are available in the FY 2024 budget in the Equipment Replacement Fund (671); and

WHEREAS, the cost for two new 2023-year models is \$110,000 and exceeds the Council approved purchase order by \$20,000; and

NOW THEREFORE, BE IT RESOLVED that the Council authorizes the City Manager to increase Purchase Order 22203563 issued to Nicholas K Corp dba the Ford Store San Leandro by \$20,000 for a new not to exceed amount of \$155,000.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Purchase Order: SWARCO McCain, Inc. for Traffic Signal Controllers

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a multi-year purchase order with SWARCO McCain, Inc, a sole source vendor, for traffic controllers, software, and other related parts in an amount not to exceed \$500,000 for three fiscal years, through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available for FY 2024 in the Facilities Maintenance Traffic Signal Maintenance budget – Measure BB Fund (Fund 134). Expenditures are forecasted to be \$150,000 per year. Funds for the next two years (FY 2025 and FY 2026) will be requested as part of the annual budget process in the Facilities Maintenance budget.

CURRENT SITUATION AND ITS EFFECTS

SWARCO McCain, Inc. is the manufacturer of all of the traffic controllers that are currently used by the City of Berkeley. The Public Works Electrical Unit in the Facilities Division purchases controllers from SWARCO to ensure that the City’s vehicle and pedestrian signals are functional, well-maintained and are replaced when they reach the end of their useful life. This purchase will also support Public Work’s goal of improving traffic control, identifying issues with traffic and pedestrian signals, and being able to replace equipment and parts in a timely fashion.

This work will support the City’s Strategic Plan Goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

SWARCO’s traffic controllers regulate pedestrian and vehicle signal time based on fixed time inputs and inputs derived from vehicle and pedestrian detection. SWARCO is the sole source for technical support and repair of these controllers.

SWARCO also provides Transparency, which is the traffic signal management software that the City uses. Public Works Electrical and IT are currently working to install the

newest version of this software by the end of this fiscal year. In the future, Public Works will be working to expand the capabilities of Transparency by monitoring more intersections through the use of cellular and/or radio communications. The purpose of this is to monitor traffic signal status, timing, and vehicle and pedestrian volume along with supporting the City's signal timing database. This real-time information helps maintenance identify issues with intersections and traffic engineering to develop more efficient timing plans to reduce carbon emissions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This system positively impacts climate by keeping traffic moving at a steady pace and reducing stop and go resulting in decreased vehicle emissions.

RATIONALE FOR RECOMMENDATION

This multi-year purchase order will allow Public Works Electrical to continually maintain and repair all City traffic controllers in a timely manner and prevent potential service interruptions due to lack of purchasing ability.

ALTERNATIVE ACTIONS CONSIDERED

If the City does not purchase from SWARCO, the City would need to purchase different traffic controllers from a different vendor. However, this means that the City would have to spend a significant amount of time and resources to completely overhaul its current controller infrastructure to accommodate traffic controllers manufactured by a different vendor.

CONTACT PERSON

Joy Brown, Operations Manager, 510-981-6629

Aaron Baker, Facilities Maintenance Superintendent, 510-981-6452

Attachment 1: Resolution – Purchase Order: Swarco McCain, Inc for Traffic Controllers

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

PURCHASE ORDER: SWARCO MCCAIN, INC. FOR TRAFFIC CONTROLLERS

WHEREAS, SWARCO McCain, Inc (“SWARCO”) is the manufacturer of all traffic controllers for the City of Berkeley; and

WHEREAS, the specialized traffic controllers of SWARCO are needed for ongoing traffic signal upgrades, maintenance and repair; and

WHEREAS, Public Works Electrical needs to purchase traffic controllers, related parts, and software support to ensure the City’s traffic controllers are continually operational and are replaced once they reach the end of their useful life; and

WHEREAS, funding is available in the FY 2024 budget in Facilities Maintenance Fund 134, and funding will be requested in the FY 2025 and FY 2026 budgets through the annual budget process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a multi-year purchase order for three fiscal years, through June 30, 2026, with SWARCO for traffic controllers for a total not-to-exceed amount of \$500,000.



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Terrance Davis, Director of Public Works

Subject: Revised Fees for Public Use of City-Owned Electric Vehicle Charging Ports;
Amending Berkeley Municipal Code Section 6.24.137

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 6.24.137, Designation of and Restrictions for Electric Vehicle Parking Spaces, to:

- Establish a schedule of rates for electric vehicle charging stations, and
- Authorize the City Manager or her Designee to adjust the rates in accordance with the California Public Utility Commission's electricity rate increases.

SUMMARY

The City owns and operates 47 public Level 2 electric vehicle (EV) charging ports across five City sites. Adopted in 2015, the current fee for public use of these City-owned EV charging ports is \$1.50 per hour. City staff determined that this static fee does not reflect the complexities of the current operations, which include energy cost, ancillary (non-energy) costs, and the need for charging port use turnover. The proposed fee revision, presented in **Table 1**, addresses this issue by creating a layered fee structure that accounts for all facets of the City's public EV charging port operation.

City staff conducted a Berkeley-specific analysis of public EV charging port operations and determined that the current fee results in a significant net operating deficit for the City. The proposed fee revision reduces this operational deficit while maintaining a competitive fueling price for EV users, which aligns with City goals to incentivize EV adoption.

The proposed fee revision is in compliance with State regulations that require all public Level 2 charging ports to use an energy-based fee structure (i.e. dollars per kilowatt-hour [kWh]) before January 1, 2031. Adopting an energy-based fee structure also removes fueling cost inequities among users by charging users by the amount of energy dispensed rather than the time spent fueling.

This recommendation also grants the City Manager or their Designee authority to adjust the energy fees for public City-owned Level 2 EV charging ports each fiscal year as

needed. The maximum allowable annual percent increase shall not exceed the annual percent increase of Pacific Gas & Electric’s (PG&E’s) average electric rate, published in the California Public Utilities Commission’s (CPUC’s) most current Assembly Bill (AB) 67 Annual Report on electric and gas utility costs. This will ensure revenue keeps pace with actual operational energy costs. There is no expense to the City to implement the proposed fee revision.

FISCAL IMPACTS OF RECOMMENDATION

Currently, operational costs of public EV charging ports are subsidized by the utilities budget governing a given facility. The proposed fee revision will allow the City to:

- Reduce overall operational expenses – The City is currently losing money on public EV charging port operations. City staff recommend the proposed fee structure, which would reduce operational losses rather than recover all operational expenses, to better align with City goals to incentivize EV adoption.
- Adhere to State regulations – The proposed fee revision would comply with State requirements and remove fueling cost inequities associated with the current fee structure.

The current fee for public use of City-owned EV charging ports is \$1.50 per hour. The proposed fee revision is presented in **Table 1**. The proposed fee categories reflect actual operational expense categories.

Table 1. Proposed Revised City-owned Level 2 EV Charging Port Fee Structure

Fee Category	Effective	Fee
Baseline Energy	12:00 AM – 4:00 PM; 9:00 PM – 12:00 AM	\$0.30 per kWh
Time-of-Use Energy	4:00 PM – 9:00 PM	\$0.40 per kWh
Ancillary	All times	\$1.50 per session
Overstay	5:00 am to 10:00 pm After 4 hours 15 minutes of charging	\$1.00 per minute, up to 30 minutes

Under the current fee structure, the City generated \$12,637 from April 1, 2022 through March 31, 2023. The total public EV charging port operational cost for the same timeframe was approximately \$116,000, thus resulting in a net operating deficit of \$103,418 to the City. The City subsidizes this cost from the Off-Street Parking Fund 627, the Parking Meter Fund 631, and the Berkeley Marina Operations/Maintenance Fund 608, all funds that are still recovering financial from the COVID-19 pandemic and facing funding shortfalls. The recommended proposed fee revision would have allowed the City to collect \$83,412 in the above-mentioned timeframe, reducing the deficit by \$70,775. See **Table 2** for a detailed breakdown of the resulting net operating deficit of

the current fee as compared to the proposed fee revision. The proposed fee balances the need to better cover operating expenses with the need to maintain competitive fueling costs that still encourage EV adoption.

**Table 2. Net Operating Deficit of Public EV Charging Port Operation
(April 1, 2022 - March 31, 2023)**

	Current Fee	Proposed Fee Revision
Operational Costs	\$116,000	\$116,000
Revenue	\$12,637	\$83,412
Net Operating Loss	\$103,363	\$32,588

The proposed fee revision meets California State regulations that require public Level 2 EV chargers to utilize an energy-based fee structure before January 1, 2031. Failure to comply with this regulation may result in the seizure by the State of any non-compliant charging ports.

There is no expense to the City related to implementation of the proposed fee revision. Revenue from this recommendation will be ongoing for as long as the City owns and operates public EV charging ports. Collected revenue will continue to be deposited into the Off-Street Parking Fund for Center Street Garage, Telegraph-Channing Garage, and Oxford Garage, and the Berkeley Marina Operations/Maintenance Fund.

CURRENT SITUATION AND ITS EFFECTS

The City owns and operates 22 dual-port and 3 single-port Level 2 EV charging stations for a total of 47 Level 2 EV charging ports across five City locations. A Level 2 charging port uses a 240-volt circuit and is the most common charging type of charging port for residential and commercial use. Thirty-one charging ports are located in Center Street Garage, eight are in Telegraph-Channing Garage, four are in Oxford Garage, two are at the West Berkeley Library, and two are at the Berkeley Marina, J-Dock. Providing EV charging ports for public use directly supports the City’s General Plan, Policy T-19, which calls for placing stations at major parking facilities and employment centers. It also responds to the City’s Climate Action Plan Goal 8 to encourage low-carbon vehicles and fuels. Assessing a reasonable fee for the use of public EV charging ports encourages responsible use of the charging resource and the electricity that supplies. Providing public EV charging ports at a reasonably competitive price also supports the City’s Electric Mobility Roadmap goal of Achieving Zero Net Carbon Emissions by continuing to incentivize the rapid adoption of EVs. The City aims to increase adoption of light-duty EVs to 25% by 2025, 55% by 2030, and 100% by 2045.

The current policy allows the City to charge a \$1.50-per-hour fee for the use of City-owned public EV charging ports. In 2014, the City received a California Energy Commission (CEC) Bay Area Charge Ahead Project 2 (BayCAP 2) grant for the deployment of 12 public Level 2 EV charging ports. Cost assumptions used to inform the current fee were based on historical regional data as no Berkeley-specific data was

available at the time. The \$1.50-per-hour fee assumed an average energy charge of \$0.15 per kWh for 350 days of the year, and an average energy charge of \$0.90 per kWh for the remaining 15 days. The increased energy charge for these 15 days per year reflected average pricing expected during the Peak Day Pricing rate schedule that PG&E was anticipated to implement in late 2015. The current fee accounted for assumed marginal demand charges due to use of the EV charging ports. The current fee also assumed annual maintenance costs (\$375 per charging port), ChargePoint network service fees (\$230 per charging port), and ChargePoint revenue collection fees (10% of total session fees). As part of the grant requirements the City optimized charging port use by implementing a time-based fee structure primarily designed to encourage charging port turnover.

Based on a recent analysis of the City's public EV charging port operation data, the current fee, designed to address energy costs, ancillary costs, and overstay at charging ports, does not generate sufficient revenue to cover actual costs. Since its adoption in 2015, overall energy costs have increased by 72%^{1,2}. Additionally, the current time-based fee does not account for increased energy demand costs incurred by the City during the 4:00 pm to 9:00 PM timeframe. The current fee also does not cover actual ancillary costs of all 47 public EV charging ports, as it was developed to cover only the 12 EV charging ports from the original deployment. As a result, the City currently runs a significant operational deficit. City staff's proposed fee structure splits the fee into multiple fee categories in a way that more accurately accounts for the current operational expenses.

The current fee does not meet the Electric Vehicle Fueling Systems Specifications in California Code of Regulations (CCR) Title 4 §4001 and §4002.11, which became effective January 1, 2020. The regulations state that public Level 2 EV charging stations installed before January 1, 2021 must implement an energy-based fee structure (i.e. dollars per kWh) by January 1, 2031. All City-owned Level 2 EV charging stations were installed prior to January 1, 2021, and therefore, must comply with this regulation.

Converting to an energy-based fee structure also eliminates fueling cost inequities associated with time-based fees. The charging speed, or charging rate, at which an EV is able to receive energy depends on the EV model. Because the current fee is time-based, users with EV models designed with slower charging rates effectively pay more than users of EVs with faster charging rates for the same amount of energy.

Revising the fee associated with public use of City-owned Level 2 EV charging ports advances the City's goals to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; provide an efficient and financially-healthy City government; and be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

¹ East Bay Community Energy. July 2023. *PG&E – EBCE Joint Rate Comparisons*.

² California Public Utilities Commission. April 2020. *California Electric and Gas Utility Cost Report*.

BACKGROUND

This proposed fee structure revises the EV charging fee at City-owned public Level 2 EV charging ports as shown in **Table 1**. The fee structure is broken out by energy (baseline and time-of-use), ancillary, and overstay operations. The proposed fee revision is based on actual operational costs for the timeframe April 1, 2022 through March 31, 2023. City staff determined that this timeframe was the best available dataset at the time the analysis for this report was conducted. The following subsections describe the methodology for developing each fee component.

Energy Fee

On-going expenses associated with energy costs are electricity charges and demand charges from the City’s energy providers. The City’s EV charging ports are not separately metered and, as a result, the portion of monthly energy costs associated with EV charging activity was estimated using EV charging station service provider (ChargePoint) energy usage data. A per kWh energy cost was calculated for each City EV charging port site. The prorated energy cost of all sites was \$0.36 per kWh. This cost captures EV charging port usage during both non-peak and peak, or Time-of-Use, periods. The prorated cost per kWh was calculated based on the number of charging ports installed at each of the five City sites. A detailed energy cost breakdown is shown in **Table 3**.

Table 3 Energy Cost Breakdown

Charging Port Site	Cost per kWh	Percent of Total Charging Ports	Prorated Cost per kWh
Center Street Garage	\$0.36	66%	\$0.23
Telegraph-Channing Garage	\$0.25	17%	\$0.04
Oxford Garage	\$0.39	9%	\$0.03
West Berkeley Library	\$0.90	4%	\$0.04
Berkeley Marina, J-Dock	\$0.33	4%	\$0.01
Total Prorated Energy Cost			\$0.36 per kWh

Ancillary Fee

Ancillary costs, or non-energy costs, consist of annual maintenance and service provider (ChargePoint) network service plan charges (\$468 per charging port); and ChargePoint revenue collection fees (10% of the session fees). The network service fee covers software updates, station programming, cellular connections, and around-the-clock driver support. Ancillary costs were calculated on a per-operational-hour basis across all five sites. Total annual hours of use per EV charging port assumes an average EV charging port availability of 7,221 hours and an average public EV charging

port utilization rate of 10 percent. The average ancillary cost per charging port was \$1.52 per operational hour. Per ChargePoint data, the average active EV charging session was two hours. A detailed ancillary cost breakdown is shown in **Table 4**.

Table 4 Ancillary Cost Breakdown

Expenses	Annual Per Charging Port Cost	Hours of Use per Year (assuming 10% utilization)	Cost per Operational Hour
Station Replacement	\$578.05	722	\$0.80
Network Service & Warranty Plan	\$468.33	722	\$0.65
ChargePoint Revenue Collection Fee	\$52.53	722	\$0.07
Ancillary Cost			\$1.52 per operational hour

A benchmark analysis was performed by Staff to ensure the recommended fee remains competitive and would continue to incentivize EV adoption. The recommended baseline energy fee of \$0.30 per kWh is comparable to the Oakland-Emeryville average fee of \$0.32 per kWh. Staff also compared the total fueling cost for 50 miles of range under five fee scenarios: (1) proposed fee, (2) current fee, (3) average Oakland-Emeryville fee, (4) average retail gas price, and (5) an alternative proposed fee (see **Table 5**).

The proposed fee revision (Scenario 1) resulted in a 5%-65% increase in fueling costs as compared to the current fee (Scenario 2), and a 17%-49% increase as compared to the Oakland-Emeryville average fee (Scenario 3). The recommended fee resulted in a 16%-33% decrease in fueling costs as compared the average retail gas price (Scenario 4). While Scenario 5, the alternative proposed fee, would generate revenue that more closely meets the City’s operational expenses (\$115,700 for the April 1, 2022 through March 31, 2023 timeframe), it would result in fueling costs that are comparable or more expensive than Scenario 4, average retail gas price. Staff believe that Scenario 5 would hinder the adoption of EVs in Berkeley.

Table 5 Fueling Cost Benchmark Analysis

Scenario	Fee Type	Unit Price	Unit	Per Session Fee	Total Cost for 50 miles of Range
1	Proposed Fee	\$0.30 - \$0.40	Per kWh	\$1.50	\$7.46 - \$9.45
2	Current Berkeley Fee	\$1.50	Per hour	\$0	\$4.52 - \$9.03
3	Average Oakland-Emeryville Fee	\$0.32	Per kWh	\$0	\$6.36
4	Average Retail Gas – San Francisco	\$5.40	Per gallon	\$0	\$11.21
5	Alternative Proposed Fee	\$0.30 - \$0.53	Per kWh	\$3.00	\$8.96 – \$13.53

Note: Scenario 2 assumes a charging rate range of 3.3 kW – 6.6 kW.

This recommendation grants the City Manager or her Designee authority to adjust the baseline energy and Time-of-Use energy fees on an annual basis as needed. The maximum allowable annual percentage increase shall not exceed the annual percentage increase in PG&E’s average electric rate, published Table 1.8 of the CPUC’s most current AB 67 Annual Report on electric and gas utility costs. The AB 67 Annual Report for any given year is typically published on April 1st of the following year and the subsequent rate increase would be implemented on July 1. Changes to ancillary fee or overstay fee are outside of this authority.

Overstay Fee

The proposed fee revision includes an overstay fee of \$1 per minute up to 30 minutes after four hours and 15 minutes of charging. The overstay fee would be effective from 5:00 am to 10:00 pm. The purpose of the overstay fee is to encourage turnover to better optimize charging port use and prohibit use of a charging port beyond a reasonable period of time. This overstay fee is in alignment with the City’s current Parking Enforcement citation of \$30 for “Exceeding EV Parking Space Time Limit” of four hours.

Commission Comments

City staff presented the proposed fee revision at the Environment and Climate Commission on November 29, 2023 as part of a larger presentation on the implementation of the City’s Electric Mobility Roadmap. The Commission was supportive of the fee structure and provided suggested improvements to the overstay fee and the annual energy fee increase components. Staff addressed Commission comments by editing the proposed policy as follows:

- a) The overstay fee is not triggered during the 10:00 pm to 5:00 am timeframe to accommodate overnight charging needs, and
- b) The annual maximum percent energy fee increase was linked to the CPUC's AB 67 Annual Report to better reflect actual energy cost increases.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed fee revision for City-owned Level 2 EV charging ports supports the City's Electric Mobility Roadmap goal of Achieving Zero Net Carbon Emissions by continuing to encourage EV adoption. It also responds to the City's Climate Action Plan's Goal 8 of encouraging low-carbon vehicles and fuels. The fee continues to promote station turnover to allow access by greater numbers of potential users. Staff also determined that the proposed fee revision still promotes and incentivizes EV adoption because EV fueling costs at the proposed fee remain lower than gas fueling costs.

RATIONALE FOR RECOMMENDATION

The proposed fee revision is expected to (1) reduce operating deficit, (2) comply with State requirements, and (3) set a price point that is competitive with other local charging rates and is cheaper than gas, thereby incentivizing EV vehicle use as per City policy.

ALTERNATIVE ACTIONS CONSIDERED

Two alternative actions were considered as part of this analysis:

- Council could take no action, in which the current fee structure remains in place. As a result, the City would forego a potential increase in public EV charging port revenue. On January 1, 2031, the City would be non-compliant with State regulation, which may result in seizure of non-compliant charging stations. Additionally, public EV charging at City-owned EV charging ports would remain inequitable for those with EV models that charge at slower rates.
- Council could implement an energy-based fee structure designed to meet operational costs or create profit. This action disincentivizes rapid adoption of EVs as EV fueling costs would be comparable or more expensive than gas fueling costs and would be out of line with EV charging port rates in nearby cities per Staff's benchmark analysis.

CONTACT PERSON

Wahid Amiri, Deputy Director of Engineering and Transportation, 510-981-6396
Hamid Mostowfi, Transportation Manager, Public Works, 510-981-6403
Kenneth Jung, Supervising Civil Engineer, Public Works, 510-981-7028
Jennifer Sajor, Electric Mobility Coordinator, Public Works, 510-981-7056

Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

AMEND BERKELEY MUNICIPAL CODE SECTION 6.24.137, DESIGNATION OF AND RESTRICTIONS FOR ELECTRIC VEHICLE PARKING SPACES, TO ESTABLISH A SCHEDULE OF RATES FOR ELECTRIC VEHICLE CHARGING STATIONS, AND AUTHORIZE THE CITY MANAGER TO ADJUST THE RATES IN ACCORDANCE WITH THE CALIFORNIA PUBLIC UTILITY COMMISSION'S ELECTRICITY RATE INCREASES

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

Section 1. That Berkeley Municipal Code Section 6.24.137 is amended to read as follows:

A. *Designation of Parking Spaces.* The City Traffic Engineer is authorized in accordance with the purposes of this chapter to designate spaces in off-street public parking facilities for the exclusive parking of electric vehicles that are connected to electric vehicle charging stations for the purpose of transfer of electricity to the battery or other energy storage device of an electric vehicle.

B. *Signs or Markings.* Upon designation of a parking space or spaces for the exclusive use of electric vehicles pursuant to Subsection A of this section, the Public Works department shall place signs or markings giving adequate notice that the parking space or spaces are restricted and to be used only for such electric vehicles. The signs or markings shall be in compliance with California Vehicle Code § 22511 indicating that vehicles left standing in violation of the restriction may be removed. The parking restriction shall not apply to the designated parking spaces until the sign or markings have been placed.

C. In parking stalls designated by the use of markings and/or posting as electric vehicle charging stations, only electric vehicles are allowed to park for charging events during designated hours.

D. It is unlawful for the operator of any vehicle to allow a vehicle to park or stand in a designated electric vehicle charging station longer than the posted time limit.

E. It is unlawful for the operator of an electric vehicle to allow that vehicle to park or stand in a designated electric vehicle charging station unless the vehicle is actively conducting a charging event.

F. The police department is authorized to cite and/or remove or cause the removal of vehicles parked in violation of this section in accordance with California Vehicle Code § 22511.

G. Fees for use of electric vehicle charging stations at electric vehicle parking spaces hereinabove set forth in 6.24.137 shall be as follows:

1. Baseline energy fee of \$0.30 per kilowatt-hour, effective from 12:00 a.m. to 4:00 p.m. and from 9:00 p.m. to 12:00 a.m. everyday.
2. Time-of-Use energy fee of \$0.40 per kilowatt-hour, effective from 4:00 p.m. to 9:00 p.m. everyday.
3. Ancillary fee of \$1.50 per charging session.
4. Overstay fee of \$1.00 per minute up to 30 minutes, effective after 4 hours and 15 minutes of charging from 5:00 a.m. to 10:00 p.m. everyday.
5. The City Manager may adjust the energy fees by increments no smaller than one cent (\$0.01).
6. The maximum allowable annual percentage increase in energy fees shall not exceed the annual percentage increase in PG&E's average electric rate, published in Table 1.8 of the California Public Utility Commission's most current Assembly Bill 67 Annual Report on electric and gas utility costs.
7. Adjustments to the energy fees associated with the use of electric vehicle charging stations shall be posted to the City's website no later than 30 days prior to the adjustment.
8. Energy fees may be adjusted no more than once per fiscal year.

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



Office of the Mayor

CONSENT CALENDAR
May 14, 2024

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Sophie Hahn, and Councilmember Susan Wengraf

Subject: Support SB 1060

RECOMMENDATION

Adopt a Resolution in support of SB 1060 (Becker), which requires insurance companies to consider wildfire risk management in insurance underwriting. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Josh Becker and Nancy Skinner, and Assemblymember Buffy Wicks.

BACKGROUND

The threat of wildfires is increasing in California, with eight of the ten largest wildfires and six of the ten most destructive wildfires in the State's history happening since 2017. In recent years, the cost of insurance has skyrocketed and has become more difficult to acquire, making homeownership even more difficult.

Both the State of California and the City of Berkeley have made major investments in wildfire prevention and fuel reduction in recent years. In Berkeley, the passage of Measure FF in 2020 raises \$8.5 million annually for improved fire services, emergency communication, hazard mitigation, and wildfire prevention. This has led to the creation of a new Wildland Urban Interface Division, which is dedicated to improving the community's understanding of, and resistance to wildfire. Additionally, the Fire Department is now able to cover 8,500 properties in the Very High Fire Hazard Severity Zone (which covers most of the Berkeley Hills) with an annual inspection that includes a corrections checklist. The City has also partnered with CAL FIRE and regional partners in several vegetation management and wildfire prevention projects along the East Bay Hills.

All these recent investments have helped reduced the threat of wildfires and improve emergency responses in the event of a wildfire. While such threats can never be fully eliminated, insurance companies have not fully factored in recent improvements in developing insurance policies. Recognizing the risk reduction benefits of these activities, in 2022, California's Insurance Commissioner issued a regulation that requires insurance companies to provide discounts to customers who implement wildfire safety measures including home hardening and defensible space. SB 1060 requires insurance companies to factor these activities into their underwriting models, essentially weaving into the fabric of the insurance market the benefits of fire risk reduction. The bill

Support SB 1060

CONSENT CALENDAR

May 14, 2024

also authorizes the department to audit underwriting to confirm adherence to the risk model requirements and to issue any necessary orders to ensure compliance.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of SB 1060

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

IN SUPPORT OF SB 1060 – WILDFIRE PREVENTION INSURANCE UNDERWRITING

WHEREAS, California has experienced major wildfires in recent years, including eight of the ten largest wildfires since 2017, which has contributed to an increase in insurance premiums and have made it more difficult for homeowners to acquire insurance; and

WHEREAS, both the State of California and the City of Berkeley have made major investments in wildfire prevention and fuel reduction in recent years; and

WHEREAS, in Berkeley, the passage of Measure FF in 2020 raises \$8.5 million annually for improved fire services, emergency communication, hazard mitigation, and wildfire prevention, which has resulted in the creation of new programs and increased capacity to reduce the threats of wildfires and improve emergency response to such events; and

WHEREAS, recognizing the risk reduction benefits of these activities, in 2022, California's Insurance Commissioner issued a regulation that requires insurance companies to provide discounts to customers who implement wildfire safety measures including home hardening and defensible space; and

WHEREAS, SB 1060 (Becker) requires insurance companies to factor these activities into their underwriting models, essentially weaving into the fabric of the insurance market the benefits of fire risk reduction, and will also authorize the department to audit underwriting to confirm adherence to the risk model requirements and to issue any necessary orders to ensure compliance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 1060.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Gavin Newsom, State Senators Josh Becker Nancy Skinner, and Assemblymember Buffy Wicks.

AMENDED IN SENATE APRIL 17, 2024

AMENDED IN SENATE APRIL 4, 2024

AMENDED IN SENATE MARCH 12, 2024

SENATE BILL

No. 1060

**Introduced by Senator Becker
(Principal coauthor: Senator Dodd)**

February 8, 2024

An act to add Article 5 (commencing with Section 3000) to Chapter 2 of Part 1 of Division 2 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1060, as amended, Becker. Property insurance underwriting: risk models.

Existing law creates the Department of Insurance and prescribes the department's powers and duties. Existing law generally regulates the business of insurance in the state, including the underwriting and ongoing monitoring of insured risks. Existing law generally requires an insurer or insurance producer to have underwriting guidelines that establish the criteria and process under which an insurer makes its decision to provide or to deny coverage.

~~This bill would require~~

~~If a property insurer to employ~~ *uses* risk models for underwriting purposes ~~that purposes~~, *this bill would require the models to* account for wildfire risk reduction associated with hazardous fuel reduction, home hardening, defensible space, and fire prevention activities. The bill would authorize the department to examine *models used for* underwriting *purposes* to ensure compliance with that risk model requirement and to issue orders that are necessary to ensure compliance.

The bill would make related findings and declarations and would state the intent of the Legislature to do specified actions, including ensuring that actions taken to reduce wildfire risks and associated property losses are considered by property insurers in their underwriting evaluations by requiring that any models used for underwriting account for the identified categories of risk mitigation.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (a)
4 (1) The risk of catastrophic wildfires is increasing due to climate
5 change and past management practices that have dramatically
6 altered California’s forests and increased the density of trees
7 vulnerable to drought and disease.
8 (b)
9 (2) Building California’s resilience to catastrophic wildfires
10 means restoring the health of our forests and diverse landscapes
11 across the state and strengthening wildfire preparation within our
12 communities.
13 (c)
14 (3) It is the policy of the state to encourage science-based,
15 landscape-scale forest management by increasing the pace and
16 scale of hazardous fuel reduction through ecologically based
17 thinning and the use of prescribed fire. The Governor and United
18 States Forest Service established the Agreement for Shared
19 Stewardship of California’s Forest and Rangelands in 2020, calling
20 for 1,000,000 acres per year of forest treatments. Furthermore, the
21 Governor created the Wildfire and Forest Resilience Task Force
22 to bring together an unprecedented coalition of the best available
23 resources for preventing severe wildfires by promoting
24 landscape-scale forest management.
25 (d)
26 (4) Landscape-scale forest management and hazardous fuel
27 reduction reduce the risk of severe wildfires to homes, properties,
28 and communities in, and adjacent to, the wildland-urban interface
29 (WUI).

1 ~~(e)~~
 2 (5) The state has made significant investments in hazardous fuel
 3 reduction in recent years to support wildfire resilience, forest
 4 health, and community safety.

5 ~~(f)~~
 6 (6) Hazardous fuel reduction can substantially reduce insurers’
 7 average annual losses in, and adjacent to, the WUI and, as a result,
 8 reduce the cost of insurance or increase insurance availability, or
 9 both, to California consumers because of its ability to reduce
 10 catastrophic wildfire risk for homes, businesses, and communities
 11 in, and adjacent to, the WUI.

12 ~~(g)~~
 13 (7) Defensible space and home hardening help protect homes,
 14 businesses, and communities during wildfires, reducing the costs
 15 of wildfire disasters for property owners, communities,
 16 governments, and insurers.

17 ~~(h)~~
 18 (8) Community wildfire protection plans have been created by
 19 more than 550 communities in California and are important ways
 20 in which communities can identify and implement fire prevention
 21 activities needed to reduce their wildfire risk and losses.

22 ~~(i)~~
 23 (9) The Insurance Commissioner issued a regulation in 2022
 24 that requires insurance companies to provide discounts to customers
 25 who implement wildfire safety measures, including home hardening
 26 and defensible space.

27 ~~(j)~~
 28 (10) Although insurance risk models can account for the wildfire
 29 risk reduction benefit of hazardous fuel reduction, home hardening,
 30 and defensible space, most risk models used for underwriting by
 31 property insurers do not incorporate these risk reduction benefits.

32 ***(b) It is the intent of the Legislature to do all of the following:***

33 ***(1) Ensure that actions taken to reduce wildfire risks and***
 34 ***associated property losses are considered by property insurers in***
 35 ***their underwriting evaluations by requiring that any models used***
 36 ***for underwriting account for the identified categories of risk***
 37 ***mitigation.***

38 ***(2) Retain property insurers’ discretion with regard to the use***
 39 ***of those models and all underwriting decisions.***

1 (3) Provide the Department of Insurance with the authority to
 2 confirm that the identified categories of risk mitigation are
 3 accounted for in the models used by property insurers for
 4 underwriting without granting the department any additional
 5 authority over underwriting decisions or criteria.

6 SEC. 2. Article 5 (commencing with Section 3000) is added
 7 to Chapter 2 of Part 1 of Division 2 of the Insurance Code, to read:

8

9 Article 5. Underwriting Risk Models and Hazardous Fuel
 10 Reduction, Home Hardening, and Defensible Space

11

12 3000. As used in this article:

13 (a) “Defensible space” has the same meaning as defined in
 14 Section 51177 of the Government Code.

15 (b) “Fire prevention activities” has the same meaning as defined
 16 in Section 4124 of the Public Resources Code.

17 (c) “Hazardous fuel reduction” has the same meaning as defined
 18 in Section 4464 of the Public Resources Code.

19 (d) “Home hardening” has the same meaning as defined in
 20 Section 4291.5 of the Public Resources Code.

21 3001. ~~For~~ *If a property insurer uses risk models for*
 22 *underwriting purposes, a property insurer shall employ risk models*
 23 *that those models shall account for wildfire risk reduction*
 24 *associated with hazardous fuel reduction, home hardening,*
 25 *defensible space, and fire prevention activities for properties,*
 26 *communities, and landscapes.*

27 3002. The department may examine ~~property insurers’~~
 28 ~~underwriting~~ *models used by property insurers for underwriting*
 29 *purposes to ensure compliance with Section 3001 and may issue*
 30 *orders that are necessary to ensure compliance.*

O



Office of the Mayor

CONSENT CALENDAR
May 14, 2024

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Sophie Hahn, and Councilmember Susan Wengraf

Subject: Support SB 1144 – Shutting Down the Market for Stolen Goods

RECOMMENDATION

Adopt a Resolution in support of SB 1144 (Skinner), which will make it more difficult to sell stolen goods on online marketplaces. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.

BACKGROUND

Retail thefts across California are on the rise, with commercial burglaries up in 14 of the 15 largest counties, including a 65% jump in Alameda County between 2019-2022. In Berkeley, commercial burglaries rose 42% during this time frame, and rose an additional 32% to a total of 574 commercial burglaries in 2023. In many of these cases, organized retail theft is being used to illegally acquire and sell stolen goods.

To address these growing criminal trends, in 2022 the State passed SB 301 (Skinner), which requires online marketplaces to ensure that high-volume third-party sellers on their platforms were operating legally by imposing transparency requirements on high-volume and high-dollar sellers and authorizing the Attorney General to seek civil penalties, as well as injunctive or other preventive relief, from any person or entity that violates any of the bill's provisions.

In February 2024, Senator Skinner introduced SB 1144, which builds upon SB 301. Specifically, it extends its application to online marketplaces and third-party sellers not currently covered by SB 301, by allowing specified local actors to enforce violations, and by adding additional obligations on covered platforms. In addition, the bill expands the scope of who may commence a civil action. Currently, only the Attorney General may bring such a civil action. This bill would additionally authorize a district attorney in any county, a city attorney in any city, or a county counsel in any county to bring an enforcement suit, lessening the burden on the Attorney General to conduct enforcement.

By making it more difficult to sell stolen goods, SB 1144 will help deter criminals and organized crime rings from targeting stores that have become popular destinations for such crimes. This in turn will help support the economy and safety of Berkeley's commercial corridors.

Support SB 1144

CONSENT CALENDAR
May 14, 2024

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of SB 1144

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

IN SUPPORT OF SB 1144 – SHUTTING DOWN THE MARKET FOR STOLEN GOODS

WHEREAS, California is experiencing an increase in retail theft, with a 65% increase in commercial burglaries in Alameda County from 2019-2022, and 574 commercial burglaries in Berkeley in 2023; and

WHEREAS, organized retail theft and criminals often use online marketplaces as a platform to sell stolen goods; and

WHEREAS, in 2022 the State passed SB 301 (Skinner), which requires online marketplaces to ensure that high-volume third-party sellers on their platforms were operating legally by imposing transparency requirements on high-volume and high-dollar sellers and authorizing the Attorney General to seek civil penalties, as well as injunctive or other preventive relief, from any person or entity that violates any of the bill's provisions; and

WHEREAS, building upon SB 301, in February 2024, Senator Skinner introduced SB 1144, which extends its application to online marketplaces and third-party sellers not currently covered by SB 301, by allowing specified local actors to enforce violations, and by adding additional obligations on covered platforms; and

WHEREAS, this bill would additionally authorize a district attorney in any county, a city attorney in any city, or a county counsel in any county to bring an enforcement suit, lessening the burden on the Attorney General to conduct enforcement.

WHEREAS, by making it more difficult to sell stolen goods, SB 1144 will help deter criminals and organized crime rings from targeting stores that have become popular destinations for such crimes, which in turn will help support the economy and safety of Berkeley's commercial corridors.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 1144.

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

AMENDED IN SENATE APRIL 4, 2024

AMENDED IN SENATE MARCH 19, 2024

SENATE BILL

No. 1144

Introduced by Senator Skinner
(Coauthors: Senators Min, Ochoa Bogh, Rubio, and Wiener)

February 14, 2024

An act to amend Sections 1749.8 and 1749.8.4 of, and to add Section 1749.8.9 to, the Civil Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

SB 1144, as amended, Skinner. Marketplaces: online marketplaces.

Existing law generally requires an online marketplace to require a high-volume third-party seller on the online marketplace to make certain disclosures. Existing law requires an online marketplace to suspend future sales activity of a high-volume third-party seller that is not in compliance with those information sharing requirements, as specified. Existing law imposes certain information retention and security requirements on an online marketplace and prohibits specified uses of that information.

Existing law generally defines a "high-volume third-party seller," for purposes of the above-described provisions, as a third-party seller who has entered into a certain number of consumer product sales transactions through an online marketplace for which payment is processed by the online marketplace, as specified. Existing law defines an "online marketplace," for purposes of those provisions, as a consumer-directed, electronically accessed platform that includes features that allow for, facilitate, or enable, and are used by, a third-party seller to engage in the sale, purchase, payment, storage, shipment, or delivery of a consumer

SB 1144

— 2 —

product and that has a contractual relationship with consumers governing their use of the platform to purchase consumer products.

This bill would revise the types of transactions that qualify a third-party seller as a “high-volume third-party seller,” for those purposes. Specifically, the bill would remove the conditions that the transactions be made through an online marketplace and that the online marketplace process the payment and, instead, would add the condition that the transactions were made utilizing an online marketplace. The bill would also revise the definition of “online marketplace” by removing the conditions that the above-described features be used by third-party sellers, and that the platform have the above-described contractual relationship with consumers.

Existing law requires a high-volume third-party seller to disclose and certify to the online marketplace certain identification, contact, and payment information of the seller, as specified.

This bill would require an online marketplace to ~~verify and identify~~ *disclose* to consumers ~~that each~~ *whether a* high-volume third-party seller has complied with those disclosure and certification requirements. The bill would ~~prohibit~~ *require* an online marketplace ~~from allowing a business or person to utilize its platform or other services if there is reason to believe the business or person is selling stolen goods. to establish and maintain a policy prohibiting the sale of stolen goods on the marketplace and to provide a mechanism to notify the marketplace of the sale of stolen goods, as specified.~~ The bill would require an online marketplace to alert local, regional, or state law enforcement agencies in California if it reasonably believes that a third-party seller or high-volume third-party seller is selling or attempting to sell stolen goods to a California resident.

Existing law requires a person or entity who violates the above-described provisions to be liable for a civil penalty not to exceed \$10,000 for each violation and reasonable attorney’s fees and costs and to be subject to preventive relief, as specified. Existing law limits recovery and relief to a civil action brought by the Attorney General, as specified.

This bill would expand recovery and relief to a civil action brought by a district attorney in any county, a city attorney in any city, or a county counsel in any county.

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

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

1 SECTION 1. The Legislature finds and declares that it is the
2 intent of the Legislature to stop theft from retail stores and
3 community theft by curtailing the sale of stolen property on online
4 marketplaces.

5 SEC. 2. Section 1749.8 of the Civil Code is amended to read:
6 1749.8. For purposes of this title:

7 (a) “Consumer product” means tangible personal property that
8 is distributed in commerce and normally used for personal, family,
9 or household purposes, including property intended to be attached
10 to or installed in real property regardless of whether it is actually
11 attached or installed.

12 (b) “High-volume third-party seller” means a third-party seller
13 *on an online marketplace* who, in any continuous 12-month period
14 during the previous 24 months, has entered into 200 or more
15 discrete transactions utilizing ~~an~~ *the* online marketplace for the
16 sale of new or unused consumer products to buyers located in
17 California resulting in the accumulation of an aggregate total of
18 five thousand dollars (\$5,000) or more in gross revenues.

19 (c) “Online marketplace” means a consumer-directed,
20 electronically accessed platform that includes features that allow
21 for, facilitate, or enable a third-party seller to engage in the sale,
22 purchase, payment, storage, shipment, or delivery of a consumer
23 product in this state.

24 (d) “Third-party seller” means a person or entity, independent
25 of an online marketplace, who sells, offers to sell, or contracts with
26 an online marketplace to sell a consumer product in the state by
27 or utilizing an online marketplace.

28 (e) “Verify” means to confirm that information provided to an
29 online marketplace pursuant to this title is accurate. Methods of
30 confirmation include the use of one or more methods that enable
31 the online marketplace to reliably determine that the information
32 and documents are valid, correspond to the seller or an individual
33 acting on the seller’s behalf, are not misappropriated, and are not
34 falsified.

35 SEC. 3. Section 1749.8.4 of the Civil Code is amended to read:
36 1749.8.4. (a) A person or entity who violates any provision
37 of this title shall be liable for a civil penalty not to exceed ten
38 thousand dollars (\$10,000) for each violation, which may be

1 assessed and recovered only in a civil action brought in the name
2 of the people of the State of California by the Attorney General,
3 a district attorney in any county, a city attorney in any city, or a
4 county counsel in any county.

5 (b) In addition to the civil penalty provided by subdivision (a),
6 the Attorney General, district attorney, city attorney, or county
7 counsel who prevails in an action to enforce this title shall be
8 entitled to the following relief:

9 (1) Reasonable attorney’s fees and costs, including expert
10 witness fees and other litigation expenses.

11 (2) Preventive relief, including a permanent or temporary
12 injunction, restraining order, or other order against any person
13 responsible for the conduct.

14 SEC. 4. Section 1749.8.9 is added to the Civil Code, to read:

15 1749.8.9. (a) An online marketplace shall ~~verify and identify~~
16 *disclose* to consumers ~~that each~~ *whether a* high-volume third-party
17 seller has complied with Section ~~1749.8.1 lawfully.~~ *1749.8.1.*

18 (b) An online marketplace shall alert local, regional, or state
19 law enforcement agencies in California if it reasonably believes
20 that a third-party seller is selling or attempting to sell stolen goods
21 to a California resident.

22 (c) ~~(1) An online marketplace shall not allow a business or~~
23 ~~person to utilize its platform or other services if there is reason to~~
24 ~~believe that the business or person is selling stolen goods. shall~~
25 *do both of the following:*

26 (A) *Establish and maintain a policy prohibiting the sale of stolen*
27 *goods on the online marketplace, which shall include consequences*
28 *for knowingly selling stolen goods on the online marketplace,*
29 *including, but not limited to, suspension or termination of the*
30 *seller’s account.*

31 (B) *Provide a mechanism on the online marketplace that allows*
32 *any individual to notify the online marketplace that a seller is or*
33 *may be selling stolen goods.*

34 (2) *The policy and mechanism required by this subdivision shall*
35 *be publicly posted and readily accessible to users.*

O



Office of the Mayor

CONSENT CALENDAR
May 14, 2024

To: Members of the City Council
From: Mayor Jesse Arreguín
Subject: City Council Committee and Regional Body Appointments

RECOMMENDATION

Adopt a Resolution approving appointments to City Council Policy Committees, Partnership Committees and Regional Bodies.

BACKGROUND

There are a number of City Council appointments to various Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions. Every two years after the General Municipal Election, the Mayor makes recommendations on new Council representatives to these committees.

The Berkeley City Council Rules of Procedure and Order also require the Mayor to recommend and the full Council approve appointments to Standing Council Policy Committees by January 31st of each year.

In January, the Council suspended certain policy committees until early May to enable the City Clerk Department to focus on the two special elections to fill Council vacancies. Now that policy committees have resumed and Councilmember Cecilia Lunaparra was elected to fill the vacant District 7 seat, new appointments must be made to ensure that committees have a full complement of members.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects from taking this action

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:
1: Resolution

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

APPROVING APPOINTMENTS TO STANDING CITY COUNCIL POLICY COMMITTEES, PARTNERSHIP COMMITTEES, AND REGIONAL BODIES

WHEREAS, the City Council has numerous appointments to various Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions, and makes new appointments every two years following the General Municipal Election; and

WHEREAS, the Berkeley City Council Rules of Procedure and Order also require the Mayor to recommend and the full Council approve appointments to Standing Council Policy Committees by January 31st of each year; and

WHEREAS, in January, the Council suspended certain policy committees until early May to enable the City Clerk Department to focus on the two special elections to fill Council vacancies; and

WHEREAS, now that policy committees have resumed and Councilmember Cecilia Lunaparra was elected to fill the vacant District 7 seat, new appointments must be made to ensure that committees have a full complement of members.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it officially makes the following appointments for the period ending January 31, 2025 or until new appointments are approved:

City Council Standing Policy Committees:

Facilities, Infrastructure, Transportation, Environment & Sustainability Committee

Appoint Councilmember [Lunaparra](#), Councilmember [Humbert](#) and Councilmember Taplin

Alternate [Vacant](#)

Land Use, Housing & Economic Development Committee

Appoint Councilmember Humbert, Councilmember [Lunaparra](#), and Vice-Mayor Wengraf

[Alternate Vacant](#)

Partnership Committees:

4x4 Joint Task Force Committee on Housing: Rent Board/City Council

Appoint Mayor Arreguin, Councilmember Hahn and Councilmember [Lunaparra](#)

East Bay Public Bank

[Appoint Councilmember Lunaparra](#)



OFFICE OF THE MAYOR

TO: Honorable Members of the City Council

FROM: Mayor Jesse Arreguín

SUBJECT: Elections Code 9212 Report on Street Paving Initiatives

RECOMMENDATION

Refer to the City Manager to prepare a report on the fiscal, infrastructure, and other impacts of the two circulating citizen initiative street paving measures (“SAFE STREETS” and “Fix the Streets and Sidewalks”).

Council requests the report include:

- Estimated revenue to the City, broken down by the allocations as stated within each measure, in both current year and year of expenditure dollars, based on standard inflation and square footage growth expectations;
- Estimated impact on pavement conditions index (PCI) from each measure, with modeling prepared by the City’s paving consultant, assuming the City maintains current street repair funding levels. If modeling is not available or not feasible, provide best estimates based on previous scenario modeling;
- Estimated potential impact on implementation of the Vision Zero Action Plan and related safety plans (Pedestrian Plan, Bicycle Plan, Safe Routes to Schools) from each measure;
- A summary of the staff time and City activities required in each measure;
- An estimate of any additional staff costs generated by each measure that is not funded by the measure;
- Estimated funding levels for the sidewalk repair program from each measure, discuss any alterations to the sidewalk repair program contained in each measure, and discuss any impacts to other City funding as a result; and
- Any other information of interest to the City or the public, as determined by the City Manager.

This report is being requested by the Council pursuant to California Elections Code Section 9212.

CURRENT SITUATION AND ITS EFFECTS

City funding for street paving is currently [expected](#) to bring the citywide PCI to 58 over the next 12 years. This is an improvement over current levels, but remains classified as “at risk” by the Metropolitan Transportation Commission.

[Two competing street paving measures](#) are currently collecting signatures and appear likely to qualify for the November 2024 ballot. As these measures are considered conflicting, whichever measure receives the most votes overall, in excess of 50%, will be enacted.

[California Elections Code Section 9212](#) authorizes the legislative body of the city [the City Council] to refer a proposed initiative measure to a city agency or agencies for a report on the impacts of the proposed initiative, including the fiscal impacts or any other matters that Council requests to be in the report. Section 9212 requires that the report shall be presented to Council within the time prescribed by Council, but no later than 30 days after the elections official certifies to the City Council the sufficiency of the petition.

The City Clerk recommends petitions be [submitted in early May](#) to allow up to 30 business days for signature verification. Council is required to take action on all measures found to have sufficient valid signatures prior to August 9th, 2024.

BACKGROUND

Currently, two citizen initiative measures are circulating to collect signatures from registered City of Berkeley voters. If placed on the local November general election ballot, whichever measure receives the most votes in excess of 50% would establish a new parcel tax to fund street repair and repaving, among other activities.

The "[SAFE STREETS Initiative](#)" proposes a parcel tax of 17 cents per square foot for residential properties, and 25 cents per square foot for non-residential properties. The initiative estimates it will generate \$235 million over 14 years, with \$110 million for street repaving, \$70 million for safety, \$35 million for sidewalk and pedestrian paths, and \$20 million for environmental enhancements and other necessary expenses.

The "[Fix the Streets and Sidewalks Initiative](#)" proposes a parcel tax of 13 cents per square foot on residential and nonresidential properties. The initiative estimates it will generate \$144 million over 12 years, with \$52 million for street repaving, \$30 million for safety, \$51 million for sidewalk and pedestrian paths, and \$10 million for environmental enhancements.

Both measures contain provisions adjusting the tax for inflation.

Either measure, if passed, would significantly impact and augment the City's ongoing street repair backlog and implementation of several adopted City policies and plans. However, to date, no technical analysis of the impact of these measures has been conducted by City staff. Given the significant impacts that either measure can have on City programs and projects, it is essential that the City be prepared for either outcome and aware of any impacts and necessary steps that will be required.

The City needs, at minimum, the following information about each measure in order to effectively plan for implementation and potential outcomes:

1. **Revenue projections:** Council needs to know the estimated revenue to the City, based on the tax level and anticipated residential and non-residential square footage over the period of the measures. This should be calculated in both current dollars and year of expenditure (inflation-adjusted) dollars. Revenue should be broken out by the allocations required from each measure, with any potential variability noted in the report.

2. **PCI Impacts:** Based on the available funding calculated in (1), the impacts on PCI should be calculated from each measure, using the existing PCI modeling tools available from the City’s paving consultant, under reasonable baseline assumptions (e.g. assuming current funding levels are held constant, adjusted for inflation). If modeling is not available or not feasible, a review of previous scenario modeling and identifying a best estimate of future PCI based on existing data can suffice. Any requirements on paving priorities contained in either measure should be included in modeling as best feasible.
3. **Vision Zero Impacts:** Both measures contain funding for safety improvements, largely driven by Vision Zero and related plans (e.g. Pedestrian Plan, Bicycle Plan, Safe Routes to Schools). However, some projects from these plans have already been implemented; in addition, these plans contain cost estimates which may be out of date. Council would benefit from a summary of Vision Zero-related projects which have been funded; the set of Vision Zero-related projects which could be funded using monies from each measure, the estimated cost, and the estimated funding available from each measure; and Vision Zero-related projects which would remain unfunded. If applicable and feasible, estimates of grant funding which might be available using matching funds from these measures should be included as well.
4. **Sidewalk & pedestrian pathway repair:** Both measures would aim to increase funding to the City’s sidewalk repair program. Council needs to understand whether the funding levels provided will be sufficient to meet current needs, and whether either measure requires alterations to the existing program or otherwise impacts other city funds.
5. **Staff time impacts:** Both measures contain provisions for an oversight committee, public outreach, and other required activities by staff. The level of detail provided, activities required, and funding permissibility for these activities varies between the two measures, including the activities required to establish the oversight committee. Council needs to understand the potential impacts to staff time, any hiring needs for additional staff, any operational impacts from the oversight committees or other required activities, and whether funds from each measure can be used and are available to meet these increases in staff time.

In addition, Council welcomes any other information of interest to the City or the public, as determined by the City Manager and identified during this review process.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

FINANCIAL IMPLICATIONS

Staff time.

CONTACT

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

ATTACHMENTS

None



CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Budget Referral: BYA Counseling Center and Summer Jam Day Camp

RECOMMENDATION

Refer to the Fiscal Year (FY) 25-26 budget process \$110,000 for the Berkeley Youth Alternatives (BYA) Counseling Center and Summer Jam Day Camp.

FINANCIAL IMPLICATIONS

\$110,000 in General Fund impact.

BACKGROUND

For over 40 years, Berkeley Youth Alternatives (BYA) has served the children and families of Berkeley and the surrounding cities in Alameda County and Contra Costa Counties by providing comprehensive services in a supportive and bias-free haven. Founded in 1969 as a runaway youth shelter, BYA has since expanded to provide comprehensive youth and family services.

In 2022, the City of Berkeley allocated \$160,000 to BYA “to support their counseling center and \$35,000 for the Summer Jam Day Camp” as part of a suite of violence prevention investments in Phase II of Reimagining Public Safety (see Attachment 1). However, due to a period of high inflation, BYA is facing higher operating costs as it struggles to retain counseling staff with competitive salaries.

BYA is requesting a smaller amount in this fiscal year to support counseling staff retention, and the same amount to support the Summer Jam Day Camp. The latter program provides free and low-cost recreation and educational opportunities during an 8-week period in the summer for low-income youth in the community. Research has consistently found that summer recreation programs have a positive impact on violence prevention.¹

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

¹ Fischer, K. N., & Teutsch, S. M. (2014). Safe summer parks programs reduce violence and improve health in Los Angeles County. *NAM Perspectives*. Retrieved Apr. 22, 2024 from <https://nam.edu/wp-content/uploads/2015/06/BPH-SafeSummerParks.pdf>

BYA

CONSENT CALENDAR
May 14, 2024

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

- 1: Reimagining Public Safety - Phase II Presentation (May 5, 2022)
- 2: BYA Letter (March 22, 2024)



Reimagining Public Safety, Phase II

May, 2022





Refer up to \$5.3M to the 2022 Budget Process for staffing and/consulting services and community investments as priority reimagining initiatives

Staff Costs

Budget	Purpose	Rationale
\$315,000	Assistant City Manager to lead Office of Equity and Diversity	<p>Recommendation supported by City Manager, Task Force and City Council</p> <p>The development of the Office should take into account the recommendations from the Reimagining Task Force. Particular attention from the Office of Equity should be paid to language access, which has been identified repeatedly as a barrier to trust and adequate services delivered by the City across departments.</p>
\$315,000	Assistant City Manager to serve as Reimagining Project Coordinator	The responsibilities of project management have fallen under the already heavy burden of the existing Deputy City Manager, with part-time support from a Management Analyst. To effectively coordinate the ongoing work, a full-time senior level staff person is required.
\$100,000	Fair and Impartial Policing (FIP) Training	Recommendation to implement and prioritize FIP has been supported by City Manager, City Council and Task Force
\$100,000	Grant Writer	Recommended by City Manager to access grant funds to support reimagining efforts



Refer up to \$5.3M to the 2022 Budget Process for staffing and/consulting services and community investments as priority reimagining initiatives

Staff Costs continued...

Budget	Purpose	Rationale
Up to \$1.5 Million	1 Supervisor - CSO Unit; Up to 9 Community Services Officers	Launch a pilot Community Services Officer unit using Police salary savings. Positions would be project based for two-years. Evaluate pilot after two-year period to align with the FY 25-26 Budget Process and determine the appropriate location of the CSO unit within a new Public Safety Department and the role for other non-sworn responders.
\$175,000	Vision Zero Staff Position	Approve a new Vision Zero staff position in Public Works' Division of Transportation to conduct collision analysis. This will promote the City's Vision Zero approach by boosting the City's capacity to analyze collision data collected by the Police Department, and, with Police input, propose



Refer up to \$5.3M to the 2022 Budget Process for staffing and/consulting services and community investments as priority reimagining initiatives

Consulting Costs

Budget	Purpose	Rationale
\$300,000	Continue BerkDOT process 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 two implementation plans: 1) if state law changes to accommodate, and 2) if state law does not change	Recommendation supported by the City Manager and Task Force.
\$70,000 or more	Analysis of BPD Staffing and Beat Structure (<i>See details in Attachment 1 section A</i>)	Recommended by City Manager and supported by City Council
Approximately \$250,000	Support an organizational design process to create an umbrella Department of Community Safety	See below, rationale part 3

Refer up to \$5.3M to the 2022 Budget Process for staffing and/consulting services and community investments as priority reimagining initiatives



Consulting Costs (continued)

Budget	Purpose	Rationale
\$150,000	Review Municipal Code for proposed changes to increase equity and racial justice in City's transportation fines and fees, and explore the civilianialization of the municipal code	Recommendation is supported by the City Manager and Task Force
\$200,000	Consulting costs requested by City Manager to support continued analysis of prioritized dispatch and development of an implementation plan	Recommendation is supported by City Manager. Developing a new model for dispatch was identified as critical by both SCU steering committee and Task Force



Refer up to \$5.3M to the 2022 Budget Process for staffing and/consulting services and community investments as priority reimagining initiatives

Community Investments - Violence Prevention and Youth Services

Violence Prevention:

- \$50,000 for McGee Avenue Baptist Church, Voices Against Violence
- \$200,000 for Berkeley Ceasefire
- \$160,000 for Berkeley Youth Alternatives: \$125,000 to support their counseling center and \$35,000 for the Summer Jam Day Camp

Alternatives to Sanctions/Fines

- \$150,000 to expand hearing officer resources in the City Manager's Office to provide alternative referrals to community service and social services for parking and other infractions
- \$50,000 to expand downtown streets team as placement for low-level violations (e.g. vehicular camping/parking and sidewalk ordinance infractions)

Community Mental Health, Behavioral and Crisis Response

- \$100,000 for a Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments
- \$350,000 for Youth Peers Mental Health response as proposed by the Berkeley High School student-led plan for mental health services

Refer up to \$5.3M to the 2022 Budget Process for staffing and/consulting services and community investments as priority reimagining initiatives



Community Investments - Violence Prevention and Youth Services

Respite from Gender Violence

- Up to \$500,000 to increase the capacity of community-based orgs. Provide services and housing leads for victims of Gender Violence (see Reimagining Task Force Report and page 223 of NICJR Final Report Packet for details)
 - Additionally, request staff to work with county partners to clarify which services should be provided by county vs the city.

Language Equity

- \$15,000 to publish victim resources in plain language and in multiple languages. See Task Force gender violence report for details

Prioritize Programmatic Recommendations for Phase 1 of Reimagining Implementation during next 12-24 months



- Adopt the report, City of Berkeley Specialized Care Unit Crisis Response Recommendations by Resource Development Associates(Attachment XX) and implement the pilot Specialized Care Unit (SCU)
- Continue development and implementation of prioritized dispatch, pursuant to the RDA report.
- **Develop an implementation plan to expand alternative response from civilian responders beyond the proposed pilot for SCU for other low-level calls that includes but is not limited to: Community Service Officers for only those calls that necessitate police, code enforcement, fire inspectors or city-hired community mediators**
- Transition collision analysis and crossing guards from BPD to Public Works until a Department of Transportation is developed.
- Continue consolidating transportation functions as recommended by staff
- Complete the implementation of Fair and Impartial Policing Recommendations
- Complete Auditor Recommendations on overtime and calls for service
- Fully implement the Ceasefire violence intervention program
- Analyze the establishment of a crisis stabilization center and/or expand access to existing centers so that people in crisis have a safe and supportive alternative to jail or emergency rooms.
- Implement recommendations from the Reimagining Task Force relating to Gender Violence, LGBQA and PEERS as feasible. (Attachment X)

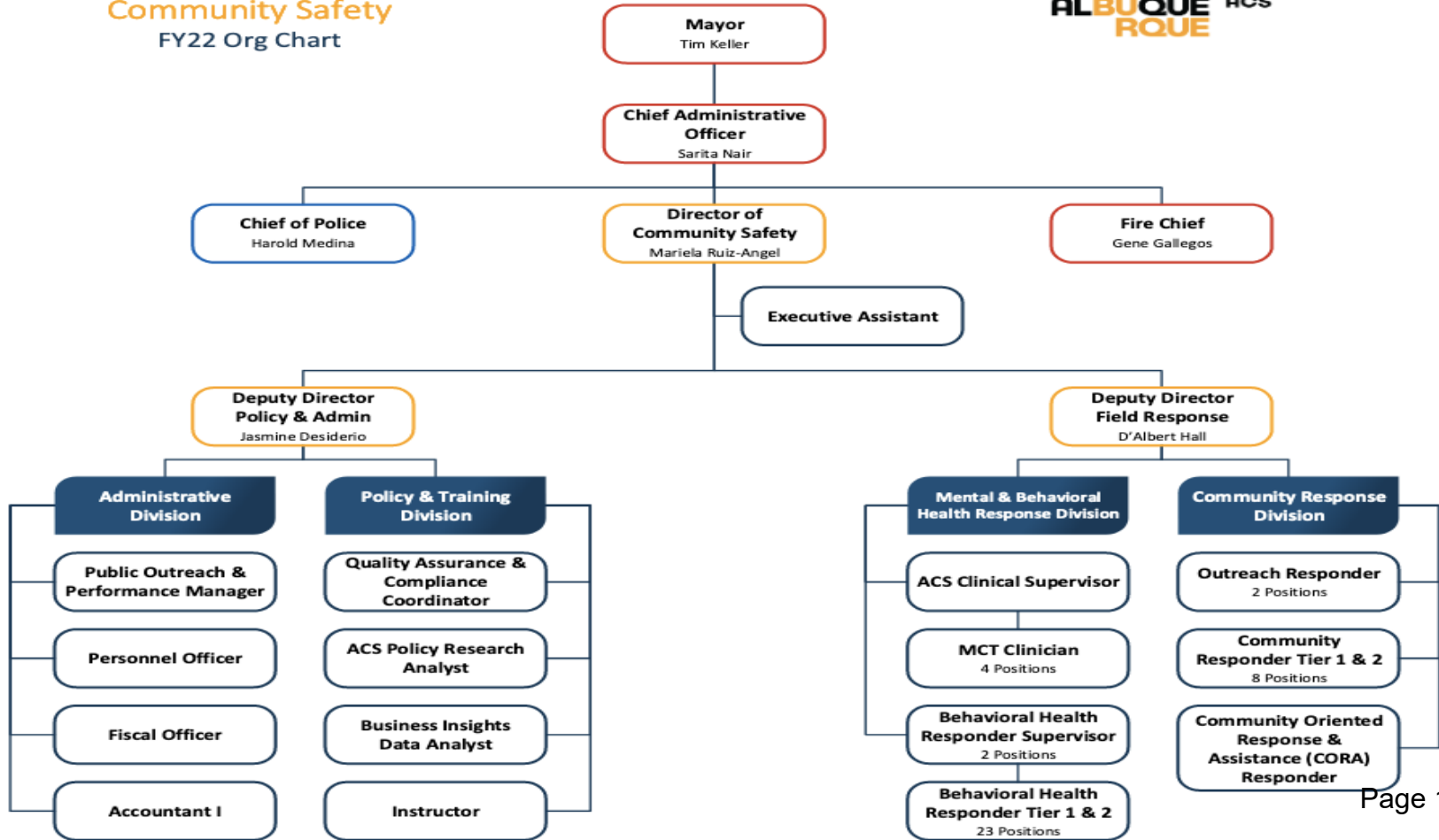
Introducing Community Safety Department



Why a Department of Community Safety could benefit Berkeley

- The goal of this initiative was to reimagine and redefine our understanding of public safety in Berkeley. The implementation of public safety programs needs to reflect a more holistic, long-term vision.
- Current efforts to reimagine are siloed and there is not a clear vision to integrate the many initiatives
- Dispatch needs to serve all branches of community responders equally (*see system recommendation in SCU report*).
- Community responders need to be prioritized and resourced with equal regard
- According to Auditor and NICJR analysis 81% of calls for service are for non-criminal calls, and police currently spend 53% of their time responding to these calls
 - A key goal of the reimagining process was to develop alternative responders to take on as many of these calls as possible without threatening the safety of the public or responders
 - SCU and the potential of BerkDOT and/or other community responders should be able to handle these calls, allowing police to focus more of their time on violent crime and proactive problem-oriented policing.

Albuquerque
Community Safety
FY22 Org Chart



Referral for consideration in the 2025- 2026 Budget Cycle



This referral expresses that by 2024, it is the City's goal to be prepared to make the following decisions and investments:

1. Create a permanent Specialized Care Unit pending positive pilot results and;
 - a. Conduct an evaluation of the training curriculum and review best practices from other similar emerging models (see Training and Community Institute Task Force Recommendation for inspiration)
 - b. Expand the community responder model to tackle a larger range of low-level calls for service based on implementation plan developed by staff.
2. Revise the BPD Budget and Staffing Structure to reflect results of staffing and beat analysis, and the development of alternative responders
3. Invest in a new Department of Transportation and have clarity on a vision and legal path to civilianized traffic enforcement
4. Invest in a new umbrella city organization for public safety
5. Launch a Universal Basic Income Pilot
 - a. The Mayor as a member of Mayor's for Guaranteed income will pursue state grants and philanthropic opportunities to initiate a pilot prior to this budget cycle
6. Continue expanding opportunities for alternatives to fines
7. Consider an Expanded Jobs Program
8. Evaluate BPD Training needs and make changes where needed

Summary of Phased Approach to Reimagining



Phase 1 July 2020 - July 2022

- Community Process
- Reimagining Task Force Report
- Consultant Work:
 - Resource Development Associates (Specialized Care Unit)
 - National Institute of Criminal Justice Reform
 - Dispatch
 - BerkDOT
- City Manager Report
- Mayor and Council Proposals

Phase 2 July 2022 - July 2024

- Launch SCU Pilot
- Continue BerkDOT process + transfer and expand key functions
- Office of Equity created
- Design Process for new public safety department
- Dispatch analysis
- Beat Study and staffing assessment
- Fines/Fees analysis and civilianization of municipal code
- Implement Violence intervention
- Additional community Investments

Phase 3 July 2024 - July 2026

- BerkDOT Implementation
- BPD budget and staffing reflects results of analysis
- First phase implementation of umbrella public safety department
- Implementation of dispatch redesign
- Expand SCU and launch second phase of civilian response pilots
- Launch Universal Basic Income program pilot

Berkeley Youth Alternatives (BYA)

Invest in our children, Invest in our future!



March 22, 2024

Councilmember Terry Taplin, District 2
2180 Milvia Street
Berkeley, CA. 94704

Dear Councilmember Taplin,

Thank you for your on-going support of Berkeley Youth Alternatives and especially of children, youth, and young adults of color in West Berkeley. We appreciate your advocacy.

We are preparing our annual budget and I am writing to request additional support from the City of Berkeley. We have been successful in securing support from foundations, the State of California, Alameda County, and Contra Costa County.

In 2022, we requested and received supplemental funding from the City of Berkeley at the urging of Mayor Arreguin to support our Counseling Center as well as our Summer Jam Day camp. The supplemental support was instrumental in keeping our programs operational as the cost-reimbursement nature of our other contracts makes it hard to meet day-to-day costs without exhausting our credit options.

We are requesting supplemental funding for the Counseling Center in the amount of \$75,000 which will enable us to retain at least two counselors at our 1255 Allston Way site. We are still in a 'bidding war' to recruit and keep talented counselors who are willing to serve in the community. One of them just became licensed and we fear that we may not have the resources to keep this counselor without offering more compensation.

In addition, we are requesting \$35,000 to operate our Summer Jam Day Camp. This camp offers low-income and poverty-level children and youth with an 8-week camp that features literacy coaches from Project BUILD (Berkeley United in Literacy Development), swimming, Field Trip Fridays, daily lunches and snacks, Computer classes, and health & wellness sessions. We did recently get our van repaired so that will reduce the costs of transporting participants on field trips.

Thank you for your consideration of this request and please let me know if you need more information.

Sincerely,

Kevin Williams, JD, MPH
Executive Director

Cc: G Anthony Freeman, President/Chair
Jesse Arreguin, Mayor, City of Berkeley
Tiffany Lockett, PhD, LMFT Program Director
Cynthia Fong, LCSW, PPSC Associate Director

1255 Allston Way
Berkeley, CA 94702
510-845-9010
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Afterschool Center
EXT 217
Career Development
EXT 219
Counseling
EXT 203
Urban Garden
EXT 254
Health HUB
EXT 255
Sports
EXT 231



Sophie Hahn
 Councilmember, District 5
 City of Berkeley
 2180 Milvia Street
 Berkeley, CA, 94704
 (510) 981-7150 | shahn@berkeleyca.gov

To: Honorable Mayor and Members of the City Council
 From: Councilmember Sophie Hahn (Author); Councilmember Terry Taplin (Co-Sponsor); Councilmember Susan Wengraf (Co-Sponsor); Councilmember Mark Humbert (Co-Sponsor)
 Subject: Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Berkeley Symphony's Spring Benefit

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember – including \$500 from Councilmember Hahn – to the Berkeley Symphony, a 501(c)(3) non-profit organization, to support its upcoming Spring Benefit, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budgets of Councilmember Sophie Hahn, and from any other Councilmember who would like to contribute.

BACKGROUND

The Berkeley Symphony Orchestra (BSO) will be hosting its Spring Benefit on May 17, 2024 at the DoubleTree by Hilton Hotel to celebrate and raise funds, and will feature musical performances from Berkeley Symphony Musicians, and violinist Charles Yang.

For more information, visit: <https://www.berkeleysymphony.org/event/2024-spring-benefit>.

Since its founding in 1971 by Thomas Rarick, the Berkeley Symphony has gained a national reputation for taking programmatic risks and presenting major new works alongside fresh interpretations of classical repertoire, all while maintaining strong community ties. The Symphony has reimagined the role of a contemporary community orchestra by honoring the people and spirit of Berkeley with culturally relevant work by living composers and collaborations with community partners, expanding the traditional definition of symphonic music while bringing together cross-sections of its broader community into the same spaces.

BSO presents a four-concert symphonic series and a five-concert chamber series in Berkeley and Piedmont, California, reaching an audience of 2,600 from throughout the Bay Area. The Symphony often presents the work of local composers and employs 200 musicians and teaching artists each year. Current Music Director Joseph Young devises programs that blend symphonic music with dance and other art forms to create concert experiences that excite audiences of all kinds, while championing new music and underrepresented composers, ensuring the BSO stage is reflective of the community it proudly serves.

The Berkeley Symphony also creates meaningful opportunities for the community to engage with symphonic music in their everyday lives, by moving out of the concert hall and into the community with free performances at events like the Front Row Festival and the Bay Area Book

Festival. Through its strong partnerships with organizations like the Downtown Berkeley Association, Berkeley Public Library, and the Berkeley Art Museum and Pacific Film Archive, BSO has presented innovative free programming for audiences of all ages.

Music in the Schools: The Berkeley Symphony is deeply committed to supporting music education and creating opportunities for students and their families to experience symphonic music together.

Founded in 1993, Music in the School (MITS) is a partnership with the Berkeley Unified School District (BUSD) that serves 4,700 public school students with over 300 engagements, including in-class visits, performances for young audiences and families, and opportunities to play alongside the orchestra on stage – all free of charge to participants. MITS exposes young people to new opportunities that instill confidence, encourage hard work, and broaden their horizons. Students engaged in the arts excel in other areas of their academics, have higher graduation rates, and grow to be more engaged citizens in their communities.

When students are given the opportunity to actively create art or play alongside professional musicians, it elevates their learning differently than passively watching performance. MITS engages students of all ages in participation, from clapping for singing along to receiving one-on-one professional coaching on their instruments. For most families in Berkeley, the cost of private music lessons is far out of reach, which makes it difficult for even motivated students to take up an instrument or receive the coaching needed to excel. In closing that gap, MITS makes it possible for all public elementary students in Berkeley to experience the joy of creating and sharing symphonic music.

Education Director Ming Luke ensures that young people of all backgrounds are represented and feel welcome in MITS. This includes featuring the work of BIPOC and female composers for at least 50% of its curriculum and adapting programming to best support individual school communities. Last school year, in collaboration with BUSD, BSO launched the Elevate Initiative to provide specialized activities and support to help students of color stay engaged in the arts, primarily through critical transition periods.

MITS consists of hundreds of touchpoints, including:

- In-class sessions with hands-on music education and curriculum guides.
- “Meet the Symphony” concerts introduce students to the orchestra, instruments, and classical music. BSO performs at all BUSD elementary schools and provides teachers with CDs and curriculum guides.
- “I’m a Performer!” concerts allow students of all grade levels to perform side-by-side with Symphony musicians. These concerts take place at six schools and include a total of 108 prep sessions and rehearsals.
- Community concerts for students, families, and community members to experience a performance together in an informal and welcoming setting.
- MITS programming is 100% free of charge for children and families.

In addition to these programs, MITS provides workshops and performance opportunities for students in the Berkeley High School jazz program. This partnership creates unique opportunities for students to work with a conductor, receive mentorship from a professional musician, and for BSO to extend its reach in the community by bringing new faces into the concert hall.

As part of its 2022-23 Symphonic season, BSO launched Students at the Symphony (SATS). This new program invites K-12 students in Berkeley and beyond to attend the Berkeley Symphony Symphonic Series concert for free, with \$15 tickets for their adult companions, teachers, and school administrators. As word spread over the season, BSO saw continual growth in participation and welcomed over 100 SATS attendees to its 2023-24 season-opening concert.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts.

FISCAL IMPACTS

Up to \$3,500 from Councilmembers' discretionary budgets.

CONTACT

Councilmember Sophie Hahn, (510) 981-7150

Attachments:

1. Resolution

RESOLUTION #####-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE
ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE
SUPPORT FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, the Berkeley Symphony is a non-profit organization serving the City of Berkeley and the Greater San Francisco Bay Area, and is one of the City's great cultural assets; and

WHEREAS, since 1971, the Symphony has honored the people and spirit of Berkeley with culturally relevant work by living composers and collaborations with community partners, maintaining its connection to the community while receiving international recognition for its adventurous programming, and premiering the music of international composers and showcasing young, local talent; and

WHEREAS, the Symphony presents a four-concert symphonic series and a five-concert chamber series in Berkeley and Piedmont, reaching an audience of 2,600 throughout the Bay Area; and

WHEREAS, the Symphony has partnered with Berkeley Unified School District for over 30 years to create the Music in the Schools program, providing comprehensive music curriculum to over 4,700 Berkeley public elementary school students, and offering over 300 in-class visits, performances for young audiences and families, and opportunities to play alongside the orchestra on stage; and

WHEREAS, Music in the Schools has been recognized by the City of Berkeley as a unique and treasured cornerstone of music education in Berkeley – and the League of American Orchestras as one of the country's top music education programs – and is provided to families free of charge, thanks to the generosity of the Symphony, its musicians, and community supporters; and

WHEREAS, the Symphony is cultivating Berkeley and the Bay Area's next generation of musical talent and community through its outreach programs and community partnerships, bringing its music to subscribers, Berkeley students and their families, and the general public;

NOW THEREFORE, BE IT RESOLVED by the Berkeley City Council that funds relinquished from the Mayor and Councilmembers from their Council office budgets – up to \$500 per office – including \$500 from Councilmember Sophie Hahn, shall be granted to the Berkeley Symphony Orchestra to support its 2024 Spring Benefit and its contributions to the community, especially the Music in the Schools Program.



Berkeley City Councilmember
Mark Humbert, District 8
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
mhumbert@berkeleyca.gov

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Councilmember Humbert (Author), Councilmember Taplin (Co- Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Subject: Staff direction and budget referral for Practical Interventions to Clear and Keep Using Parking Spaces (PICKUPS)

RECOMMENDATION

Refer to City Manager the potential creation of evening/nighttime 10- and/or 15-minute parking/loading zones along portions of one or both sides of the roadway for the following blocks:

- Shattuck Avenue between Berkeley Way and Addison Streets
- Durant Avenue between Dana and Bowditch Streets
- University Avenue between Milvia Street and Shattuck Avenue
- Telegraph Avenue between Blake Street and Bancroft Way
- Other potential areas as may be recommended by staff

Refer to the FY 2025-2026 budget process the following preliminary allocations for implementation and enforcement:

- \$50,000 for revised signage and curb striping.
- \$75,000 for targeted nighttime enforcement operations

Refer to the City Manager evaluation of the feasibility of increased fines for double parking/obstructing travel lanes and have staff return to Council with a report on maximum and recommended potential fine amounts.

FINANCIAL IMPLICATIONS

This item anticipates \$125,000 in direct costs for changes to parking signage and curb striping and for initial enforcement to kick off implementation of proposed changes. Because paid parking in the affected locations does not currently extend past 6 pm, it is anticipated that this proposal would not affect meter revenues. Some unknown portion of the costs of this item may be recouped through increased parking fines.

BACKGROUND

Parking is not a public good; it is a limited resource that should be managed for the maximum benefit of residents, visitors, businesses, and the public at large.¹ This typically necessitates appropriately pricing parking to ensure sufficient availability, address negative externalities, and at least partly recoup opportunity costs from other potential uses of the space.

Nevertheless, there are times and locations where the costs of parking monitoring and enforcement would so far exceed the revenue generated by metered parking that it does not make sense to price the parking or impose time limits on its use. This is part of why many parking spaces in Berkeley are unmetered and allow overnight parking after 6 pm.

However, this calculus changes in the event that unmetered overnight parking is unintentionally contributing to significant impacts to traffic flow, public transportation, and pedestrian/bicycle safety

CURRENT SITUATION AND ITS EFFECTS

Restaurant take-out pickups along key commercial corridors in Berkeley are leading to widespread double parking, resulting in traffic congestion, obstruction of public transit, and reduced safety for other road users. These issues are particularly acute along the blocks listed above (with the areas of most severe impact being listed first).

App-based food delivery services experienced a dramatic increase in use during the COVID-19 pandemic and continue to increase in popularity. Such services offer Berkeley restaurants valuable opportunities to expand their markets and revenue.

However, the need for drivers to stop to pick up orders has resulted in untenable levels of double parking, which has in many cases effectively reduced the number of available travel lanes from two or three to one. And at times, all travel lanes may be blocked by stopped vehicles.

The existing legal parking spaces along these streets are typically only metered until 6 pm, after which vehicles may park in these spaces for free and for an unlimited amount of time until meter operation resumes. At the same time, parking enforcement tends to be limited or nonexistent after 6 pm for both fiscal and logistical reasons.

Additionally, court decisions have limited the ways in which the City can enforce and collect fines resulting from parking violations. In 2023 the California Court of Appeals ruled that multiple unpaid parking tickets were insufficient justification for towing

¹ Stromberg, Joseph. *Why free parking is bad for everyone*, Vox, 2014 Jun 27.
<https://web.archive.org/web/20140629212355/https://www.vox.com/2014/6/27/5849280/why-free-parking-is-bad-for-everyone>

vehicles.² This removed a key mechanism for motivating violators to pay tickets, and therefore significantly reduced the ability of parking tickets to discourage bad behavior.

RATIONALE FOR RECOMMENDATION

Berkeley's restaurants are an integral part of our commercial districts, a major draw for visitors, and an important source of jobs and tax revenue. Ensuring that restaurants can reasonably maximize their sales is mutually beneficial for business owners, residents, and the City. Facilitating to-go and pickup orders should therefore be a shared goal.

Nevertheless, the way orders are currently being picked up is causing unacceptable impacts on traffic, pedestrian/bicycle safety, and AC Transit buses. The City therefore needs to strike a balance to enable smooth and safe operations of delivery services. Existing legal parking spaces along these roadways are currently occupied by vehicles freely using them for long-term or even overnight parking. This does not represent the most effective use of these spaces, given their proximity to busy restaurants.

This proposal therefore recommends converting these spaces to 10- and/or 15-minute parking after 6 pm in order to give delivery drivers a viable alternative to double parking. Additionally, this proposal recommends allocating funds for potential temporary, targeted enforcement efforts to firmly establish new approaches to parking and pickups.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Current double parking results in traffic congestion, obstruction of public transit, and safety hazards for people walking and biking which all contribute to worsened air pollution and increased greenhouse gas emissions.

Increased traffic results in greater vehicle idling and time spent on the road. While delays for public transit and threats to the safety of those not in cars tends to discourage walking, biking, and transit use.

By discouraging the double parking that is resulting in all the above effects, this proposal would serve to improve environmental sustainability and lessen climate impacts.

CONTACT PERSON

Councilmember Mark Humbert Council District 8 510-981-7180

² Renne Public Law Group. *Court of Appeal Rules that Cities Cannot Tow Cars for Unpaid Parking Tickets* <https://web.archive.org/web/20240425223309/https://rennepubliclawgroup.com/court-of-appeal-rules-that-cities-cannot-tow-cars-for-unpaid-parking-tickets/>



Office of the City Manager

ACTION CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: 2024 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

RECOMMENDATION

(1) Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals; (2) Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District; and (3) Adopt a Resolution approving the list of prioritized referrals to city staff.

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts related to the review and approval of the referral list.

CURRENT SITUATION AND ITS EFFECTS

Through the March 26, 2024 City Council meeting, there were 57 outstanding long-term referrals to staff. The list does not include referrals that the City Manager has classified as short-term referrals or budget referrals.

In order to complete RRV in time for the prioritized list to be considered in the FY 25-26 Budget process, the deadline for submitting scores was prior to the date that the results of the District 7 special election were certified. In addition, the District 4 election results will likely not be certified until mid-June. Therefore, the scores do not include District 4 and District 7 participation.

The raw scores (0=low priority, 5=high priority) for each referral as shown in the RRV spreadsheet in Attachment 2. Staff has applied the RRV formula to the raw scoring resulting in a prioritized list. These results will be used to guide the City Manager and the Budget & Finance Committee in development of Strategic Plan projects and funding allocations needed for the referrals. Some flexibility in the order in which the referrals are assigned will need to be exercised by the City Manager to ensure that staff in each department has the available capacity to start work on the highly rated referrals and that there are adequate funding resources to complete the referrals.

During the scoring process, Councilmembers had the option to identify referrals that should be removed from the prioritization process. In the 2024 process, one of the

referrals was marked for removal (Addressing Hyundai and Kia Car Thefts). During consideration of this item at the May 14 council meeting, the City Council may decide to remove additional referrals from the list if it so desires.

BACKGROUND

In 2016, the City Council adopted a system of Re-weighted Range Voting (RRV) to prioritize City Council referrals to staff. The RRV system enables City Council to provide direction to staff on which referrals are highest priority and should be completed first.

Reweight Range Voting is a proportional representation voting system designed for a blend of fairness and consensus, meaning that it ensures some representation for minority views as well. It accomplishes this by reducing the influence of Councilmembers in proportion to the points they have awarded to the referrals prioritized thus far.

Under RRV, Each Councilmember rates every referral on a scale of zero to five. There is no limit to repeat scores (i.e. a Councilmember could give every referral a five). When the scores are tallied, the referral with the highest total score becomes the 1st priority. Once the first referral is assigned, the scores for the remaining referrals are reweighted based on how much influence each Councilmember has had up to that point (based on the score they assigned, 0 - 5). If a Councilmember assigns high scores to several referrals, they use up the strength of their weighted vote more quickly and exercise diminishing influence when the scores are reweighted for subsequent referrals. This guarantees equal influence throughout the full list. If a Councilmember did not score a referral, the default score was set to zero.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities, or climate impacts, associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

This recommendation carries out the direction of the Council to implement a prioritization process for City Council referrals to staff.

ALTERNATIVE ACTIONS CONSIDERED

Council may decide to forgo a prioritization process and continue the referral process with no structured tracking or prioritization of referrals.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

- 1: Resolution
 Exhibit A: 2024 RRV Prioritized Referral List
- 2: Complete Scores of the Mayor and Councilmembers
- 3: Referrals Marked for Removal

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

APPROVING THE 2024 LIST OF PRIORITIZED CITY COUNCIL REFERRALS USING
THE REWEIGHTED RANGE VOTING SYSTEM

WHEREAS, On March 8, 2016 the City Council approved the use of Re-weighted Range Voting (RRV) for the prioritization of City Council referrals to staff; and

WHEREAS, the City Council has assigned scores to all the referrals; and

WHEREAS, the Re-Weighted Range Voting formula was applied to the ratings to create a weighted list of prioritization.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the list of prioritized referrals contained in Exhibit A, with the removal of certain referrals by Council direction, is hereby approved.

BE IT FURTHER RESOLVED that the City Council grants the City Manager the authority to assign referrals to staff in a manner that ensures equitable distribution among departments and does not exceed the capacity of departmental staff to start work on the highly rated referrals even if that results in the referrals being assigned in an order that differs from the approved list.

Exhibits

A: List of Prioritized Referrals

Page 4 of 48
List of Referrals in Ranked Order

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
<p>Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent CrimeDMND0004146</p>	<p>1. Pursuant to Berkeley Police Department Policy Numbers 351 and 1304, the City Council approves the following additional locations for the installation of External Fixed Video Surveillance Cameras, signage and increased lighting at the following locations, and refer the costs for acquisition of cameras and lighting to the FY 2025 Budget process:</p> <ul style="list-style-type: none"> • Alcatraz and College; • Woolsey and Telegraph; • Woolsey and Shattuck; • Alcatraz and Adeline; • Alcatraz and Sacramento; • San Pablo Ave. and Gilman <p>Additional camera locations to be considered for potential future installation include:</p> <ul style="list-style-type: none"> • Telegraph and Dwight; • 5th Street and Gilman; • 4th Street and Hearst; • Cedar St. and Eastshore Hwy; • 4th Street and Virginia; • 8th Street and Harrison; • 2nd Street and Page; • University and San Pablo <p>The costs for installation and maintenance of cameras at additional authorized locations would be determined and approved separately during future budget processes.</p> <p>2. Direct the City Manager to engage with the Police Accountability Board on this proposal and request their feedback to Council within 30 days of submission. The Council will take its comments into consideration during subsequent steps for final approval for purchase and installation of cameras at approved locations.</p> <p>3. Direct the City Manager to prepare targeted amendments to various pertinent surveillance technology reports and policies in order to provide extra transparency beyond what is explicitly required by the Berkeley Municipal Code and Berkeley Police Department Law Enforcement Manual.</p> <p>Security camera footage would be used solely in a manner consistent/compliant with existing ordinances and the Berkeley Police Department's existing use policies, as enumerated in the Berkeley Municipal Code, the Berkeley Police Department Law Enforcement Manual. The cameras are not intended and would not be used for continuous surveillance purposes. Cameras should ideally be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 and those deployed at other intersections throughout the city.</p>	<p>2024-01-30</p>	<p>CITY MANAGER'S OFFICE</p>	<p>Mark Humbert, Ben Bartlett</p>	<p align="center">1</p>
<p>Response to Council Referral: Long Term Care Facility OversightDMND0004154</p>	<p>Refer to the City Manager and the budget process the (1) establishment of an enhanced Ombudsperson program for oversight of Skilled Nursing Facilities and Residential Care Facilities for the Elderly, and (2) early implementation of the Centers for Medicare & Medicaid Services (CMS) proposal for minimum nursing staffing levels ahead of the three-year period proposed by CMS.</p>	<p>2024-03-26</p>	<p>HEALTH, HSG & COMMUNITY SVC</p>		<p align="center">2</p>

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
<p>Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial DistrictsDMND0003998</p>	<p>Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include:</p> <ul style="list-style-type: none"> ● A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1. ● A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck Avenue from Carleton southward to Alcatraz Avenue; (2) on the south, the north side of Alcatraz Avenue from Shattuck Avenue to Martin Luther King Jr. Way; Martin Luther King Jr. Way southward to 62nd Street; 62nd Street to King Street; (3) on the west, King street to Russell Street; (4) on the north, Russell Street to Grant Street; Grant Street north to Carleton Street; and Carleton Street to Shattuck Avenue. See map in Attachment 1. ● Consideration of expanding the goBerkeley parking program1 to include installation of paid parking within a subsection of the defined Gilman and Lorin Parking Benefit Districts only where warranted based on parking demand using a demand-based pricing model. ● Consideration of amending the goBerkeley program to allow net parking revenues to be reinvested within the Gilman and Lorin Parking Benefits Districts where the revenue is generated for the purpose of funding improvements, such as trash removal, sidewalk cleaning, enhanced lighting, signage, beautification like landscaping or other improvements based on input from an advisory board of stakeholders—in alignment with policy requirements of PBDs. This would only occur once all payments and obligations associated with the Center Street Garage parking revenue bond are fully met. ● Consideration of transportation-related amenities targeted to employees that may include: annual transportation passes to incentivize public transit use, annual memberships in shared electric micro-mobility programs, special employee parking permits, etc. ● A strategy for conducting outreach to Gilman and Lorin Commercial District stakeholders prior to implementation, including outreach to property and business owners and employees. 	<p>2022-01-18</p>	<p>Public Works</p>	<p>Rashi Kesarwani, Ben Bartlett, Jesse Arreguin, Terry Taplin</p>	<p align="center">3</p>

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
<p>51B BRT + University/Shattuck Corridor Mobility ImprovementsDMND0004122</p>	<p>1. Refer to the City Manager commencement of a feasibility analysis and community engagement process to develop options for the implementation of Bus Rapid Transit (BRT) improvements along AC Transit's 51B route; options are to be developed in tandem with internal city departments, including Public Works, Fire, Police Traffic Unit, and Economic Development, and interagency partners, including AC Transit, the Alameda County Transportation Commission, BART, Caltrans, UC Berkeley, and WETA; community engagement is to emphasize students, transportation advocates, transit riders, the disability rights community, the faith community, the senior community, local merchants, the business community, the arts community, and tenants; consultation with AC Transit and UC Berkeley Bear Transit on planning, scoping, and implementation is to begin as soon as possible; staff are encouraged to explore and pursue quick build improvements.</p> <p>2. Refer \$150,000 to the FY 2024-2025 budget process to increase the budget for the city's ADA Transition Plan capital project to prioritize and implement ADA improvements at the city's intersections, such as curb cuts, auditory functions of crossing signals, bulb-outs, shortening crossing distances, and other safety improvements.</p> <p>3. Refer \$150,000 to the FY 2025-2026 budget process for consulting costs to conduct corridor studies along University Avenue, from Seawall Drive, to Oxford Street, and along Oxford Street and Fulton Street, from Virginia Street to Durant Avenue, to identify appropriate road safety improvements that advance city-adopted safety, transportation, and climate goals and are continuous with work currently underway on the Addison Bicycle Boulevard, and explore improvements for curb management, i.e. accessible parking (blue curbs), management of curb space for third party delivery service, etc.</p> <p>Policy Committee Recommendation: To forward the item to Council with a positive recommendation.</p>	<p>2023-09-12</p>	<p>Public Works</p>	<p>Terry Taplin, Rigel Robinson, Mark Humbert</p>	<p align="center">4</p>
<p>Referral to Implement State Law AB 43 for Reduced Speed Limits on High-Injury Commercial CorridorsDMND0004008</p>	<p>Refer to the City Manager to implement state law AB 43 on High-injury commercial corridors as identified in our Vision Zero Annual Report, 2020-2021 in order to allow a reduction in speed limits by 5 miles per hour; - Any other corridors covered by AB 43, as appropriate, in order to implement reduced prima facie speed limits and identify those corridors for future traffic studies where prima facie limits are presently unsafe.</p> <p>Upon completion of this referral, we note that a budget allocation would be needed in the amount of \$25,000 to \$50,000 for new speed limit signage. Funding will be requested later (likely for the FY 2023-24 budget) in order to allow time for staff to determine the applicable streets for additional signage.</p>	<p>2022-03-08</p>	<p>Public Works</p>	<p>Rashi Kesarwani, Terry Taplin, Rigel Robinson, Susan Wengraf</p>	<p align="center">5</p>

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
RFP for Development of West Berkeley Service CenterDMND0004148	<p>Refer to the City Manager to issue a Request for Proposal (RFP) or Request for Qualifications (RFQ), once a viable local funding source(s) has been identified, for the development of the city-owned West Berkeley Service Center, (1900 Sixth Street), to permit site acquisition and construction of a 100-percent affordable housing project with the following key features:</p> <ul style="list-style-type: none"> ● Space on the ground floor of the building for administrative offices, community space and supportive services as currently provided by the City; ● Maximizing the number of units under the existing zoning Mixed Use-Residential (MU-R) in conjunction with state law AB 1763 (2019); ● A mix of unit sizes, including studios, one-bedroom, and two-bedroom units; ● Require RFP applicants to include a plan for services provision and integration for the population(s) they propose to serve; ● A preference for serving seniors with cognitive disabilities and adults with mental health conditions while maintaining flexibility to serve other populations based on availability of funding; and ● A board and care facility with a minimum of 20 beds including space for staff and services, unless it is determined that viable funding sources are not available. <p>The City Manager should also consider the feasibility of the following elements in the program design:</p> <ul style="list-style-type: none"> ● Universally designed housing for older adults; ● Consider available federal, state, regional, local and private funding sources to finance the construction of a housing project, including with the potential target populations. <p>The issuance of an RFP should be timed to happen soon after the City has identified local funding for the development that could potentially be made available via the RFP/RFQ.</p>	2024-02-13	HEALTH, HSG & COMMUNITY SVC	Jesse Arreguin, Rashi Kesarwani, Sophie Hahn, Susan Wengraf	6

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Berkeley Food Utility and Access Resilience Measure (FARM)DMND0004109	<p>1. Refer to the City Manager the task of protecting the City's food supply from natural disasters and economic disruptions by promoting the efforts of community-based organizations to design and implement an integrated local food production and distribution system for the City of Berkeley.</p> <p>2. Refer to the City Manager and the Office of Economic Development resources to research and return to the Council potential economic incentives for non-profits, agricultural producers, and small businesses to partner with the City of Berkeley to support the implementation of FARM.</p> <p>3. Adopt a resolution to support the goals of the FARM initiative and the development of hyperlocal urban food production with community-based organizations.</p> <p>Policy Committee Recommendation: To send the item to Council with a positive recommendation.</p>	2023-06-27	Office of Economic Development	Ben Bartlett, Jesse Arreguin, Kate Harrison, Sophie Hahn	7
Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community DevelopmentDMND0004129	Refer to the City Manager to consider changes to development standards with specific consideration for setbacks, height, and building separation, for accessory buildings and structures to promote fire safety citywide.	2023-10-03	PLANNING & DEVELOPMENT		8

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
<p>Referral to Rezone Gilman Street to Maximize Revenue Productivity Per AcreDMND0004124</p>	<p>Refer to the City Manager and Planning Commission to rezone Gilman Street—a major thoroughfare for entering and exiting the City—from San Pablo Avenue to Interstate 80 to maximize revenue-generating and job-creating uses. Specifically, the rezoning of Gilman Street should consider the following:</p> <p>Potential for applying the Manufacturing, Research and Development (M-RD) zoning district currently planned for the Pacific Steel Casting site to a portion of Gilman Street. The M-RD zoning district seeks to better align with Berkeley's goals and needs by: allowing research and development, office, laboratory, and light manufacturing uses currently not permitted by the existing Manufacturing (M) zoning; and removing protections for existing manufacturing uses and constraints associated with certain development standards; and/or</p> <p>Consider a new zoning designation for a portion of Gilman Street west of San Pablo Avenue to I-80 that maximizes revenue productivity per acre via permitted uses and associated development standards; and</p> <p>Extend West Berkeley Commercial District (C-W) zoning on Gilman Street from Ninth Street further west for a certain number of blocks and enhance the flexibility of C-W development standards to increase the likelihood of redevelopment—in coordination with "Keep Innovation in Berkeley" Council referral (passed on Sept. 13, 2022) that seeks to allow research and development uses in C zones.1</p> <p>Refer \$250,000 to the FY 2024-25 budget process for consulting services to assist with the planning process and associated environmental review and economic analyses.</p>	<p>2023-09-19</p>	<p>PLANNING & DEVELOPMENT</p>	<p>Rashi Kesarwani, Terry Taplin, Susan Wengraf, Rigel Robinson</p>	<p align="center">9</p>

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs DMND0004064	<p>1. Refer to the City Manager to Strengthen Adult Criminal Justice Re-Entry Employment Programs in Berkeley by studying re-entry programs, supports, and systems already available for Berkeley residents, strengthening linkages, and identifying gaps. Report findings back to the Health, Life Enrichment, Equity & Community Committee during 2023.</p> <p>2. Refer \$50,000 to the Budget Process to engage a consultant to recommend a Universal Income Pilot for Berkeley. Recommendation to include evaluation of: -Potential funding sources; -Appropriate and recommended models for Berkeley; -Target population(s) to be supported by Pilot; -Program delivery models; -Evaluation; -Any and all other elements/factors to establish an effective Universal Income Pilot for Berkeley.</p> <p>Considerations for target populations may include local Equity Indicators measuring racial justice and social equity outcomes such as poverty and financial health, educational disparities, environmental and mental health, housing quality, infrastructure, and public safety.</p> <p>3. Refer to the City Manager to establish evaluation processes and metrics for all social services programs recommended through the Reimaging Public Safety Process, including but not limited to violence prevention services, adult reentry programs, and mental health crisis response, and report evaluation outcome to the City Council.</p>	2022-12-06	CITY MANAGER'S OFFICE	Terry Taplin, Kate Harrison, Sophie Hahn, Rigel Robinson	10
Southside Zoning AmendmentsDMND0004135	Refer to the City Manager to develop for consideration requirements for new residential construction that all bedrooms contain windows, and consider window requirements for all habitable space, as defined in the zoning code. Staff should engage the Planning Commission in developing recommendations, and should evaluate the impact new requirements would place on the feasibility of new housing projects and flexibility for project floor plans.	2023-11-21	PLANNING & DEVELOPMENT		11
Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) OrdinanceDMND0004099	<p>2. Refer the City Manager and Planning Commission if necessary to:</p> <p>d. Consider upzoning the C-DMU Downtown Mixed-Use District zoning to allow for an increased number of taller exceptions (at or above 180 feet in height) and explore other zoning modifications to allow for additional density as a way to offset the cost of these new labor standards.</p>	2023-05-02	PLANNING & DEVELOPMENT	Jesse Arreguin	12

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Prioritizing Pedestrians at IntersectionsDMND0002584	Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.	2017-05-16	Public Works	Lora Droste, Susan Wengraf, Ben Bartlett	13
Referral to City Manager and City Attorney: Tenant Habitability Plan and Amendments to Relocation OrdinanceDMND0004105	1. Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions. The committee further recommends that the City Manager establish an interdepartmental working group, including staff from Planning, HHCS, and the Rent Board. 2. Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.	2023-06-06	CITY MANAGER'S OFFICE	Jesse Arreguin	14
Referral to Conduct an Automatic Traffic Calming Review for the Area Immediately Surrounding the Project at 1201-1205 San Pablo AvenueDMND0004058	Refer to the City Manager to conduct an automatic traffic calming review for the area immediately surrounding the streets of the project located at 1201-1205 San Pablo Avenue within six (6) months of the building's occupancy reaching 90 percent of its capacity with the intent of expediting the traffic calming process for neighbors impacted by the development of this project. The traffic calming review should include the following intersections: Gilman and Kains; Gilman and Stannage; Harrison and San Pablo; Harrison and Kains; Harrison and Stannage.	2022-11-03	Public Works	Rashi Kesarwani	15
Development of Artists Affordable Housing Certification ProgramDMND0004101	Recommendation: Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.	2023-05-23	Office of Economic Development		16
Referring the Civic Arts Commission's affordable housing for artists in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update DMND0004003	2. Refer to the City Manager, Planning Commission, and Housing Advisory Commission consideration of the feasibility and impacts of allowing ground floor affordable live, work, and live-work space for artists in certain commercial, manufacturing, and mixed-use buildings/areas, both new-build and existing, and exploration of other opportunities for living, work and live-work space for artists.	2022-01-25	PLANNING & DEVELOPMENT	Sophie Hahn, Terry Taplin, Kate Harrison, Susan Wengraf	17

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded DMND0004100	Refer to the City Manager to establish a policy that the Public Works Department will be responsible for reviewing, submitting, and approving all departmental requests to Council for adding new vehicles to the fleet to facilitate maximum cost recovery through the vehicle replacement fund, consistency with fleet rightsizing studies, oversight, and timely electrification of the fleet.	2023-05-23	Public Works		18
Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses DMND0004110	<ol style="list-style-type: none"> 1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and 2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley. 3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc. 	2023-06-27	PLANNING & DEVELOPMENT	Ben Bartlett, Jesse Arreguin, Kate Harrison, Mark Humbert	19
Efficiency Unit Ordinance DMND0004048	Refer to the City Manager and Planning Commission to study and, if recommended, propose standards for Efficiency Units pursuant to California Housing and Safety Code Section 17958.1. Consider appropriate standards for unit size and facilities including bathrooms as well as for shared indoor and outdoor spaces and facilities within buildings with such units. Shared space requirements may include requirements for "full kitchen" facilities, dining and/or meeting rooms, indoor lounge/study areas, outdoor/roof space, bike/scooter and stroller parking, gym/workout/play spaces, storage, and other shared and accessible facilities to support healthy and social lives, and accommodate important activities and uses that are externalized from Efficiency Units. Consider zones where Efficiency Units may be appropriate, affordability requirements, phasing, and any other standards and zoning related to such units. Based on study and consideration of financial feasibility, develop recommendations and/or an ordinance to amend the Berkeley Municipal Code modeled after standards implemented in the City of Davis, the City of Santa Barbara and other cities.	2022-09-13	PLANNING & DEVELOPMENT	Terry Taplin, Rigel Robinson	20

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits DistrictDMND0003997	Refer to the City Manager and FY 2022-23 June Budget Process to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund. Considerations for a Marina Master Plan for Parking should include: <ul style="list-style-type: none"> ● Conducting robust outreach to marina stakeholders in order to: gather feedback about parking needs, communicating benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate; ● Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures; ● Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits; and, ● Discussion of efforts to make it easy and safe for visitors to access the marina by foot, bike, micro-mobility device, and/or public transit. 	2022-01-18	Public Works	Rashi Kesarwani, Jesse Arreguin, Terry Taplin, Rigel Robinson	21
Nancy Skinner Municipal Pier Resolution DMND0004138	Refer to the Parks, Recreation, and Waterfront (PRW) Commission a Resolution renaming the Berkeley Municipal Pier in honor of State Senator Nancy Skinner (DBerkeley) upon its reopening to the public and authorizing the City Manager to update signage and electronic media accordingly; and to return Resolution to Council for final consideration.	2023-12-05	Parks, Recreation & Waterfront	Terry Taplin, Rashi Kesarwani	22
Referral: Southside Impact Fee Nexus StudyDMND0004072	1. Refer to the City Manager to establish a development impact fee for projects within the Southside Plan boundary for the purpose of funding Southside public realm improvements. Staff should complete all necessary actions, including preparation of a Nexus Study pursuant to the Mitigation Fee Act. 2. Refer \$250,000 to the FY 2023 budget process for a consultant to be engaged over a two-year process, starting in 2024, to assist with the vision, capital list, nexus study, fee schedule, and other requirements.	2023-02-14	Public Works	Rigel Robinson, Ben Bartlett, Kate Harrison, Mark Humbert	23
Residential Preferential Parking (RPP) Program Expansion for West Berkeley Neighborhoods Within Two Blocks of Commercial CorridorsDMND0004053	Referral to the City Manager to expand the scope of the Residential Preferential Parking (RPP) program as originally proposed by staff during the May 14, 2019 City Council Public Hearing as a way to allow more residents to opt-in to this program.	2022-10-11	Public Works	Rashi Kesarwani, Terry Taplin	24

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Referral: On-Street Secure Bike Storage DMND0004078	Refer to the City Manager to develop and return to Council with a plan to create on-street secure bike parking in multi-family residential and commercial districts across the City in parking spots previously reserved for car storage. Take associated actions, including: 1. Determining recommended locations for installation that take into consideration factors such as equity priority neighborhoods; transit connections; bicycle network connections; areas with high percentages of tenants; access to destinations such as schools, community centers, employment centers, and businesses; and public input. 2. Developing and issuing a Request for Proposal for an operator to install and maintain on-street bike lockers, including lockers that can accommodate bikes of varying shapes and sizes. 3. Pursuing available grant opportunities to fund initial costs and ongoing maintenance.	2023-03-21	Public Works	Rigel Robinson, Sophie Hahn, Kate Harrison, Terry Taplin	25
Referral to Strengthen Public Health and Environmental Impact Mitigation for Industrial Facilities in the Manufacturing Zone DMND0003975	Refer to the City Manager to: Establish a procedure for enhanced review of use permits in the manufacturing zone for industrial facilities—upon initial submission or upon submission of an amended use permit—in order to ensure public health and environmental impacts are appropriately mitigated as a condition of the use permit. Further, if appropriate, consider mitigation that includes the use-permit applicant contracting with a certified third-party to install air quality monitoring device(s) that can enable periodic reporting on pollutants relevant to the particular industrial process proposed in the initial or amended use permit. Explore feasibility of increasing penalty fee schedule as a deterrence for use-permit violations related to public health and environmental impacts, such as air, noise, and water pollution.	2021-09-28	PLANNING & DEVELOPMENT	Rashi Kesarwani, Terry Taplin, Lora Droste, Susan Wengraf	26
Right to Choose Communications Services Provider DMND0003929	Refer to the City Manager and City Attorney to explore, and if deemed feasible, draft ordinance language to clarify that property owners of multi-unit properties cannot interfere with tenants' choice of communications services providers. The City of San Francisco has implemented such an ordinance, which has since been challenged. This recommendation requests the City Attorney to review the San Francisco law and Federal Communications Commission rulings pertaining to this topic to determine if Berkeley could effectively adopt a similar ordinance.	2021-02-09	City Attorney	Lora Droste, Jesse Arreguin, Terry Taplin, Rigel Robinson	27

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Referral to the Transportation and Infrastructure Commission and City Manager to Consider and Make Recommendations Regarding the Policy of Deploying Rectangular Rapid Flashing Beacons and Other Treatments at Dangerous or High-Collision Pedestrian and Bicycle IntersectionsDMND0004057	Referral to the Transportation and Infrastructure Commission and City Manager to consider and make recommendations regarding the policy of deploying Rectangular Rapid Flashing Beacon (RRFB) and other treatments at dangerous or high-collision pedestrian and bicycle intersections.	2022-10-11	Public Works	Kate Harrison	28
Referral: Neighborhood-Scale Commercial (Robinson)DMND0004145	Refer to the City Manager and Planning Commission to consider and develop policies to permit neighborhood-scale retail uses in residential zones to increase economic opportunity, vitality, and walkability in Berkeley neighborhoods. Changes may include zoning alterations or modifications to use permit requirements. In order to inform any potential policy changes, staff should conduct analysis and outreach to understand the market demand for neighborhood-scale commercial uses and consider best practices from other municipalities. Staff and the Planning Commission should consider conditions and development of performance standards to avoid detrimental impacts on surrounding residential uses and neighborhoods, including but not limited to limitations on noise, odors, smoke, waste generation, operating hours, signage, loading/unloading activity, setbacks, tenant protections, limitations on selling alcohol for on-site consumption, considerations for ADA compliance, restricting applicants to businesses with fewer than three locations, and establishing different permitting requirements depending on square footage, proposed use, or other factors. Policy Committee Recommendation: To send the item as revised to the City Council with a positive recommendation.	2024-01-16	PLANNING & DEVELOPMENT	Ben Bartlett, Terry Taplin	29

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Conduct a Study on the City's History of Discriminatory Actions in Housing Policies/ProgramsDMND0004111	Conduct a study that is comprehensive of the following actions: -Document the city of Berkeley's past discriminatory actions in housing policies and programs that adversely impacted the Black community and its ability to remain and grow in the city, build inter-generational wealth, and fully realize the benefits of homeownership; -Inform future housing policy and program development and implementation to address these historic discriminatory practices; and -Provide data and information about historic discriminatory housing policies and programs in support of the city's on-going reparations work. -Select community organization(s) as partners in the study to ensure a comprehensive community engagement process that documents lived experiences and local history so that lessons learned from those experiences can inform future housing policies and programs. Referred to AAO#1.	2023-07-11	HEALTH, HSG & COMMUNITY SVC		30
Budget Referral: No Right on Red SignsDMND0004059	Refer to the City Manager to develop policy recommendations for council consideration that would expand limitations on "right turns on red" for the purposes of pedestrian safety. Staff should consider prohibiting right turns on red in commercial districts, on high-injury corridors, and/or citywide. Staff should engage the Transportation & Infrastructure Commission for feedback and review of possible recommendations. Staff is also requested to coordinate with AC Transit regarding impacts on transit services. Refer the necessary appropriations of \$135,000 to the 2022 November Annual Appropriations Ordinance.	2022-11-03	Public Works	Terry Taplin, Kate Harrison, Sophie Hahn	31
Consideration of Expansion of Paid Parking to Support the Parking Meter Fund and Improved Pedestrian and Bicycle Facilities DMND0003994	1. Refer to the City Manager and the Transportation Commission to consider the extension of paid metered parking to include all days of the week, paralleling the calendar for off-street parking garages. 2. Consider a pilot, phasing-in, and/or exempting certain areas, and conduct broad outreach to merchants, faith-based and other institutions and organizations, neighborhood groups, and others potentially supported or impacted by change. 3. Consider allocation of potential additional revenues to help offset losses to the Parking Meter Fund incurred during COVID. Once the Fund has recovered, consider allocations to support pedestrian and bicycle facilities to help achieve Berkeley's Climate Action and Vision Zero goals on an accelerated basis.	2021-12-14	Public Works	Sophie Hahn, Kate Harrison, Terry Taplin, Rigel Robinson	32
Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23DMND0004150	Referred to the City Manager a request to develop regulations and performance standards to mitigate noise impacts for Group Class Instruction uses.	2024-02-27	PLANNING & DEVELOPMENT		33

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Streamlining Toxic Remediation in Manufacturing Districts DMND0004005	Refer to the City Manager the development of a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division; and refer to the Planning Commission several amendments to the zoning code in order to facilitate toxic remediation in manufacturing districts; in addition, refer to expedite consideration of Councilmembers Wozniak and Moore's 2012 referral to the Planning Commission referenced in Background section, and request it be moved forward as quickly as possible; in addition, refer to the City Manager to consider any and all means to streamline and/or improve the city's processing of remediation of toxic sites. Policy Committee Recommendation: On January 20, 2022, the Land Use, Housing & Economic Development Policy Committee took the following action: M/S/C (Hahn/Robinson) Positive recommendation to refer the item to Council as amended to expand the scope of the referral and specifically request expedited Planning Commission review of the previous 2012 referral.	2022-02-22	PLANNING & DEVELOPMENT	Terry Taplin, Sophie Hahn, Ben Bartlett, Jesse Arreguin	34
Equitable Safe Streets and Climate Justice Resolution DMND0004047	Adopt a REVISED resolution committing the expenditure of City and state/federal matching/recurring funds on city-maintained roads, sidewalks, and bike lanes to accelerate safety improvements in a manner consistent with City, State, and Federal policy on street safety, equity, accessibility, and climate change; refer to the City Manager fully integrate Complete Streets design as defined by the NACTO Urban Street Design Guide in the default engineering standard for city streets; restrict city use of the Manual on Uniform Traffic Control Devices (MUTCD) to only documented cases that require its use for compliance with Federal/State regulations; in all other cases, restrict use of the MUTCD to "engineering judgment."	2022-09-13	Public Works	Terry Taplin	35
Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley DMND0003909	1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information. 2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.	2020-11-17	Public Works		36

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150DMND0004106	Refer to the City Manager to provide the City Council a report on the bird safe building requirements no sooner than three years after effective date of this ordinance, including the following: 1. An update on the implementation of the ordinance and the costs, availability, and market for bird safe glass. 2. Review of the entire ordinance including but not limited to changing the applicability of the ordinance; and Refer to the City Manager to explore providing applicants information on the bird safe building requirements and encourage voluntary compliance for projects not subject to the ordinance;	2023-06-06	PLANNING & DEVELOPMENT		37
Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals DMND0004153	2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.	2020-07-28	PLANNING & DEVELOPMENT		38
Southside Zoning AmendmentsDMND0004136	Green & Open Spaces in New Construction Referral: Refer to the City Manager to incorporate incentives and/or requirements for widened sidewalks, activated pedestrian spaces, and green roofs as part of new construction citywide. Staff should consider applying the pedestrian-space priority for open space developed for the Southside Plan Area to other areas or to all commercial zones, and should consider other strategies to incentivize sidewalk widening. Staff should emphasize opportunities to activate frontage strips, rather than requiring setbacks.	2023-11-21	PLANNING & DEVELOPMENT		39
Referral: Establishing an Electric Bike Rebate Program and Expanding Low-Income E-Bike Ownership through the Climate Equity Action FundDMND0004063	Refer to the City Manager to explore the creation of a program to establish a two-tiered point-of-sale rebate program to reduce the up-front cost of electric bicycles and necessary safety and security accessories for Berkeley residents, including: -Rebate Level 1: a point-of-sale rebate to be made available to all City of Berkeley residents; -Rebate Level 2: a point-of-sale rebate that covers a higher percentage of the cost than Rebate Level 1, to be made available to low-income City of Berkeley residents. Refer \$500,000 to the FY 2023 AAO #1 process as follows: -\$400,000 for the point of sale rebate program; -\$100,000 in supplementary funding towards the Climate Equity Action Fund (CEAF) to further facilitate e-bike ownership among low-income Berkeley residents.	2022-11-15	Public Works	Rigel Robinson, Kate Harrison, Terry Taplin, Sophie Hahn	40

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in BerkeleyDMND0002543	Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.	2017-07-11	PLANNING & DEVELOPMENT		41
Approval of the Public Bank East Bay Viability Study DMND0004083	Refer to the Budget & Finance Policy Subcommittee to review and discuss the Public Bank East Bay Viability Study and consider the following recommendations for the full Council: (1) Adopt a resolution formally adopting the viability study; (2) Adopt a resolution of intention to form the Public Bank East Bay alongside Oakland & Richmond; (3) Refer to the City Manager to coordinate with the Friends of the Public Bank of the East Bay and the staff of the cities of Oakland and Richmond on the development of a business plan for the Public Bank of the East Bay, or designate the appropriate staff to do so; (4) Refer to the City Manager to engage an independent consultant with expertise in banking operations and financing to advise city staff as they coordinate with the Friends of the Public Bank East Bay and participating jurisdictions in the production of a business plan for a public bank Policy Committee Recommendation: To send the item to Council with a positive recommendation.	2023-04-11	Finance	Jesse Arreguin, Kate Harrison, Sophie Hahn	42
Urgent Item: Opening the Dwight TriangleDMND0004128	Refer to the City Manager to open the fence-enclosed space in the Dwight Triangle, at the intersection of Telegraph Avenue and Dwight Way, for public use and recreation. Additionally, refer to the City Manager to install permanent chess tables and benches and to consider any landscaping improvements deemed necessary by staff. Refer \$25,000 to the November AAO #1 budget process for improvements to the Dwight Triangle, including but not limited to permanent chess tables, benches, landscaping improvements, traffic calming, and signage associated with opening the Dwight Triangle for public use and recreation. City staff should consider if existing funds are able to be utilized to allow the space to be improved sooner.	2023-10-10	Public Works	Rigel Robinson, Mark Humbert	43
Pollinators and Habitat DMND0003807	Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment: 1. Refer to City Manager to establish a City Liaison to the Bee City USA program. 2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019. (COMMISSION REFERRAL) 3. Refer to the City Manager to transition the City's medians to non-turf green infrastructure, including pollinator gardens when appropriate.	2019-09-24	Parks, Recreation & Waterfront	Kate Harrison, Susan Wengraf, Ben Bartlett	44

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
100% Sustainable Trips by 2040DMND0003885	Adopt the attached Resolution, setting a goal of achieving 50% increase in trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.	2020-09-15	PLANNING & DEVELOPMENT		45
Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance DMND0003748	Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences. ADD: Issues raised in supplemental memo.	2018-09-13	PLANNING & DEVELOPMENT	Susan Wengraf	46
Outcomes Based Funding, Pay-For-Success and Social Impact BondsDMND0004071	Send the item to the City Council with a Qualified Positive Recommendation to refer to the City Attorney to provide guidance on how the City can implement an Outcomes Based Funding initiative; request implementation analysis from the City Manager; and request information on whether or not this program can be used with external funds (e.g. grants) or city funds only.	2023-01-31	City Attorney	Ben Bartlett	47
Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses.DMND0003749	Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. This action was adopted as part of the Cannabis Ordinance amendments.	2019-04-02	PLANNING & DEVELOPMENT		48
Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South BerkeleyDMND0002448	Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations.	2017-07-11	CITY MANAGER'S OFFICE	Ben Bartlett and Kate Harrison	49

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List of Referrals in Ranked Order

Exhibit A

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Accelerating the City of Berkeley's transition to Plant-Based Foods DMND0003965	1) Adopt a resolution establishing a goal to achieve a 50% decrease in animalbased food products served by the City of Berkeley by 2024, and refer to the City Manager to report to the City Council on progress towards reaching this goal by January 31, 2022. 2) Adopt an eventual goal of a 100% shift to plant-based food products served by the City of Berkeley and refer to the City Manager to report to the City Council by June 30, 2022 on potential feasibility and timelines to transition to 100% plant-based foods.	2021-07-27	CITY MANAGER'S OFFICE	Sophie Hahn, Jesse Arreguin	50
Referral to the City Attorney: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell StreetDMND0004149	Refer the City Attorney to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.	2024-02-27	City Attorney	Ben Bartlett	51
Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season DMND0004009	Establishing a policy and referring to the City Manager to create a process to reduce or waive City Park Fees for free and permitted outdoor theater, arts events, and other events as appropriate based on objective consideration of their benefits to the public welfare, including but not limited to educational content, non-profit status, and means.	2022-03-08	CITY MANAGER'S OFFICE	Kate Harrison, Ben Bartlett	52
Dark Skies OrdinanceDMND0004131	Refer to the Planning Commission and the City Manager to consider a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.	2019-11-12	PLANNING & DEVELOPMENT		53
Regulation of Autonomous Vehicles DMND0004054	Refer to the City Attorney the assessment of the legal abilities and opportunities for the City Council to regulate the operation, sale, and testing of autonomous vehicles (AVs) within the City of Berkeley and report to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee (FITES) on all findings. Policy Committee Recommendation: To approve the item with a positive recommendation.	2022-10-11	City Attorney	Terry Taplin, Kate Harrison, Rigel Robinson	54
Addressing Hyundai and Kia Car TheftsDMND0004102	Direct the City Attorney to explore taking legal action against Hyundai and Kia.	2023-05-23	City Attorney	Jesse Arreguin	55

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List of Referrals in Ranked Order

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code EnforcementDMND0002545	Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.	2014-09-09	PLANNING & DEVELOPMENT		56
Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices. DMND0003733	Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.	2019-04-30	CITY MANAGER'S OFFICE	Sophie Hahn, Jesse Arreguin, Cheryl Davila, Rigel Robinson	57

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent CrimeDMND0004146	<p>1. Pursuant to Berkeley Police Department Policy Numbers 351 and 1304, the City Council approves the following additional locations for the installation of External Fixed Video Surveillance Cameras, signage and increased lighting at the following locations, and refer the costs for acquisition of cameras and lighting to the FY 2025 Budget process:</p> <ul style="list-style-type: none"> • Alcatraz and College; • Woolsey and Telegraph; • Woolsey and Shattuck; • Alcatraz and Adeline; • Alcatraz and Sacramento; • San Pablo Ave. and Gilman <p>Additional camera locations to be considered for potential future installation include:</p> <ul style="list-style-type: none"> • Telegraph and Dwight; • 5th Street and Gilman; • 4th Street and Hearst; • Cedar St. and Eastshore Hwy; • 4th Street and Virginia; • 8th Street and Harrison; • 2nd Street and Page; • University and San Pablo <p>The costs for installation and maintenance of cameras at additional authorized locations would be determined and approved separately during future budget processes.</p> <p>2. Direct the City Manager to engage with the Police Accountability Board on this proposal and request their feedback to Council within 30 days of submission. The Council will take its comments into consideration during subsequent steps for final approval for purchase and installation of cameras at approved locations.</p> <p>3. Direct the City Manager to prepare targeted amendments to various pertinent surveillance technology reports and policies in order to provide extra transparency beyond what is explicitly required by the Berkeley Municipal Code and Berkeley Police Department Law Enforcement Manual.</p> <p>Security camera footage would be used solely in a manner consistent/compliant with existing ordinances and the Berkeley Police Department's existing use policies, as enumerated in the Berkeley Municipal Code, the Berkeley Police Department Law Enforcement</p>	2024-01-30	CITY MANAGER'S OFFICE	Mark Humbert, Ben Bartlett	1	5	4	5	0	0	0	5	0	5
Response to Council Referral: Long Term Care Facility OversightDMND0004154	<p>Refer to the City Manager and the budget process the (1) establishment of an enhanced Ombudsperson program for oversight of Skilled Nursing Facilities and Residential Care Facilities for the Elderly, and (2) early implementation of the Centers for Medicare & Medicaid Services (CMS) proposal for minimum nursing staffing levels ahead of the three-year period proposed by CMS.</p>	2024-03-26	HEALTH, HSG & COMMUNITY SVC		2	3	0	4	5	0	5	3	0	2

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial DistrictsDMND0003998	<p>Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include:</p> <ul style="list-style-type: none"> • A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1. • A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck Avenue from Carleton southward to Alcatraz Avenue; (2) on the south, the north side of Alcatraz Avenue from Shattuck Avenue to Martin Luther King Jr. Way; Martin Luther King Jr. Way southward to 62nd Street; 62nd Street to King Street; (3) on the west, King street to Russell Street; (4) on the north, Russell Street to Grant Street; Grant Street north to Carleton Street; and Carleton Street to Shattuck Avenue. See map in Attachment 1. • Consideration of expanding the goBerkeley parking program1 to include installation of paid parking within a subsection of the defined Gilman and Lorin Parking Benefit Districts only where warranted based on parking demand using a demand-based pricing model. • Consideration of amending the goBerkeley program to allow net parking revenues to be reinvested within the Gilman and Lorin Parking Benefits Districts where the revenue is generated for the purpose of funding improvements, such as trash removal, sidewalk cleaning, enhanced lighting, signage, beautification like landscaping or other improvements based on input from an advisory board of 	2022-01-18	Public Works	Rashi Kesarwani, Ben Bartlett, Jesse Arreguin, Terry Taplin	3	3	4	2	4	0	3	3	0	3

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
51B BRT + University/Shattuck Corridor Mobility ImprovementsDMND0004122	<p>1. Refer to the City Manager commencement of a feasibility analysis and community engagement process to develop options for the implementation of Bus Rapid Transit (BRT) improvements along AC Transit's 51B route; options are to be developed in tandem with internal city departments, including Public Works, Fire, Police Traffic Unit, and Economic Development, and interagency partners, including AC Transit, the Alameda County Transportation Commission, BART, Caltrans, UC Berkeley, and WETA; community engagement is to emphasize students, transportation advocates, transit riders, the disability rights community, the faith community, the senior community, local merchants, the business community, the arts community, and tenants; consultation with AC Transit and UC Berkeley Bear Transit on planning, scoping, and implementation is to begin as soon as possible; staff are encouraged to explore and pursue quick build improvements.</p> <p>2. Refer \$150,000 to the FY 2024-2025 budget process to increase the budget for the city's ADA Transition Plan capital project to prioritize and implement ADA improvements at the city's intersections, such as curb cuts, auditory functions of crossing signals, bulb-outs, shortening crossing distances, and other safety improvements.</p> <p>3. Refer \$150,000 to the FY 2025-2026 budget process for consulting costs to conduct corridor studies along University Avenue, from Seawall Drive, to Oxford Street, and along Oxford Street and Fulton Street, from Virginia Street to Durant Avenue, to identify appropriate road safety improvements that advance city-adopted safety, transportation, and climate goals and are continuous with work currently underway on the Addison Bicycle Boulevard, and explore improvements for curb management, i.e. accessible parking (blue curbs), management of curb space for third party delivery service, etc. Policy Committee Recommendation: To forward the item to Council with a positive recommendation.</p>	2023-09-12	Public Works	Terry Taplin, Rigel Robinson, Mark Humbert	4	5	5	5	1	0	0	2	0	5

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral to Implement State Law AB 43 for Reduced Speed Limits on High-Injury Commercial CorridorsDMND0004008	Refer to the City Manager to implement state law AB 43 on High-injury commercial corridors as identified in our Vision Zero Annual Report, 2020-2021 in order to allow a reduction in speed limits by 5 miles per hour; - Any other corridors covered by AB 43, as appropriate, in order to implement reduced prima facie speed limits and identify those corridors for future traffic studies where prima facie limits are presently unsafe. Upon completion of this referral, we note that a budget allocation would be needed in the amount of \$25,000 to \$50,000 for new speed limit signage. Funding will be requested later (likely for the FY 2023-24 budget) in order to allow time for staff to determine the applicable streets for additional signage.	2022-03-08	Public Works	Rashi Kesarwani, Terry Taplin, Rigel Robinson, Susan Wengraf	5	4	5	4	0	0	0	5	0	5

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
RFP for Development of West Berkeley Service CenterDMND0004148	<p>Refer to the City Manager to issue a Request for Proposal (RFP) or Request for Qualifications (RFQ), once a viable local funding source(s) has been identified, for the development of the city-owned West Berkeley Service Center, (1900 Sixth Street), to permit site acquisition and construction of a 100-percent affordable housing project with the following key features:</p> <ul style="list-style-type: none"> • Space on the ground floor of the building for administrative offices, community space and supportive services as currently provided by the City; • Maximizing the number of units under the existing zoning Mixed Use-Residential (MU-R) in conjunction with state law AB 1763 (2019); • A mix of unit sizes, including studios, one-bedroom, and two-bedroom units; • Require RFP applicants to include a plan for services provision and integration for the population(s) they propose to serve; • A preference for serving seniors with cognitive disabilities and adults with mental health conditions while maintaining flexibility to serve other populations based on availability of funding; and • A board and care facility with a minimum of 20 beds including space for staff and services, unless it is determined that viable funding sources are not available. <p>The City Manager should also consider the feasibility of the following elements in the program design:</p> <ul style="list-style-type: none"> • Universally designed housing for older adults; • Consider available federal, state, regional, local and private funding sources to finance the construction of a housing project, including with the potential target populations. <p>The issuance of an RFP should be timed to happen soon after the City has identified local funding for the development that could potentially be made available via the RFP/RFQ.</p>	2024-02-13	HEALTH, HSG & COMMUNITY SVC	Jesse Arreguin, Rashi Kesarwani, Sophie Hahn, Susan Wengraf	6	4	5	5	0	0	0	5	0	4

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Berkeley Food Utility and Access Resilience Measure (FARM)DMND0004109	<p>1. Refer to the City Manager the task of protecting the City's food supply from natural disasters and economic disruptions by promoting the efforts of community-based organizations to design and implement an integrated local food production and distribution system for the City of Berkeley.</p> <p>2. Refer to the City Manager and the Office of Economic Development resources to research and return to the Council potential economic incentives for non-profits, agricultural producers, and small businesses to partner with the City of Berkeley to support the implementation of FARM.</p> <p>3. Adopt a resolution to support the goals of the FARM initiative and the development of hyperlocal urban food production with community-based organizations.</p> <p>Policy Committee Recommendation: To send the item to Council with a positive recommendation.</p>	2023-06-27	Office of Economic Development	Ben Bartlett, Jesse Arreguin, Kate Harrison, Sophie Hahn	7	5	0	4	3	0	4	0	0	2
Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community DevelopmentDMND0004129	Refer to the City Manager to consider changes to development standards with specific consideration for setbacks, height, and building separation, for accessory buildings and structures to promote fire safety citywide.	2023-10-03	PLANNING & DEVELOPMENT		8	0	4	3	0	0	4	5	0	3

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral to Rezone Gilman Street to Maximize Revenue Productivity Per AcreDMND0004124	<p>Refer to the City Manager and Planning Commission to rezone Gilman Street—a major thoroughfare for entering and exiting the City—from San Pablo Avenue to Interstate 80 to maximize revenue-generating and job-creating uses. Specifically, the rezoning of Gilman Street should consider the following:</p> <p>Potential for applying the Manufacturing, Research and Development (M-RD) zoning district currently planned for the Pacific Steel Casting site to a portion of Gilman Street. The M-RD zoning district seeks to better align with Berkeley's goals and needs by: allowing research and development, office, laboratory, and light manufacturing uses currently not permitted by the existing Manufacturing (M) zoning; and removing protections for existing manufacturing uses and constraints associated with certain development standards; and/or</p> <p>Consider a new zoning designation for a portion of Gilman Street west of San Pablo Avenue to I-80 that maximizes revenue productivity per acre via permitted uses and associated development standards; and</p> <p>Extend West Berkeley Commercial District (C-W) zoning on Gilman Street from Ninth Street further west for a certain number of blocks and enhance the flexibility of C-W development standards to increase the likelihood of redevelopment—in coordination with "Keep Innovation in Berkeley" Council referral (passed on Sept. 13, 2022) that seeks to allow research and development uses in C zones.¹</p> <p>Refer \$250,000 to the FY 2024-25 budget process for consulting services to assist with the planning process and associated environmental review and economic analyses.</p>	2023-09-19	PLANNING & DEVELOPMENT	Rashi Kesarwani, Terry Taplin, Susan Wengraf, Rigel Robinson	9	3	5	5	0	0	0	5	0	4

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs DMND0004064	<p>1. Refer to the City Manager to Strengthen Adult Criminal Justice Re-Entry Employment Programs in Berkeley by studying re-entry programs, supports, and systems already available for Berkeley residents, strengthening linkages, and identifying gaps. Report findings back to the Health, Life Enrichment, Equity & Community Committee during 2023.</p> <p>2. Refer \$50,000 to the Budget Process to engage a consultant to recommend a Universal Income Pilot for Berkeley. Recommendation to include evaluation of: -Potential funding sources; -Appropriate and recommended models for Berkeley; -Target population(s) to be supported by Pilot; -Program delivery models; -Evaluation; -Any and all other elements/factors to establish an effective Universal Income Pilot for Berkeley.</p> <p>Considerations for target populations may include local Equity Indicators measuring racial justice and social equity outcomes such as poverty and financial health, educational disparities, environmental and mental health, housing quality, infrastructure, and public safety.</p> <p>3. Refer to the City Manager to establish evaluation processes and metrics for all social services programs recommended through the Reimaging Public Safety Process, including but not limited to violence prevention services, adult reentry programs, and mental health crisis response, and report evaluation outcome to the City Council.</p>	2022-12-06	CITY MANAGER'S OFFICE	Terry Taplin, Kate Harrison, Sophie Hahn, Rigel Robinson	10	4	1	0	0	0	5	2	0	3
Southside Zoning AmendmentsDMND0004135	Refer to the City Manager to develop for consideration requirements for new residential construction that all bedrooms contain windows, and consider window requirements for all habitable space, as defined in the zoning code. Staff should engage the Planning Commission in developing recommendations, and should evaluate the impact new requirements would place on the feasibility of new housing projects and flexibility for project floor plans.	2023-11-21	PLANNING & DEVELOPMENT		11	3	3	2	0	0	0	5	0	3

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) OrdinanceDMND0004099	2. Refer the City Manager and Planning Commission if necessary to: d. Consider upzoning the C-DMU Downtown Mixed-Use District zoning to allow for an increased number of taller exceptions (at or above 180 feet in height) and explore other zoning modifications to allow for additional density as a way to offset the cost of these new labor standards.	2023-05-02	PLANNING & DEVELOPMENT	Jesse Arreguin	12	0	3	5	0	0	0	3	0	4
Prioritizing Pedestrians at IntersectionsDMND0002584	Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.	2017-05-16	Public Works	Lora Droste, Susan Wengraf, Ben Bartlett	13	3	3	0	0	0	0	4	0	5
Referral to City Manager and City Attorney: Tenant Habitability Plan and Amendments to Relocation OrdinanceDMND0004105	1. Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions. The committee further recommends that the City Manager establish an interdepartmental working group, including staff from Planning, HHCS, and the Rent Board. 2. Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.	2023-06-06	CITY MANAGER'S OFFICE	Jesse Arreguin	14	5	0	4	0	0	0	3	0	3

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral to Conduct an Automatic Traffic Calming Review for the Area Immediately Surrounding the Project at 1201-1205 San Pablo AvenueDMND0004058	Refer to the City Manager to conduct an automatic traffic calming review for the area immediately surrounding the streets of the project located at 1201-1205 San Pablo Avenue within six (6) months of the building's occupancy reaching 90 percent of its capacity with the intent of expediting the traffic calming process for neighbors impacted by the development of this project. The traffic calming review should include the following intersections: Gilman and Kains; Gilman and Stannage; Harrison and San Pablo; Harrison and Kains; Harrison and Stannage.	2022-11-03	Public Works	Rashi Kesarwani	15	1	3	5	0	0	0	4	0	2
Development of Artists Affordable Housing Certification ProgramDMND0004101	Recommendation: Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.	2023-05-23	Office of Economic Development		16	0	0	5	2	0	0	3	0	1
Referring the Civic Arts Commission's affordable housing for artists in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update DMND0004003	2. Refer to the City Manager, Planning Commission, and Housing Advisory Commission consideration of the feasibility and impacts of allowing ground floor affordable live, work, and live-work space for artists in certain commercial, manufacturing, and mixed-use buildings/areas, both new-build and existing, and exploration of other opportunities for living, work and live-work space for artists.	2022-01-25	PLANNING & DEVELOPMENT	Sophie Hahn, Terry Taplin, Kate Harrison, Susan Wengraf	17	0	0	0	0	0	5	4	0	0
Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded DMND0004100	Refer to the City Manager to establish a policy that the Public Works Department will be responsible for reviewing, submitting, and approving all departmental requests to Council for adding new vehicles to the fleet to facilitate maximum cost recovery through the vehicle replacement fund, consistency with fleet rightsizing studies, oversight, and timely electrification of the fleet.	2023-05-23	Public Works		18	0	3	3	0	0	0	4	0	4

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis BusinessesDMND0004110	<p>1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and</p> <p>2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.</p> <p>3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.</p>	2023-06-27	PLANNING & DEVELOPMENT	Ben Bartlett, Jesse Arreguin, Kate Harrison, Mark Humbert	19	4	2	4	0	0	0	0	0	3
Efficiency Unit Ordinance DMND0004048	<p>Refer to the City Manager and Planning Commission to study and, if recommended, propose standards for Efficiency Units pursuant to California Housing and Safety Code Section 17958.1. Consider appropriate standards for unit size and facilities including bathrooms as well as for shared indoor and outdoor spaces and facilities within buildings with such units. Shared space requirements may include requirements for "full kitchen" facilities, dining and/or meeting rooms, indoor lounge/study areas, outdoor/roof space, bike/scooter and stroller parking, gym/workout/play spaces, storage, and other shared and accessible facilities to support healthy and social lives, and accommodate important activities and uses that are externalized from Efficiency Units. Consider zones where Efficiency Units may be appropriate, affordability requirements, phasing, and any other standards and zoning related to such units. Based on study and consideration of financial feasibility, develop recommendations and/or an ordinance to amend the Berkeley Municipal Code modeled after standards implemented in the City of Davis, the City of Santa Barbara and other cities.</p>	2022-09-13	PLANNING & DEVELOPMENT	Terry Taplin, Rigel Robinson	20	3	3	3	0	0	0	2	0	2

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits DistrictDMND0003997	Refer to the City Manager and FY 2022-23 June Budget Process to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund. Considerations for a Marina Master Plan for Parking should include: • Conducting robust outreach to marina stakeholders in order to: gather feedback about parking needs, communicatinge benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate; • Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures; • Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits; and, • Discussion of efforts to make it easy and safe for visitors to access the marina by foot, bike, micro-mobility device, and/or public transit.	2022-01-18	Public Works	Rashi Kesarwani, Jesse Arreguin, Terry Taplin, Rigel Robinson	21	2	3	0	0	0	0	5	0	3
Nancy Skinner Municipal Pier Resolution DMND0004138	Refer to the Parks, Recreation, and Waterfront (PRW) Commission a Resolution renaming the Berkeley Municipal Pier in honor of State Senator Nancy Skinner (DBerkeley) upon its reopening to the public and authorizing the City Manager to update signage and electronic media accordingly; and to return Resolution to Council for final consideration.	2023-12-05	Parks, Recreation & Waterfront	Terry Taplin, Rashi Kesarwani	22	0	1	4	0	0	0	5	0	3

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral: Southside Impact Fee Nexus StudyDMND0004072	1. Refer to the City Manager to establish a development impact fee for projects within the Southside Plan boundary for the purpose of funding Southside public realm improvements. Staff should complete all necessary actions, including preparation of a Nexus Study pursuant to the Mitigation Fee Act. 2. Refer \$250,000 to the FY 2023 budget process for a consultant to be engaged over a two-year process, starting in 2024, to assist with the vision, capital list, nexus study, fee schedule, and other requirements.	2023-02-14	Public Works	Rigel Robinson, Ben Bartlett, Kate Harrison, Mark Humbert	23	4	0	2	0	0	0	2	0	4
Residential Preferential Parking (RPP) Program Expansion for West Berkeley Neighborhoods Within Two Blocks of Commercial CorridorsDMND0004053	Referral to the City Manager to expand the scope of the Residential Preferential Parking (RPP) program as originally proposed by staff during the May 14, 2019 City Council Public Hearing as a way to allow more residents to opt-in to this program.	2022-10-11	Public Works	Rashi Kesarwani, Terry Taplin	24	2	4	0	0	0	0	3	0	2
Referral: On-Street Secure Bike StorageDMND0004078	Refer to the City Manager to develop and return to Council with a plan to create on-street secure bike parking in multi-family residential and commercial districts across the City in parking spots previously reserved for car storage. Take associated actions, including: 1. Determining recommended locations for installation that take into consideration factors such as equity priority neighborhoods; transit connections; bicycle network connections; areas with high percentages of tenants; access to destinations such as schools, community centers, employment centers, and businesses; and public input. 2. Developing and issuing a Request for Proposal for an operator to install and maintain on-street bike lockers, including lockers that can accommodate bikes of varying shapes and sizes. 3. Pursuing available grant opportunities to fund initial costs and ongoing maintenance.	2023-03-21	Public Works	Rigel Robinson, Sophie Hahn, Kate Harrison, Terry Taplin	25	3	2	0	0	0	0	1	0	4

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral to Strengthen Public Health and Environmental Impact Mitigation for Industrial Facilities in the Manufacturing Zone DMND0003975	Refer to the City Manager to: Establish a procedure for enhanced review of use permits in the manufacturing zone for industrial facilities—upon initial submission or upon submission of an amended use permit—in order to ensure public health and environmental impacts are appropriately mitigated as a condition of the use permit. Further, if appropriate, consider mitigation that includes the use-permit applicant contracting with a certified third-party to install air quality monitoring device(s) that can enable periodic reporting on pollutants relevant to the particular industrial process proposed in the initial or amended use permit. Explore feasibility of increasing penalty fee schedule as a deterrence for use-permit violations related to public health and environmental impacts, such as air, noise, and water pollution.	2021-09-28	PLANNING & DEVELOPMENT	Rashi Kesarwani, Terry Taplin, Lora Droste, Susan Wengraf	26	0	3	0	0	0	0	3	0	4
Right to Choose Communications Services Provider DMND0003929	Refer to the City Manager and City Attorney to explore, and if deemed feasible, draft ordinance language to clarify that property owners of multi-unit properties cannot interfere with tenants' choice of communications services providers. The City of San Francisco has implemented such an ordinance, which has since been challenged. This recommendation requests the City Attorney to review the San Francisco law and Federal Communications Commission rulings pertaining to this topic to determine if Berkeley could effectively adopt a similar ordinance.	2021-02-09	City Attorney	Lora Droste, Jesse Arreguin, Terry Taplin, Rigel Robinson	27	2	1	0	0	0	0	3	0	4
Referral to the Transportation and Infrastructure Commission and City Manager to Consider and Make Recommendations Regarding the Policy of Deploying Rectangular Rapid Flashing Beacons and Other Treatments at Dangerous or High-Collision Pedestrian and Bicycle IntersectionsDMND0004057	Referral to the Transportation and Infrastructure Commission and City Manager to consider and make recommendations regarding the policy of deploying Rectangular Rapid Flashing Beacon (RRFB) and other treatments at dangerous or high-collision pedestrian and bicycle intersections.	2022-10-11	Public Works	Kate Harrison	28	0	3	0	0	0	0	3	0	3

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral: Neighborhood-Scale Commercial (Robinson)DMND0004145	<p>Refer to the City Manager and Planning Commission to consider and develop policies to permit neighborhood-scale retail uses in residential zones to increase economic opportunity, vitality, and walkability in Berkeley neighborhoods. Changes may include zoning alterations or modifications to use permit requirements.</p> <p>In order to inform any potential policy changes, staff should conduct analysis and outreach to understand the market demand for neighborhood-scale commercial uses and consider best practices from other municipalities.</p> <p>Staff and the Planning Commission should consider conditions and development of performance standards to avoid detrimental impacts on surrounding residential uses and neighborhoods, including but not limited to limitations on noise, odors, smoke, waste generation, operating hours, signage, loading/unloading activity, setbacks, tenant protections, limitations on selling alcohol for on-site consumption, considerations for ADA compliance, restricting applicants to businesses with fewer than three locations, and establishing different permitting requirements depending on square footage, proposed use, or other factors.</p> <p>Policy Committee Recommendation: To send the item as revised to the City Council with a positive recommendation.</p>	2024-01-16	PLANNING & DEVELOPMENT	Ben Bartlett, Terry Taplin	29	0	1	3	0	0	0	1	0	4

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Conduct a Study on the City's History of Discriminatory Actions in Housing Policies/ProgramsDMND0004111	Conduct a study that is comprehensive of the following actions: - Document the city of Berkeley's past discriminatory actions in housing policies and programs that adversely impacted the Black community and its ability to remain and grow in the city, build inter-generational wealth, and fully realize the benefits of homeownership; -Inform future housing policy and program development and implementation to address these historic discriminatory practices; and -Provide data and information about historic discriminatory housing policies and programs in support of the city's on-going reparations work. -Select community organization(s) as partners in the study to ensure a comprehensive community engagement process that documents lived experiences and local history so that lessons learned from those experiences can inform future housing policies and programs. Referred to AAO#1.	2023-07-11	HEALTH, HSG & COMMUNITY SVC		30	4	0	2	0	0	0	1	0	1
Budget Referral: No Right on Red SignsDMND0004059	Refer to the City Manager to develop policy recommendations for council consideration that would expand limitations on "right turns on red" for the purposes of pedestrian safety. Staff should consider prohibiting right turns on red in commercial districts, on high-injury corridors, and/or citywide. Staff should engage the Transportation & Infrastructure Commission for feedback and review of possible recommendations. Staff is also requested to coordinate with AC Transit regarding impacts on transit services. Refer the necessary appropriations of \$135,000 to the 2022 November Annual Appropriations Ordinance.	2022-11-03	Public Works	Terry Taplin, Kate Harrison, Sophie Hahn	31	0	2	0	0	0	0	4	0	3

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Consideration of Expansion of Paid Parking to Support the Parking Meter Fund and Improved Pedestrian and Bicycle Facilities DMND0003994	1. Refer to the City Manager and the Transportation Commission to consider the extension of paid metered parking to include all days of the week, paralleling the calendar for off-street parking garages. 2. Consider a pilot, phasing-in, and/or exempting certain areas, and conduct broad outreach to merchants, faith-based and other institutions and organizations, neighborhood groups, and others potentially supported or impacted by change. 3. Consider allocation of potential additional revenues to help offset losses to the Parking Meter Fund incurred during COVID. Once the Fund has recovered, consider allocations to support pedestrian and bicycle facilities to help achieve Berkeley's Climate Action and Vision Zero goals on an accelerated basis.	2021-12-14	Public Works	Sophie Hahn, Kate Harrison, Terry Taplin, Rigel Robinson	32	0	0	3	0	0	0	2	0	4
Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23DMND0004150	Referred to the City Manager a request to develop regulations and performance standards to mitigate noise impacts for Group Class Instruction uses.	2024-02-27	PLANNING & DEVELOPMENT		33	0	0	5	0	0	0	1	0	2
Streamlining Toxic Remediation in Manufacturing Districts DMND0004005	Refer to the City Manager the development of a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division; and refer to the Planning Commission several amendments to the zoning code in order to facilitate toxic remediation in manufacturing districts; in addition, refer to expedite consideration of Councilmembers Wozniak and Moore's 2012 referral to the Planning Commission referenced in Background section, and request it be moved forward as quickly as possible; in addition, refer to the City Manager to consider any and all means to streamline and/or improve the city's processing of remediation of toxic sites. Policy Committee Recommendation: On January 20, 2022, the Land Use, Housing & Economic Development Policy Committee took the following action: M/S/C (Hahn/Robinson) Positive recommendation to refer the item to Council as amended to expand the scope of the referral and specifically request expedited Planning Commission review of the previous 2012 referral.	2022-02-22	PLANNING & DEVELOPMENT	Terry Taplin, Sophie Hahn, Ben Bartlett, Jesse Arreguin	34	1	1	0	0	0	0	3	0	3

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Equitable Safe Streets and Climate Justice ResolutionDMND0004047	Adopt a REVISED resolution committing the expenditure of City and state/federal matching/recurring funds on city-maintained roads, sidewalks, and bike lanes to accelerate safety improvements in a manner consistent with City, State, and Federal policy on street safety, equity, accessibility, and climate change; refer to the City Manager fully integrate Complete Streets design as defined by the NACTO Urban Street Design Guide in the default engineering standard for city streets; restrict city use of the Manual on Uniform Traffic Control Devices (MUTCD) to only documented cases that require its use for compliance with Federal/State regulations; in all other cases, restrict use of the MUTCD to "engineering judgment."	2022-09-13	Public Works	Terry Taplin	35	2	0	0	0	0	0	2	0	4
Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley DMND0003909	1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information. 2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.	2020-11-17	Public Works		36	2	1	0	0	0	0	3	0	1

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150DMND0004106	Refer to the City Manager to provide the City Council a report on the bird safe building requirements no sooner than three years after effective date of this ordinance, including the following: 1. An update on the implementation of the ordinance and the costs, availability, and market for bird safe glass. 2. Review of the entire ordinance including but not limited to changing the applicability of the ordinance; and Refer to the City Manager to explore providing applicants information on the bird safe building requirements and encourage voluntary compliance for projects not subject to the ordinance;	2023-06-06	PLANNING & DEVELOPMENT		37	0	0	3	0	0	0	2	0	2
Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals DMND0004153	2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.	2020-07-28	PLANNING & DEVELOPMENT		38	0	1	0	0	0	0	4	0	1
Southside Zoning AmendmentsDMND0004136	Green & Open Spaces in New Construction Referral: Refer to the City Manager to incorporate incentives and/or requirements for widened sidewalks, activated pedestrian spaces, and green roofs as part of new construction citywide. Staff should consider applying the pedestrian-space priority for open space developed for the Southside Plan Area to other areas or to all commercial zones, and should consider other strategies to incentivize sidewalk widening. Staff should emphasize opportunities to activate frontage strips, rather than requiring setbacks.	2023-11-21	PLANNING & DEVELOPMENT		39	0	0	2	0	0	0	3	0	1

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral: Establishing an Electric Bike Rebate Program and Expanding Low-Income E-Bike Ownership through the Climate Equity Action FundDMND0004063	Refer to the City Manager to explore the creation of a program to establish a two-tiered point-of-sale rebate program to reduce the up-front cost of electric bicycles and necessary safety and security accessories for Berkeley residents, including: -Rebate Level 1: a point-of-sale rebate to be made available to all City of Berkeley residents; -Rebate Level 2: a point-of-sale rebate that covers a higher percentage of the cost than Rebate Level 1, to be made available to low-income City of Berkeley residents. Refer \$500,000 to the FY 2023 AAO #1 process as follows: -\$400,000 for the point of sale rebate program; -\$100,000 in supplementary funding towards the Climate Equity Action Fund (CEAF) to further facilitate e-bike ownership among low-income Berkeley residents.	2022-11-15	Public Works	Rigel Robinson, Kate Harrison, Terry Taplin, Sophie Hahn	40	2	0	0	0	0	0	1	0	2
Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in BerkeleyDMND0002543	Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.	2017-07-11	PLANNING & DEVELOPMENT		41	2	0	0	0	0	0	2	0	1
Approval of the Public Bank East Bay Viability Study DMND0004083	Refer to the Budget & Finance Policy Subcommittee to review and discuss the Public Bank East Bay Viability Study and consider the following recommendations for the full Council: (1) Adopt a resolution formally adopting the viability study; (2) Adopt a resolution of intention to form the Public Bank East Bay alongside Oakland & Richmond; (3) Refer to the City Manager to coordinate with the Friends of the Public Bank of the East Bay and the staff of the cities of Oakland and Richmond on the development of a business plan for the Public Bank of the East Bay, or designate the appropriate staff to do so; (4) Refer to the City Manager to engage an independent consultant with expertise in banking operations and financing to advise city staff as they coordinate with the Friends of the Public Bank East Bay and participating jurisdictions in the production of a business plan for a public bank Policy Committee Recommendation: To send the item to Council with a positive recommendation.	2023-04-11	Finance	Jesse Arreguin, Kate Harrison, Sophie Hahn	42	4	0	0	0	0	0	0	0	0

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Urgent Item: Opening the Dwight TriangleDMND0004128	Refer to the City Manager to open the fence-enclosed space in the Dwight Triangle, at the intersection of Telegraph Avenue and Dwight Way, for public use and recreation. Additionally, refer to the City Manager to install permanent chess tables and benches and to consider any landscaping improvements deemed necessary by staff. Refer \$25,000 to the November AAO #1 budget process for improvements to the Dwight Triangle, including but not limited to permanent chess tables, benches, landscaping improvements, traffic calming, and signage associated with opening the Dwight Triangle for public use and recreation. City staff should consider if existing funds are able to be utilized to allow the space to be improved sooner.	2023-10-10	Public Works	Rigel Robinson, Mark Humbert	43	0	0	2	0	0	0	1	0	2
Pollinators and Habitat DMND0003807	Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment: 1. Refer to City Manager to establish a City Liaison to the Bee City USA program. 2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019. (COMMISSION REFERRAL) 3. Refer to the City Manager to transition the City's medians to non-turf green infrastructure, including pollinator gardens when appropriate.	2019-09-24	Parks, Recreation & Waterfront	Kate Harrison, Susan Wengraf, Ben Bartlett	44	1	0	0	0	0	0	3	0	1
100% Sustainable Trips by 2040DMND0003885	Adopt the attached Resolution, setting a goal of achieving 50% increase in trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.	2020-09-15	PLANNING & DEVELOPMENT		45	0	0	0	0	0	0	2	0	3

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance DMND0003748	Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences. ADD: Issues raised in supplemental memo.	2018-09-13	PLANNING & DEVELOPMENT	Susan Wengraf	46	0	0	0	0	0	0	5	0	0
Outcomes Based Funding, Pay-For-Success and Social Impact BondsDMND0004071	Send the item to the City Council with a Qualified Positive Recommendation to refer to the City Attorney to provide guidance on how the City can implement an Outcomes Based Funding initiative; request implementation analysis from the City Manager; and request information on whether or not this program can be used with external funds (e.g. grants) or city funds only.	2023-01-31	City Attorney	Ben Bartlett	47	0	0	0	0	0	0	1	0	3
Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses.DMND0003749	Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. This action was adopted as part of the Cannabis Ordinance amendments.	2019-04-02	PLANNING & DEVELOPMENT		48	0	0	0	0	0	0	4	0	0

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley DMND0002448	Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations.	2017-07-11	CITY MANAGER'S OFFICE	Ben Bartlett and Kate Harrison	49	0	1	0	0	0	0	1	0	1
Accelerating the City of Berkeley's transition to Plant-Based Foods DMND0003965	1) Adopt a resolution establishing a goal to achieve a 50% decrease in animalbased food products served by the City of Berkeley by 2024, and refer to the City Manager to report to the City Council on progress towards reaching this goal by January 31, 2022. 2) Adopt an eventual goal of a 100% shift to plant-based food products served by the City of Berkeley and refer to the City Manager to report to the City Council by June 30, 2022 on potential feasibility and timelines to transition to 100% plant-based foods.	2021-07-27	CITY MANAGER'S OFFICE	Sophie Hahn, Jesse Arreguin	50	1	0	0	0	0	0	1	0	1
Referral to the City Attorney: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell Street DMND0004149	Refer the City Attorney to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.	2024-02-27	City Attorney	Ben Bartlett	51	0	0	0	0	0	0	2	0	1

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Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season DMND0004009	Establishing a policy and referring to the City Manager to create a process to reduce or waive City Park Fees for free and permitted outdoor theater, arts events, and other events as appropriate based on objective consideration of their benefits to the public welfare, including but not limited to educational content, non-profit status, and means.	2022-03-08	CITY MANAGER'S OFFICE	Kate Harrison, Ben Bartlett	52	1	0	0	0	0	0	1	0	0
Dark Skies OrdinanceDMND0004131	Refer to the Planning Commission and the City Manager to consider a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.	2019-11-12	PLANNING & DEVELOPMENT		53	0	0	1	0	0	0	1	0	0
Regulation of Autonomous Vehicles DMND0004054	Refer to the City Attorney the assessment of the legal abilities and opportunities for the City Council to regulate the operation, sale, and testing of autonomous vehicles (AVs) within the City of Berkeley and report to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee (FITES) on all findings. Policy Committee Recommendation: To approve the item with a positive recommendation.	2022-10-11	City Attorney	Terry Taplin, Kate Harrison, Rigel Robinson	54	0	0	0	0	0	0	0	0	2
Addressing Hyundai and Kia Car TheftsDMND0004102	Direct the City Attorney to explore taking legal action against Hyundai and Kia.	2023-05-23	City Attorney	Jesse Arreguin	55	0	0	1	0	0	0	0	0	0
Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code EnforcementDMND0002545	Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.	2014-09-09	PLANNING & DEVELOPMENT		56	0	0	0	0	0	0	1	0	0

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Complete Scores of the Mayor and Councilmembers

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank	Mayor Score	D1 Score	D2 Score	D3 Score	D4 Score	D5 Score	D6 Score	D7 Score	D8 Score
Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices. DMND0003733	Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.	2019-04-30	CITY MANAGER'S OFFICE	Sophie Hahn, Jesse Arreguin, Cheryl Davila, Rigel Robinson	57	0	0	0	0	0	0	1	0	0

Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Rank
Addressing Hyundai and Kia Car Thefts DMND0004102	Direct the City Attorney to explore taking legal action against Hyundai and Kia.	2023-05-23	City Attorney	Jesse Arreguin	55



Office of the City Manager

ACTION CALENDAR

May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Carianna Arredondo, Assistant to the City Manager, City Manager's Office

Subject: Reimagining Public Safety Status Report

RECOMMENDATION

Review and discuss the provided status report from the City Manager with the goal of demonstrating transparency and facilitating informed council discussion towards the advancement of the Reimagining Public Safety initiative in Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

The financial implications detailed in the Spring 2024 status report are associated with the Phase 3 recommendations and will largely impact the City's General Fund. These will be considered and addressed during the biennial budget process.

CURRENT SITUATION AND ITS EFFECTS

The Reimagining Public Safety initiative is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city. It unfolds in three phases, focusing on equitable and community-centered public safety transformation:

- Phase 1 (2020-2022) Community Process and Research
- Phase 2 (2022-2024) Continued Analysis and Implementation
- Phase 3 (2024-2026) Continued Implementation and Expansion

Phase 1 (2020-2022)

On July 14, 2020, City Council adopted an omnibus package to re-imagine public safety and policing in the City of Berkeley. The omnibus package consisted of numerous elements including, *but not limited to* the following:

- **Community/Consultant Engagement Process.** Engaging qualified firms or individuals for a transformative, equitable community safety model in Berkeley.
- **Specialized Care Unit Development.** Analyzing and developing a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit.
- **Community Crisis Response (CCR) Bridge Services.** Establishing Bridge Services during SCU development for immediate crisis support.

- **Priority Dispatch Development.** Creating dispatch plans for calls to be handled by alternative entities, considering placement in the Fire Department or elsewhere outside the Police Department.
- **City Auditor Analysis.** Analyzing emergency calls and the police budget through a City Auditor's review.
- **Fair and Impartial Policing Implementation.** Implementing fair and impartial policing policies and proposals.
- **BerkDOT Development.** Developing a Berkeley Department of Transportation (BerkDOT) to incorporate a racial justice lens in traffic enforcement and minimize pretextual stops.
- **Violence Intervention Program Implementation.** Implementing the violence intervention program comprehensively.

Subsequent to City Council's adoption of the omnibus motion, the City formed a multi-department working group to oversee implementation, including the City Manager, Deputy City Managers, City Attorney, Fire Chief, HHCS Director, Human Resources Director, Police Chief, and Public Works Director.

The establishment of the Reimagining Public Safety Task Force in January 2021 allowed for in-depth consultations and strategic planning, with the task force playing a key role in incorporating diverse perspectives into the City's community engagement strategy. Based on community input, the Task Force's insights, and expert recommendations, the City Council developed a framework for the initiative's next phase, carrying forward many Phase 1 initiatives into Phase 2.

Phase 2 (2022-2024)

As Phase 2 implementation progresses, it encompasses a series of critical initiatives and deliverables. This phase is marked by a blend of completing projects and ongoing efforts, all of which contribute to the overarching objectives of the initiative.

- **Staffing Investments.** Allocating resources to staff in the Department of Health, Housing and Community Services (HHCS), Police, Public Works, and the City Manager's Office to support the implementation of priority recommendations.
- **Consultant Costs.** Identifying costs for consultants to assess areas including dispatch needs, crisis response, staffing, beat structure, and BerkDOT development.
- **Community Investments.** Directing resources towards strengthening community resilience through violence prevention initiatives, engagement programs, mental health services, and support for individuals impacted by gender-based violence.

This phase builds on the foundation established in Phase 1, upholding a cohesive and interdepartmental strategy to ensure seamless execution of projects aligned with City Council directives. Additionally, the City's commitment to community engagement

continues, collaborating with commissions, boards, committees, ad-hoc groups, and working groups to thoughtfully inform and steer efforts. Following the approach established in Phase 1, initiatives that have yet to be completed in Phase 2 will be carried forward into Phase 3.

Phase 3 (2024-2026)

Phase 3 of Berkeley's Reimagining Public Safety initiative aims to expand and further implement strategies developed in earlier phases, solidifying a comprehensive and responsive public safety model. This phase will broaden the scope of initiatives to more fully meet the diverse needs of the Berkeley community.

- **Staffing Investments.** Continuing to allocate resources to essential departments to support the implementation of priority recommendations, with new requests for positions to enhance the City's diversity, equity, and inclusion (DEI) efforts, Vision Zero initiatives, crisis response efforts, and to sustain the Community Service Officer (CSO) and dispatch units.
- **Consultant Costs.** Ongoing identification of costs for consultants, including expanding the Vision Zero program, enhancing grant assistance efforts, and allocating resources for a public education and outreach campaign related to the Reimagining Public Safety initiative.
- **Community Investments.** Maintaining and enhancing investments in community resilience through violence prevention initiatives, engagement programs, mental health services, and support for individuals impacted by gender-based violence.

Phase 3 recommendations will champion efforts to enhance efficiency and optimize the public safety paradigm, ensuring that the initiative's goals are achieved sustainably and broadened further. Additionally, these recommendations will highlight the importance of ongoing community investments in violence prevention programs, emphasizing the City's commitment to fostering a safe and inclusive environment for the community.

BACKGROUND

In 2020, the United States experienced a pivotal shift in the public safety dialogue, driven by events that exposed a significant erosion of trust in law enforcement, particularly within marginalized communities. The deaths of George Floyd, Breonna Taylor, and others highlighted the critical need to address systemic inequalities and to fundamentally rethink public safety principles. In response, on June 6, 2020, over 7,000 Berkeley residents marched to demand meaningful changes in law enforcement practices.

Recognizing its responsibility in this pivotal moment, the City of Berkeley embarked on an extensive initiative to Reimagine Public Safety:

On July 14, 2020, the City Council passed Resolution No. 69,501-N.S., outlining a new public safety paradigm and initiating a robust community engagement process for transformative change.

On December 15, 2020, the City Council authorized the City Manager to contract with the National Institute of Criminal Justice Reform (NICJR) to conduct research, analysis, and develop reports and recommendations for community safety and police reform. This included leading an inclusive and transparent community engagement process to achieve a transformative model of positive, equitable, and community-centered safety for Berkeley.

On January 19, 2021, the City Council adopted revisions to the enabling legislation for the Reimagining Public Safety Task Force. The Task Force's work focused on providing input and making recommendations to NICJR and City Staff on a set of proposed programs, structures, and initiatives for a final report and implementation plan to guide future budget decisions.

On March 10, 2022, the culmination of research analysis, and community dialogue was manifested in the comprehensive reports from NICJR, the Reimagining Public Safety Task Force, and Resource Development Associates work on the Specialized Care Unit (SCU) design. These reports provided an overview of recommended programs, structural changes, and new initiatives aimed at creating a community-centric safety paradigm, embodying the principles of *Reduce*, *Improve*, and *Reinvest*.

On April 21, 2022, the City Manager and Staff presented a report to the City Council detailing the achievements of Phase 1 of the Reimagining Public Safety initiative. This included proposals for transforming Berkeley's police force, enhancing priority dispatch, developing BerkDOT, and establishing an SCU, alongside budget recommendations for these initiatives.

On May 5, 2022, a special council meeting led to the formal adoption of the Mayor's framework for continuing the Reimagining Public Safety initiative. This framework was the culmination of years of diligent work from community members, officials and staff. The key decisions made were as follows:

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.
2. Direct the City Manager to prioritize over the next two years the programmatic recommendations for Phase 1 of Reimagining Implementation.
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 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.

On June 28, 2022, the City Council adopted the FY 2023-2024 City budget which included key Reimagining Public Safety Tier 1 items.

On January 23, 2024, the City Manager and Staff delivered a detailed status update on the Reimagining Public Safety initiative, outlining its progress, the leadership team driving this effort, and the advances made in key initiatives. This update also addressed the challenges and considerations that have impacted the progress of the initiative. Additionally, a comprehensive presentation on the proposed framework for the Gun Violence Intervention and Prevention Program was presented and subsequently adopted by the City Council.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

To improve transparency, provide a progress update, as well as budgetary recommendations related to the City of Berkeley's Reimagining Public Safety efforts, based on the guidelines set forth in Resolution No. 69,501-N.S. and recommendations approved during the Special City Council meeting held on May 5, 2022.

ALTERNATIVE ACTIONS CONSIDERED

Staff does not recommend any alternative actions at this time.

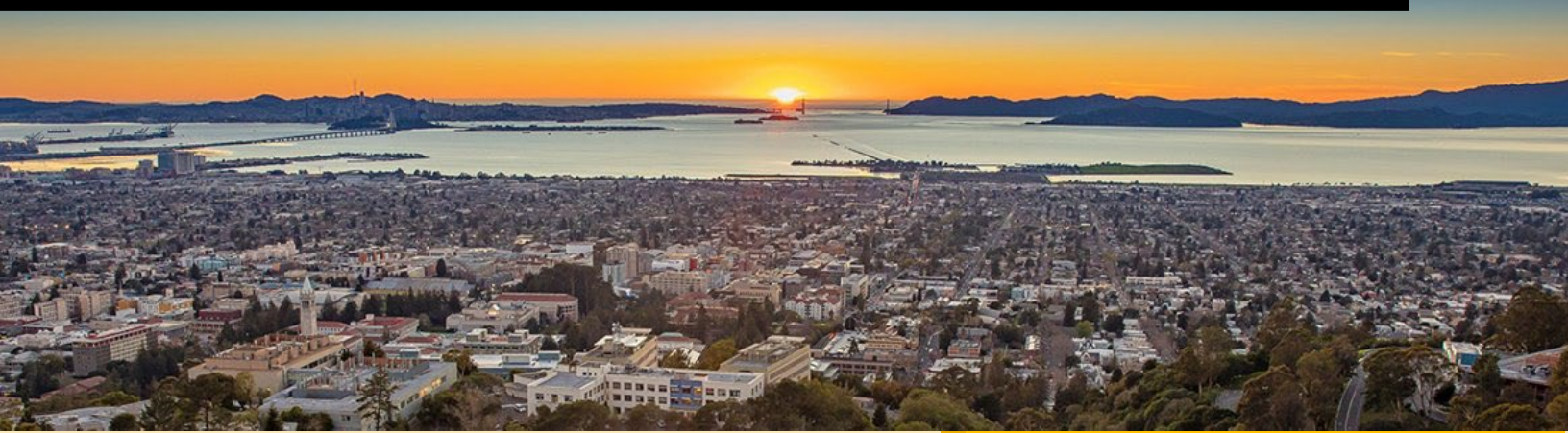
CONTACT PERSON

Carianna Arredondo, Assistant to the City Manager, City Manager's Office, 510-981-6903

Attachments:

- 1: Reimagining Public Safety Status Update Spring 24 Comprehensive Report
- 2: Reimagining Public Safety Status Update Spring 24 Companion Appendix

REIMAGINING PUBLIC SAFETY



Status Update and Report Out
City Manager's Office
Spring 2024

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EXECUTIVE SUMMARY

This section provides an overview of Berkeley's work towards Reimagining Public Safety, highlighting key milestones and the City's commitment to creating an equitable and effective model for all residents.

Introduction

Reimagining Public Safety in the City of Berkeley aims to foster an equitable, holistic, and community-centered approach to safety, transforming traditional public safety models to prioritize health, wellness, and security for all residents. Through a collaborative, multidisciplinary strategy, it seeks to reshape the scope of a traditional police-centered model, address systemic inequities, and enhance community trust and well-being. By reinvesting in health, education, and social services, and introducing alternatives to traditional enforcement, the initiative aspires to establish a sustainable, inclusive public safety system that effectively serves the diverse needs of the community.

This initiative involves a comprehensive and inclusive process that unfolds in three main phases:

- **Phase 1 (2020-2022) Community Process and Research.** Phase 1 of the City of Berkeley's Reimagining Public Safety initiative, the City Council adopted critical resolutions to transform public safety through extensive community engagement and research, guided by the expertise of the National Institute for Criminal Justice Reform and the input of the Reimagining Public Safety Task Force. This phase was characterized by partnerships and collaborations aimed at developing a new paradigm of community-centered safety, with a focus on equity and inclusivity, and informed by comprehensive community dialogue and expert analysis. The culmination of these efforts was presented in a series of reports and recommendations that laid the groundwork for transforming Berkeley's approach to public safety, emphasizing the principles of reimagine, improve, and reinvest to address the community's diverse needs.
- **Phase 2 (2022-2024) Continued Analysis and Implementation.** Phase 2 focused on putting the conceptual framework developed during Phase 1 into practice, marked by the continuation of analytical work and the beginning of implementation efforts. This phase involves significant staffing investments across various city departments, consulting for critical assessments, and community investments aimed at strengthening resilience through various support and engagement programs. An integrated and interdepartmental approach ensures that all efforts are cohesive and aligned with the City Council's directives, leveraging partnerships and collaborations to inform and guide the work towards a community-centric safety model.
- **Phase 3 (2024-2026) Continued Implementation and Expansion.** Phase 3 of the Reimagining Public Safety initiative in Berkeley is set to focus on the expansion and further implementation of the strategies developed in earlier phases, aiming to solidify a comprehensive and responsive public safety model. This third phase is dedicated to broadening the scope of the initiatives to more thoroughly incorporate and address the varied needs of the Berkeley community. The objective is to establish a public safety framework that is both effective and reflective of the community's diversity, ensuring resilience and inclusivity in its approach to safety and well-being. Prior direction is incorporated, but also amended, as needed to align with current fiscal circumstances.

Timeline

Timeline of Events		
Date	Milestone Description	References
June 16, 2020	The introduction of the "Urgency Item: Safety for All" marked a rapid response to the evolving national conversation, setting the stage for in-depth public safety discussions.	<ul style="list-style-type: none"> • Annotated Agenda
July 14, 2020	Berkeley approved the Omnibus motion, signaling its commitment to substantive and meaningful reforms.	<ul style="list-style-type: none"> • See Action Calendar: Items 18a-18e • Annotated Agenda
December 15, 2020	A partnership and contract were established with the National Institute of Criminal Justice Reform (NICJR) to incorporate expert input.	<ul style="list-style-type: none"> • See Consent Calendar: Item 7 • Annotated Agenda
January 19, 2021	The establishment of the Reimagining Public Safety Task Force institutionalized community and stakeholder engagement, ensuring diverse input in the reimagining process.	<ul style="list-style-type: none"> • See Consent Calendar: Item 18 • Annotated Agenda
March 10, 2022	Research analysis and community dialogue culminated in comprehensive reports from NICJR, the Task Force, and RDA, and other field experts.	<ul style="list-style-type: none"> • See Action Calendar: Item 1-2 • Annotated Agenda
April 21, 2022	The City Manager presented a synthesis of efforts, providing an in-depth roadmap and strategic vision for Berkeley.	<ul style="list-style-type: none"> • See Action Calendar: Item 1 • Annotated Agenda
May 5, 2022	The Mayor presented a plan to Council from which the final resolution was adopted: <ol style="list-style-type: none"> 1. Allocating up to \$5.3 million for FY 2023-2024, aimed at reinforcing staff/consultant resources, and critical community investments to complete the Reimagining Public Safety Initiatives. 2. Prioritization of Phase I programmatic recommendations for the next two years (2022-2024). 3. A mandate for designing an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration, and return with recommendations to the City Council by May 2024 to align with the FY 2025-2026 Biennial Budget process. 4. Forward-looking plans for further reforms, designated for inclusion in the FY 2025-2026 Biennial Budget. 	<ul style="list-style-type: none"> • See Action Calendar: Item 1a-1c • Annotated Agenda
June 28, 2022	The adoption of the Biennial Budget reflected Berkeley's strategic planning, blending financial prudence with transformative public safety goals.	<ul style="list-style-type: none"> • See Action Calendar: Item 44 • Annotated Agenda
January 23, 2024	A discussion of the Fall 2023 Status Report took place, along with the presentation and adoption of the Gun Violence Intervention and Prevention Program framework by the City Council.	<ul style="list-style-type: none"> • See Action Calendar: Item 1 • Annotated Agenda

Phased Deliverables & Status Updates

PHASE I DELIVERABLES

Health, Housing, and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
Specialized Care Unit (SCU) Development	Adopt the report, “City of Berkeley Specialized Care Unit Crisis Response Recommendations by Resource Development Associates” and implement the pilot SCU.	Complete. HHCS worked extensively with RDA, the Reimagining Public Safety Taskforce, the SCU Steering Committee, and other key community stakeholders to support with the Specialized Care Unit <i>development</i> process. The Specialized Care Unit Response Recommendations were shared with Council on March, 10, 2022.
Community Crisis Response (CCR) Bridge Services	Implement the CCR services while Specialized Care Unit stands up.	In Progress. Contracts with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women’s Daytime Drop-in Center renewed/amended, the program is due to sunset Summer 2024.
Gender Violence Recommendations	Implement recommendations from the Reimagining Task Force relating to Gender Violence, LGBTQIA and PEERS as feasible.	In Progress. HHCS has hired a Community Services Specialist II to support with implementing these recommendations and preliminary steps of research are underway.

Fire-led Deliverable		
Deliverable	Recommendation	Status Update
Priority Dispatch Development	Continue development and implementation of prioritized dispatch, request staff return with a recommended plan.	In Progress. Federal Engineering, Inc. was contracted for the Dispatch Needs Assessment, a second opinion with another industry expert is underway.

City Manager’s Office-led Deliverables		
Deliverable	Recommendation	Status Update
Community/Consultant Engagement Process	Engaging a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.	Complete. The City of Berkeley engaged with several key community stakeholders and field experts in the Reimagining Public Safety process recommendations shared include: the SCU Response Recommendation , Reimagining Public Safety Taskforce Recommendations (shared March 10, 2022), and City Manager’s Report and Recommendations (shared April 21, 2022)
Alternative Response Implementation Plan	Develop an implementation plan to expand alternative response from civilian responders beyond the proposed pilot for SCU for other low-level calls that includes but is not limited to: Community Service Officers for only those calls that necessitate police, code enforcement, environmental health, fire inspectors or city-hired community mediators	In Progress. Preliminary steps of research are underway.
Violence Intervention Program (GVP/Ceasefire)	Fully implement the Ceasefire violence intervention program	In Progress. Gun Violence Prevention analysis has been completed; the RFP process is underway.

PHASE I DELIVERABLES

City Auditor-led Deliverable		
Deliverable	Recommendation	Status Update
City Auditor Analysis	Having the City Auditor perform an analysis of City's emergency 9-1-1 calls-for service and responses, as well as analysis of the Berkeley Police Department's (BPD) budget.	Complete. The City Auditor Completed their report, Data Analysis of the City of Berkeley's Police Response , July 2, 2021.

Public Works-led Deliverables		
Deliverable	Recommendation	Status Update
Berkeley Department of Transportation (BerkDOT) Development	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.	In Progress. While the Public Works Department continues to work with stakeholders and constituents in the BerkDOT development process, progress has been slow, especially concerning legislative matters. For instance, the California SB-50 Bill supporting civilian traffic enforcement was declined on September 14, 2023. Funds have been requested for FY 26 allocation.
Crossing Guards Transition	Transition crossing guards from BPD to Public Works until a Department of Transportation is developed.	Complete. Transition of crossing guards from BPD to Public Works until a Department of Transportation is developed is completed. Additionally, Public Works planning capacity has been expanded to include collision analysis.
Transportation Functions Consolidation	Continue consolidating transportation functions as recommended by staff.	In Progress. Continued efforts are underway.

Police-led Deliverable(s)		
Fair and Impartial Policing Recommendations	Complete the implementation of Fair and Impartial Policing Recommendations.	In Progress. Following the approval of the 14 FIP recommendations, the Berkeley Police Department has fully implemented 13 of them and has hired a consultant to fulfill the remaining recommendation.
Auditor Recommendations	Complete Auditor Recommendations on overtime and calls for service.	Complete. The Berkeley Police Department initiated efforts to implement them. Progress Updates have been communicated to council and the community via memos and information reports.

City Attorney-led Deliverable		
Litigation Analysis	Analyzing litigation outcomes and exposure for city departments in order to guide the creation of City policy to reduce the impact of settlements on the General Fund.	In Progress. The City Attorney's Offices continues to partner with departments on all Reimagining Public Safety-related efforts.

PHASE 2 DELIVERABLES

STAFFING INVESTMENTS

City Manager's Office-led Deliverables		
Deliverable	Recommendation	Status Update
Assistant to the City Manager Reimagining Project Coordinator	The responsibilities of project management have fallen under the already heavy burden of the existing Deputy City Manager, with part-time support from a Management Analyst. To effectively coordinate the ongoing work, a full-time senior level staff person is required.	In Progress. This position was successfully filled on August 2023. The Assistant to the City Manager will continue to support and report out on the city's Reimagining efforts.
Office of Diversity, Equity, and Inclusion (ODEI)	The development of the Office should consider the recommendations from the Task Force. Particular attention from the Office of Equity should be paid to language access.	In Progress. The DEI Officer position was successfully filled on November 2023, while the hiring of the DEI Assistant is in progress and office space is being secured. The DEI Officer is actively engaging with key stakeholders to assess the city's current DEI landscape and familiarize themselves with the city's structure and essential personnel.
Grant Assistance	Recommended by City Manager to access grant funds to support reimagining efforts and other programs.	In Progress. The city is currently engaged with California Consulting LLC. for grant writing support and coordinated efforts.

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) SCU Implementation	Adopt the report, "City of Berkeley Specialized Care Unit Crisis Response Recommendations by Resource Development Associates" and implement the pilot Specialized Care Unit (SCU)	In Progress. Contract with Bonita House initiated; SCU continues to hire and train staff to build to 24/7 operations.

Police-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) Fair and Impartial Policing Implementation	Recommendation to implement and prioritize FIP and continue to support employee training and professional development.	In Progress. 13 of the 14 Task force recommendations have been implemented; BPD will continue to support and fulfill officer training needs through Fiscal Year 2025.
Wellness Funding	Continue to support employee health and wellness.	In Progress. Continued partnerships and efforts towards BPD Wellness Practices for officers are underway.
Staffing (CSO & Dispatcher)	Launch a pilot Community Services Officer unit using Police salary savings. Positions would be project based for two-years. Evaluate pilot after two-year period to align with the FY 25-26 Budget Process and determine the appropriate location of the CSO unit within a new Public Safety Department and the role for other non-sworn responders.	In Progress. Recruitment is underway, current applicants are being assessed for candidacy.

PHASE 2 DELIVERABLES

STAFFING INVESTMENTS

Public Works-led Deliverables		
Deliverable	Recommendation	Status Update
Vision Zero Coordinator (Collision Analysis)	Approve a new Vision Zero staff position in Public Works' Division of Transportation to conduct collision analysis. This will promote the City's Vision Zero approach by boosting the City's capacity to analyze collision data collected by the Police Department.	In Progress. This position was successfully filled October 2023. The Associate Planner will continue to support and report out on Vision Zero as it relates to Reimagining efforts with preliminary steps of the Collision Analysis underway.

CONSULTANT COSTS

Public Works-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) BerkDOT Development	Continue BerkDOT process 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 two implementation plans: 1) if state law changes to accommodate, and 2) if state law does not change.	In Progress. Efforts related to BerkDOT design are in preliminary stages; project deferred, funding reallocated to existing city services and council referrals.

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
Crisis Needs Assessment	Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments	In Progress. Existing contract for SCU program evaluation is amended to add a scope of work for RDA to conduct the crisis needs assessment; work is underway.

Police-led Deliverables		
Deliverable	Recommendation	Status Update
Staffing Assessment	Analysis of BPD Staffing and Beat Structure.	In Progress. Contract with Citygate for Staffing Assessment; preliminary stages of data collection underway.

PHASE 2 DELIVERABLES

CONSULTANT COSTS

City Manager's Office-led Deliverables		
Deliverable	Recommendation	Status Update
Transportation Fines/Fees	Review Municipal Code for proposed changes to increase equity and racial justice in City's transportation fines and fees, and explore the civilianization of the municipal code.	In Progress. Preliminary stages of the RFP for the Transportation Fines & Fees Analysis are in process and the RFP is anticipated to be posted in Summer 2024.
Department of Community Safety	Support an organizational design process to create an umbrella Department of Community Safety.	To Be Initiated. Efforts related to Department of Community Safety design are in preliminary stages project deferred, funding reallocated to existing city services and council referrals.

Fire-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) Dispatch Needs Assessment (DNA)	Consulting costs requested by City Manager to support continued analysis of prioritized dispatch and development of an implementation plan.	In Progress. Stage I of DNA is well underway, staff are reviewing validation report to determine next steps.

COMMUNITY INVESTMENTS

VIOLENCE PREVENTION

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
Violence Prevention and Youth Services	Community investments for violence prevention/services programs (McGee Ave. Baptist Church and Berkeley Youth Alternatives).	In Progress. Funds have been allocated to Community Based Organizations.

PHASE 2 DELIVERABLES

COMMUNITY INVESTMENTS

City Manager's Office-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) Gun Violence Prevention (Ceasefire) Development	Fully implement the Ceasefire violence intervention program.	In Progress. Preliminary analysis of Gun Violence Prevention Programs completed; RFP published and review and selection process underway.

ALTERNATIVES TO SANCTIONS/FINES

Public Works-led Deliverables		
Deliverable	Recommendation	Status Update
Expand Downtown Streets Teams (DST)	Expand DST as placement for <i>low-level violations</i> (e.g. vehicular camping/parking and sidewalk ordinance infractions).	In Progress. A contract with DST has been renewed and it has been expanded to cover additional areas; however, for the specific work to place low-level violators, the DST contract will need to be expanded to include this.
Alternatives to Sanctions/Fines Hearing Officer	Expand hearing officer resources in the City Manager's Office to provide alternative referrals to community service and social services for <i>parking and other infractions</i> .	In Progress. Hearing officer resources have been expanded, alternatives to sanctions and fines <i>to be implemented</i> ; project deferred, funding reallocated to existing city services and council referrals.

COMMUNITY MENTAL HEALTH, BEHAVIORAL AND CRISIS RESPONSE

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) Community Crisis Response (CCR) Bridge Services	Implement the Community Crisis Response (CCR) services while Specialized Care Unit stands up.	In Progress. Contracts with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women's Daytime Drop-in Center renewed/amended, the program is due to sunset Summer 2024.
Youth Peers Mental Health Response	Youth Peers Mental Health response as proposed by the Berkeley High School student-led plan for mental health services.	In Progress. Contract with BUSD initiated; wellness center opened winter 2024.

PHASE 2 DELIVERABLES

COMMUNITY INVESTMENTS

RESPIRE FROM GENDER VIOLENCE

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
Respite from Gender Violence	Provide services and housing leads for victims of Gender Violence. Request staff to work with county partners and CBOs to map the system, identify gaps, recommend how to fill them.	In Progress. Community Services Specialist II hired with preliminary steps of system mapping underway.

LANGUAGE EQUITY

City Manager's Office-led Deliverables		
Deliverable	Recommendation	Status Update
Language Equity	Publish victim resources in plain language and in multiple languages.	In Progress. Efforts related to Language Equity are in early stages, the Assistant to the City Manager will partner with HHCS and DEI on implementation plan development.

Phase 3 Deliverables & Recommendations

The subsequent sections present a detailed overview of Phase 3 deliverables and costs for the Reimagining Public Safety initiative. Additionally, recommendations regarding priority of each deliverable (noted via Tier assignment) are also included in an effort to prioritize in the face of constrained General Fund resources for FY 25-26. These recommendations are intended to serve a consultative purpose with the ultimate authority on setting priorities and allocating budget resting with the City Council during the biennial and mid-biennial budget process. Included in this overview is a breakdown of funding that has already been accounted for in the FY 25-26 baseline budget, as well as funding recommendations, and long-term Phase 4 recommendations. Please refer to the legend provided below as an essential guide and glossary of terms is included to clarify the context and provide detailed explanations of each item.

Glossary of Terms															
Term	Description														
Phase	Each Phase of Reimagining Public Safety coincides with a biennial fiscal year. Phase 2 covered FY 23 & 24; Phase 3 covers FY 25 & 26; Phase 4 covers FY 27 & 28.														
Deliverable	Specific outcomes or outputs associated with the Reimagining Public Safety Phase 3 initiative. FY 25 & 26														
Allocation Type	The categorization of funds, whether they are part of the baseline budget, a tiered recommendation, anticipated carryforward request, or policy consideration.														
In Baseline Budget	Indicates the funding is already included in the FY 25-26 baseline budget.														
Tiered (1-3) Recommendation	Funding recommendations for deliverables. Tier 1 items are items that address public health and safety and support the implementation of the City’s strategic plan goals. Tier 2 are items that are considered to be Non-Critical Operational Needs that may be placed on hold or have existing funding while Tier 3 includes items deemed to be Non-Urgent Operational Needs.														
Carryforward	Funds from the previous fiscal year that are recommended to be extended into FY 25.														
Approximated Costs	Estimated Costs of bi-annual funding.														
Reason for Recommendation	The justification for each funding recommendation, highlighting its importance. Indicates if requests are limited term, one-time, or ongoing.														
Staff Funding Request	Staff proposals for Long-Term Phase 4 funding (from the General Fund) to support the initiative. Not already included in FY 25-26 baseline budget. These shall be considered and revisited throughout the AAO process and in future Fiscal Years.														
Expenditure Type	Categorization of cost type Personnel (Staffing Investments), Non-Personnel (Consultant Costs and/or Community Investments)														
Department	<p>The City Department responsible for leading the management of funds and execution of the deliverable, indicated by color:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Grey</th> <th>City Manager’s Office (CMO)</th> </tr> </thead> <tbody> <tr> <td>Yellow</td> <td>Health Housing and Community Services (HHCS)</td> </tr> <tr> <td>Blue</td> <td>Police</td> </tr> <tr> <td>Red</td> <td>Fire</td> </tr> <tr> <td>Green</td> <td>Public Works</td> </tr> <tr> <td>Orange</td> <td>City Auditor’s Office</td> </tr> <tr> <td>Purple</td> <td>City Attorney’s Office</td> </tr> </tbody> </table>	Grey	City Manager’s Office (CMO)	Yellow	Health Housing and Community Services (HHCS)	Blue	Police	Red	Fire	Green	Public Works	Orange	City Auditor’s Office	Purple	City Attorney’s Office
Grey	City Manager’s Office (CMO)														
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Purple	City Attorney’s Office														

Phase 3 Deliverables & Recommendations (Cont'd.)

PHASE 3 DELIVERABLES AND RECOMMENDATIONS

STAFFING INVESTMENTS

Deliverable	Allocation Type	Approximated Costs	Reason for Recommendation	Department
Assistant to the City Manager, RPS Coordinator	In Baseline Budget	\$464,956.00	Oversees RPS implementation. Project based. NTE 3 years.	CMO
Diversity, Equity, and Inclusion (DEI) Officer	In Baseline Budget	\$569,222.00	Responsible for the creation of DEI Division Citywide. Ongoing Need.	CMO
DEI Administrative Assistant	In Baseline Budget	\$315,693.00	Provides critical DEI Division Support. Ongoing Need.	CMO
Associate Planner in Transportation	In Baseline Budget	\$377,808.00	Supports timely Vision Zero safety projects. NTE 3 years.	Public Works
8 Public Safety Dispatcher II	In Baseline Budget	\$2,204,438.00	Addresses overtime and support expanding dispatch responsibilities.	Police
1 Public Safety Dispatch Supervisor	In Baseline Budget	\$380,718.00	Ensures adequate supervisory positions for expanding dispatch.	Police
6 Community Service Officers	In Baseline Budget Tier 2 Recommendation	\$1,968,996.00	Provides additional capability to address public safety goals with appropriate response level, increase capacity for community engagement. Limited Term. <i>As these are limited term positions, a policy consideration for Council to make these positions permanent would need to be rendered.</i>	Police
Program Manager II	Tier 2 Recommendation	\$525,622.00	To support public safety reimagining goals and advance programs, projects and policies that will advance meet the City's Complete Streets and Vision 0 goals. NTE 4 years.	Fire
Associate Management Analyst	Tier 3 Recommendation	\$191,756.00	Supplier Diversity Specialist: Monitor and track performance metrics and meet federal requirements to maintain federal funding. Ongoing Need.	CMO

PHASE 3 RECOMMENDATIONS

CONSULTANT COSTS & COMMUNITY INVESTMENTS

Deliverable	Allocation Type	Approximated Costs	Reason for Recommendation	Department
RPS Public Education Campaign	Tier I Recommendation	\$25,000.00	Marketing Costs (billboard, print, outreach and education) related to RPS Priority Initiatives <i>such as</i> the Specialized Care Unit and Violence Prevention Programming. One-time Request.	CMO
Grant Assistance	Tier I Recommendation	\$50,000.00	Continued from prior fiscal year to sustain RPS efforts. One-time Request.	CMO
Violence Prevention and Youth Services	Tier I Recommendation	\$420,000.00	To support Voices Against Violence initiative from McGee Ave. Baptist Church and Berkeley Youth Alternatives counseling center and Summer Jam Day Camp. One-time Request.	CMO
Vision Zero Action Plan Consultant Costs	Tier I Recommendation	\$250,000.00	Develop Vision Zero Program Deliverables, including the Quick Build Program and updates to the Vision Zero Action Plan. One-time Request.	Public Works
FIP Training	Tier I Recommendation	\$200,000.00	Ongoing training in support of Fair and Impartial Policing concepts, officer safety, professional development. One-time Request.	Police
Wellness Funds	Tier I Recommendation	\$100,000.00	Critical Incident Stress Contract, Peer Support Team, and emerging wellness needs. One-time Request. Pending grant funding.	Police
Recommendations on Public Safety/Crime Prevention for Women and Older Persons	Tier 2 Recommendation	\$250,000.00	To support phased roll out of recommendations addressing public safety/crime prevention for women and older persons. One-time Request.	CMO
Specialized Care Unit	Policy Consideration Tier 2 Recommendation	\$2,160,000 – \$3,600,000.00	To support the SCU program fully-staffed 24/7 operations. This budget is conditional, depending on achieving a 40% MediCal reimbursement rate. If this rate is met, the adjusted budget request will be \$2,160,000 annually. Ongoing Need.	HHCS
BerkDOT Development	Tier 3 Recommendation	\$300,000.00	BerkDOT implementation, including funding research in support of new "white paper" and potential state legislation. One-time Request.	Public Works

PHASE 3 RECOMMENDATIONS

ANTICIPATED CARRYFORWARD REQUESTS

Expenditure Type	Allocation Type	Approximated Costs	Reason for Recommendation	Department
<i>Transportation Fines & Fees Analysis</i>	Carryforward	\$150,000.00	RFP Implementation Timeline Delayed. Review Berkeley Municipal Code for proposed changes to increase equity and racial justice in the City's existing transportation fines and fees.	CMO
<i>Gun Violence Intervention & Prevention Programming</i>	Carryforward	\$2,000,000.00	RFP Implementation Timeline Delayed. Fully implement the Ceasefire violence intervention program.	CMO
<i>Expand Downtown Street Teams</i>	Carryforward	\$50,000.00	Implementation Timeline Delayed. Expand downtown streets team (DST) as placement for low-level violations (e.g. vehicular camping/parking and sidewalk ordinance infractions).	Public Works

Phase 4 (Long Term) Recommendations

PHASE 4 (LONG TERM) RECOMMENDATIONS

Deliverable	Expenditure Type	Approximated Costs	Long-Term Staff Funding Request	Department
<i>Associate Management Analyst</i>	Personnel	\$191,756.00	Equity & Access Program Lead: Lead with equity, access and belonging lens in all aspects of citywide decision-making, programming and services to identify service gaps and remove disparities.	CMO
<i>Associate Management Analyst</i>	Personnel	\$191,756.00	Equity Engagement, Belonging and Training Specialist: Public engagement and outreach and internal engagement and training.	CMO
<i>Language Equity</i>	Non-Personnel	\$30,000.00	Language Equity Funds to be expanded out in DEI efforts.	CMO
<i>Department of Community Safety</i>	Non-Personnel	\$250,000.00	To support design and implementation framework for the Department of Community Safety.	CMO
<i>Youth Peers Mental Health Response</i>	Non-Personnel	\$350,000.00	To support wellness-specific efforts for Berkeley High School.	CMO
<i>Hearing Officer Resources/Alternative to Sanctions/Fines</i>	Non-Personnel	\$150,000.00	Expand existing hearing officer to provide alternative referrals to community service and social services for parking and other infractions.	Public Works

Considerations

As highlighted in the Fall 2023 Status Report, Berkeley's Reimagining Public Safety initiative is encountering interconnected challenges that may affect its direction, effectiveness, and timeline (see Appendix A for Fall 2023 Report). It is vital to address these issues to ensure the initiative is transformative, compliant, sustainable, and resilient.

Ongoing Funding

For the Reimagining Public Safety initiative, Berkeley has allocated significant budgetary support for Fiscal Years 2023 and 2024, with the current report recommending a number of priorities for the Fiscal Year 2025 and 2026 biennial budget process, with the current, constrained fiscal context in mind.

These recommendations are advisory, with the final decision on priorities and funding allocation resting with the City Council and in the broader context of other organizational needs.

Furthermore, implementation delays and the unpredictable nature of securing competitive grant funding present significant challenges, potentially complicating the financial evaluation and feasibility of initiatives by May 2024.

Implementation Timeline

The initiative has ambitious objectives, with a projected timeline of 3-5 years for the complete rollout of all components. This timeline may be extended due to legislative changes and unforeseen factors. Regular evaluation is essential to measure the effectiveness of these efforts, requiring a dynamic and phased approach to allow for adjustments and ensure a thorough assessment of all initiatives.

Vacancies and Attrition

From 2018 to 2022, the City of Berkeley observed a concerning attrition trend, with departures exceeding hires. Although hiring rates have since improved, this shortfall previously impacted service delivery and posed challenges for the Reimagining Public Safety initiative. Reduced staffing has significantly affected city services, leading departments to adjust operations and manage costs. Moreover, attrition has resulted in a notable loss of institutional knowledge. Maintaining a stable and committed workforce is essential in Berkeley's ongoing Reimagining Public Safety efforts, aligning with the City Council's established timeframe, scope, and budget. Staffing challenges in critical departments could broadly impact Berkeley's public safety goals, highlighting the need for a comprehensive staffing strategy, as promoted by the Employer of Choice (EOC) initiative.

Regulatory Compliance

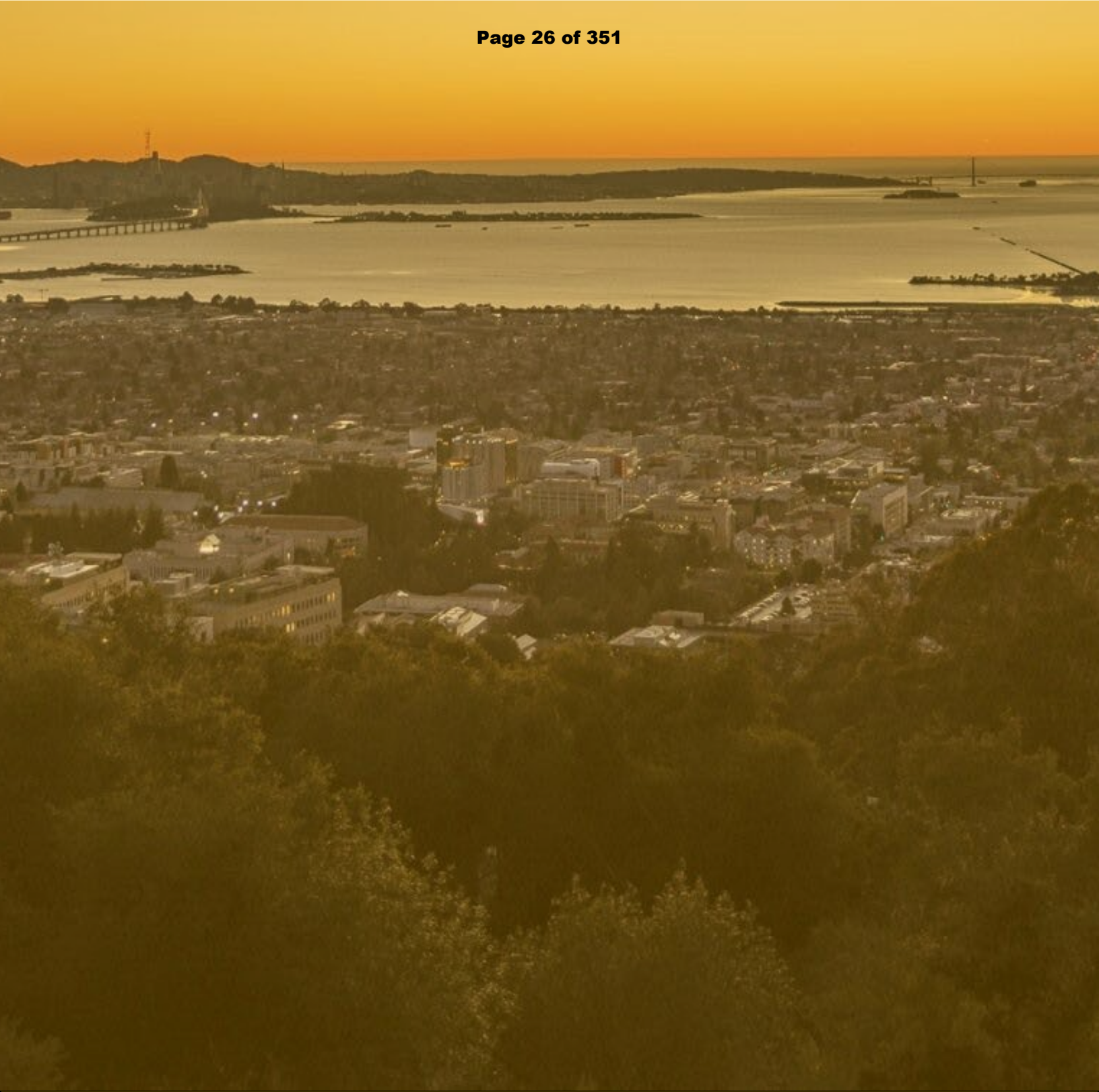
As Berkeley advances with its initiatives, adhering to regulatory frameworks across all sectors is crucial. Local compliance with specific city ordinances and by-laws ensures departmental operations align with established standards. Understanding and navigating California's regulatory landscape is necessary for legal compliance, necessitating regular strategy updates and adjustments. Moreover, initiatives must meet standards set by relevant federal agencies to secure grant eligibility and maintain the integrity of potential national partnerships. This holistic approach to regulatory adherence is fundamental to the success of various city initiatives.

Next Steps

As the City progresses with the Reimagining Public Safety initiative, addressing staffing shortages, legislative changes, and budgetary issues remains crucial, emphasizing a proactive, solution-focused strategy. City leaders are actively working to resolve staffing issues, engaging with legislative bodies to promote the BerkDOT agenda, and expanding efforts in DEI, violence prevention, and mobile crisis response. Budgetary decisions for the upcoming-biennial budget process are also on the agenda.

The City Manager's Office and leading departments aim to provide a progress update by late Fall 2024, offering insights into achievements and ongoing challenges. The City is committed to a community-centric approach throughout this initiative, prioritizing compassion, equity, and democracy in the design, implementation, and evaluation of its efforts.





Priority Reimagining Public Safety Initiatives

This section offers a concise overview of Berkeley's work towards Reimagining Public Safety, highlighting key milestones and the city's commitment to creating an equitable and effective model for all residents.

Overview

Building on the summaries provided in earlier sections, this part of the report offers a more comprehensive view of the City's efforts. It details the unique challenges and considerations for each deliverable, outlining future steps and associated timelines. Additional details can be found in the report's Companion Appendix. **A new feature in this status update is the inclusion of a fiscal summary with budgetary recommendations to advance the Reimagining Public Safety work.**

As highlighted in the Executive Summary, the City continues to reimagine public safety, facing certain obstacles along the way. Some initiatives have experienced delays, primarily due to staffing constraints and the temporary redirection of resources. The City is dedicated to ensuring transparency and maintaining clear communication regarding all aspects of this initiative, covering both accomplishments and challenges encountered.

It is essential to recognize that, although there are more milestones to achieve, real change is an ongoing process. The City of Berkeley is deeply committed to this important work and the significant journey ahead. Rooted in community engagement, this effort is not just a duty but a privilege and remains at the heart of Berkeley's shared vision for a safer, more inclusive City.



STAFFING INVESTMENTS

REIMAGINING PUBLIC SAFETY PROJECT COORDINATOR

Department Lead: City Manager's Office

Status Update: *In Progress*

Overview:

In **Phase 2**, the City established the Assistant to the City Manager position as the Reimagining Public Safety Project Coordinator, addressing the initiative's extensive demands. Since their hiring, this role has facilitated significant collaboration with key departments—Police, Fire, Health Housing and Community Services, Public Works, and the City Attorney's Office—to formulate the Reimagining Public Safety Coordination Plan (See Appendix B for Updated RPS Coordination Plan). The plan is strategically designed to optimize resource allocation, enhance interdepartmental communication, and guide the initiative's direction efficiently and effectively.

The Assistant to the City Manager's responsibilities extend beyond coordination and project management. They are tasked with the monitoring, tracking, and reporting of the initiative's progress. Furthermore, this role is central to driving key City Manager's Office (CMO) deliverables, such as Gun Violence Intervention and Prevention, Grant Assistance, Transportation Fines & Fees Analysis, Language Equity, and the foundational steps towards establishing a Department of Community Safety. These critical areas, elaborated within this report, underscore the comprehensive approach taken to reimagine public safety within the City.

As the City transitions into **Phase 3** of the initiative, there is a concerted effort to ensure the strategic continuation of this vital work. This includes the request for the carryforward of unused Tier I Reimagining Public Safety General Funds, alongside the reassessment of currently deferred funds during the upcoming biennial budget adoption for Fiscal Years 2025-2026. Additionally, the initiative seeks to secure ongoing funding into FY 25-26 for several projects outlined in this report. Notable among new funding requests from the City Manager's Office is the allocation for a Public Education Campaign (\$25,000 for FY 26) on Reimagining Public Safety. This strategic alignment and proactive resource management signal the City of Berkeley's dedication to transforming public safety in a manner that is both comprehensive and community centered.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	August 2023	Assistant to the City Manager hired.
	November 2023	Reimagining Public Safety Coordination Plan.
	December 2023	Reimagining Public Safety Fall 2023 Status Report.
	January 2024	Reimagining Public Safety Fall 2023 Status Presentation to City Council.
	February 2024	Updated Reimagining Public Safety Coordination Plan.
	Anticipated Ongoing	The Assistant to the City Manager will continue to coordinate and offer support in project management facets of the initiative.

Fiscal Summary:

Category	Amount	Source	Description of Use
Baseline Allocation	\$464,956.00	General Fund	Assistant to the City Manager RPS Project Coordinator. NTE 3 years.
Tier I Recommendation	\$25,000.00	General Fund	To support RPS Public Education and Outreach Campaign for FY 26.

Considerations:

- Departmental Coordination and Alignment:** Given the multi-departmental involvement, there's a necessity to ensure seamless coordination among various departments such as Police, Fire, Health Housing and Community Services, and Public Works. With city-wide staffing shortages and competing priorities, proper resource management becomes critical to maintain momentum and efficiency. With this in mind, achieving consistent alignment and understanding among the core departmental team leading this work is essential.

Next Steps & Timeline:

- January 2024 – ongoing:** The Assistant to the City Manager, in their capacity as the Reimagining Public Safety Project Coordinator, will continue to project manage and offer support in various facets of the initiative, collaborating cross-departmentally to provide progress updates to the City Council.

OFFICE OF DIVERSITY, EQUITY, AND INCLUSION (ODEI)

Department Lead: City Manager's Office

Status Update: *In Progress*

Overview:

Supported by the City Council and the Reimagining Public Safety Task Force, the City Manager's Office has launched a Diversity, Equity, and Inclusion (ODEI) Officer position, part of **Phase 2** implementation. As highlighted within the Fall 2023 RPS Status Update, the DEI Officer, operating within the City Manager's Office, will lead the Diversity, Equity, and Inclusion Division, aiming to integrate anti-racism, equity and justice into the City's framework, address disparities, and strengthen community partnerships (See Appendix A, page 25 of Fall 2023 Report). The overarching goal is for City Departments to continue to evolve into entities that are both responsive and truly accountable to the diverse communities they serve.

The DEI Officer's responsibilities will encompass overseeing the division's multifaceted activities and operations, including but not limited to:

- **Strategic Development and Policy Administration:** The DEI Officer will direct the strategic planning and policy development for the DEI Division, ensuring they reflect the City's DEI goals and facilitate long-term change. This role involves aligning divisional efforts across departments for unified city-wide training and professional growth.
- **Inclusive Visionary Leadership:** The DEI Officer will enhance inclusivity by collaborating with city and community leaders, aligning diversity and inclusion initiatives with the City's broader objectives. They will lead strategic planning in diversity and inclusion, evaluating progress and implementing strategies that support the City's commitment to an inclusive and equitable community.

During this phase, the DEI Officer has engaged extensively with a broad spectrum of stakeholders, including City Departments, boards, commissions, and community-based organizations, demonstrating a commitment to incorporating diverse perspectives and insights. The anticipated addition of an Administrative Assistant by the end of Winter 2024 is expected to bolster the division's capacity to achieve its goals effectively. This period of active engagement and strategic personnel planning marks a critical advancement towards establishing a comprehensive Office of Diversity Equity and Inclusion.

As the City transitions into next steps of the initiative, staff recommendations highlight the need for the following key roles to further equity efforts. Additionally, **staff recommend a long-term phased approach for hiring and buildout of the division.**

- **Supplier Diversity Specialist:** This role will monitor and track performance metrics and comply with federal requirements to secure ongoing federal funding. (**Phase 3**)
- **Equity & Access Program Lead:** This role will champion equity, access, and belonging across all facets of citywide decision-making, programming, and services, identifying service gaps and eliminating disparities. (**Phase 4**)

- **Equity Engagement, Belonging, and Training Specialist:** This role involves extensive public and internal engagement and training to promote significant community outreach and internal development. (*Phase 4*)

These strategic positions, are designed to enhance the City's capabilities in managing diverse supplier relations and requirements, ensuring equitable access and representation across city programs, and advancing both internal and external engagement efforts. This strategic approach underscores the City's commitment to fostering an inclusive and equitable environment for all residents and stakeholders.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	November 2023	DEI Officer Hired.
	Winter 2024 – ongoing	Onboarding of DEI Officer and preliminary planning of DEI strategic plan.
	Winter 2024 – ongoing	Employee and Community engagement.
	Winter 2024	DEI Administrative Assistant Hired.
	Anticipated Spring 2024	Office relocation.

Fiscal Summary:

Category	Amount	Source	Description of Use
Baseline Allocation	\$569,222.00	General Fund	DEI officer.
	\$315,693.00	General Fund	DEI Admin Assistant.
Tier 2 Recommendation	\$191,756.00	General Fund	\$191,756 allocation for Management Analyst serving as Supplier Diversity Specialist.
Long Term Phase 4 Recommendation	\$191,756.00	General Fund	\$191,756 allocation for Management Analyst serving as Equity & Access Program Lead.
	\$191,756.00	General Fund	\$191,756 allocation for Management Analyst serving as Equity Engagement, Belonging and Training Specialist.

Considerations:

- **Staff Capacity for Regulatory Compliance:** New ordinances and policy initiatives by the City Council and commissions require substantial time of city department staff and the City Attorney’s Office (CAO). The CAO also defends legal challenges to DEI programs, underlining the need for a robust compliance framework that meets federal mandates and ensures initiatives comply with regulatory standards.
- **Data Collection:** A shared protocol for collecting employee satisfaction and DEI data between HR and the ODEI is yet to be established. Utilizing EEOC workforce data could inform DEI retention strategies and assess DEI staffing needs, enhancing communication and transparency. Collaboration on this effort remains a pending assignment.

- **Ongoing Funding:** DEI and anti-racism efforts have largely depended on volunteer work, with innovative staff members often leaving the city. To sustain these efforts, the city is strategically utilizing resources to maintain financial stability and ensure the initiative's continuity.
- **Implementation Timeline:** Establishing the Office of Equity is projected to take 2-3 years, potentially extended by legislative changes and other unforeseen challenges. This underscores the importance of ongoing analysis and allocating sufficient time to assess the effectiveness of these initiatives.

Next Steps & Timeline:

- **January 2024 – ongoing:** The DEI Officer is actively engaging with key stakeholders to assess the city's current DEI landscape and familiarize themselves with the city's structure and essential personnel. This foundational work is critical for developing a strategic DEI plan. The appointment of the DEI Administrative Assistant is projected to be finalized by Winter 2024. Staff have recommended a long term, phased approach for the introduction of three pivotal roles: Supplier Diversity Specialist, Equity & Access Program Lead, and Equity Engagement, Belonging, and Training Specialist.



GRANT ASSISTANCE

Department Lead: City Manager's Office

Status Update: *In Progress*

Overview:

In **Phase 2** of the Reimagining Public Safety initiative, the City Council approved an allocation of \$100,000 for fiscal years 2023 and 2024. To boost grant application skills, the City of Berkeley contracted California Consulting, LLC in 2023, focusing on creating a more inclusive approach to public safety that transcends immediate concerns, aiming to improve community wellbeing and spaces (See [Appendix A, page 27 of Fall 2023 Report](#)).

In 2023, the pursuit of state and federal grants led the City to focus on initiatives like the Community Resilience Centers (CRC) for climate resilience, aiming to prepare communities for climate-related challenges. The CalTrans Clean California program was targeted for its commitment to community beautification and equity. Federally, the initiative sought support from the PROTECT program, which focuses on enhancing transportation infrastructure resilience against climate change, and the Reconnecting Communities and Neighborhoods (RCN) program, which aligns with the initiative's goals of improving access to essential services and fostering equitable community development.

For 2024, following the approval of carryover funds via the AAO process, the City amended its contract with California Consulting, LLC to fully allocate the grant assistance funds (See Appendix C for [Contract Amendment](#)). The Assistant to the City Manager, Cari Arredondo, together with the Reimagining Public Safety Team Leads, are concentrating on several vital areas:

- **Diversity, Equity, and Inclusion:** Promoting inclusivity and fairness in community initiatives.
- **Universal Basic Income:** Investigating financial support mechanisms to ensure economic stability for all citizens.
- **Mobile/Non-Police/Alternative/Peer-Based Crisis Response:** Advancing alternatives to traditional police responses to crises, with a focus on program funding.
- **Domestic/Gender-based/Intimate Partner Violence:** Tackling domestic and gender-based violence through supportive measures and resources.
- **Police Wellness, Fair and Impartial Policing (FIP) Training, Police Community Services:** Encouraging police wellness and unbiased policing to enhance community-police relations.
- **Climate Equity:** Integrating climate justice into public safety strategies, ensuring that climate adaptation and mitigation efforts are equitable and inclusive, particularly for communities disproportionately affected by climate change.

These efforts aim to sustain and expand the initiative, ensuring a comprehensive approach to public safety.

Approaching **Phase 3** of Reimagining Public Safety, staff are requesting for continued funding of \$50,000 for fiscal year 2025 for grant assistance. This sustained investment is crucial for maintaining key efforts in

these areas, ensuring the initiative's ongoing success and its capacity to adapt and respond to Berkeley's evolving public safety needs. This strategic continuity is vital for extending the initiative's impact, fostering a safer, more equitable, and resilient Berkeley.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Summer – Fall 2023	Contract with California Consulting, LLC has been initiated.
	<i>Anticipated</i> Ongoing	The Reimagining Public Safety Project Coordinator will manage continued efforts in grant identification, application, and management.

Fiscal Summary:

Category	Amount	Source	Description of Use
Tier I Recommendation	\$50,000.00	General Fund	\$50,000 for FY 25 for Grant Assistance.

Considerations:

- **Grant Alignment and Coordination:** Strategy for securing grants involves a careful balance between meeting specific grant requirements and advancing the Reimagining Public Safety initiative's goals. This dual focus ensures applications are both targeted and aligned with broader safety objectives, while encouraging departments to work together efficiently.
- **No-match Prioritization and Limitations:** The RPS Team prioritizes grants that do not require matching funds, which helps stretch the initiative's budget further by avoiding additional financial commitments. While this approach maximizes available resources, it's important to recognize the limitations, as no-match grants might not cover all areas of interest. Despite this, the city remains committed to exploring all funding avenues, including those requiring matches, to fully support the Reimagining Public Safety goals.

Next Steps & Timeline:

- **January 2024 – ongoing:** The Assistant to the City Manager will collaborate cross-departmentally to pinpoint grant opportunities that align with objectives of the Reimagining Public Safety initiative, with plans to report on the grants successfully obtained.

SPECIALIZED CARE UNIT IMPLEMENTATION

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

In **Phase I** of the Mayor's Reimagining Public Safety initiative, the Berkeley Specialized Care Unit (SCU) was developed through extensive community engagement and research. Guided by a SCU Steering Committee with diverse representatives and informed by research from Resource Development Associates (RDA), the SCU model aligns with Berkeley-specific needs. In 2022, the Health, Housing, and Community Services (HHCS) department bolstered its staff and collaborated with community organizations to provide bridge services for crisis support as the SCU stood up. Bonita House, Inc., selected in December 2022, is implementing the SCU, which began operating in September 2023 and is working towards 24/7 service. The SCU pilot program is funded by various sources, including the American Rescue Plan Act and the California Department of Health Care Services.

Since beginning operations in September 2023, the Specialized Care Unit has provided services to over 200 community members, averaging approximately two to five calls for service each day. SCU services commonly include creating safety plans, which are structured plans for individuals in crisis to follow to seek support in the event of another crisis, as well as providing transportation and referrals to community-based resources, when accepted. The SCU has written less than twenty 5150 psychiatric holds, only using these holds when necessary, and has focused most of its work on de-escalation and creating safety plans.

The SCU currently operates from 6am to 4pm daily and has been working to expand hours into the evening, eventually operating 24/7. Community members can call the SCU through 10-digit phone number that is separate from 911. The SCU will conduct a quick intake to confirm the call is appropriate, and then send the team to the location. HHCS is working with Bonita House to expand these hours of operation as soon as possible to be able to provide this service to community members during the evening

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase I (2020-2022)	December 2020	SCU Steering Committee Formed.
	January 2021	Contract with RDA Initiated.
	March 2022	RDA Completes Report & Presents to Council.
	May 2022	City Council informed of Reimagining Public Safety Framework for SCU design.

Key Accomplishments and Next Steps (Continued):

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	October 2023 - ongoing	The SCU continues to hire and train staff to build toward 24/7 operations. Additionally, HHCS and Bonita House have initiated conversations about using a MediCal billing model to contribute to longer term program costs.
	March 2024	Purchased SCU vans arrive at the Berkeley Corporation Yard and are deployed to the SCU team for operations.

Fiscal Summary:

Category	Amount	Source	Description of Use
Policy Consideration Tier 2 Recommendation	\$3,600,000.00/ year	To be determined	HHCS anticipates that all grants will be expended at the end of the SCU pilot program in June 2025. For FY26 and beyond, the unbudgeted need to support the SCU program will be approximately \$3.6M. While MediCal reimbursement may offset some of this cost, the exact reimbursement rate continues to be determined.

Considerations:

- **Scaling Up:** The SCU continues to operate in a ramp-up state as Bonita House continues to hire and train staff for the program. As staff are hired and trained, they can start providing services in the field. The SCU will continue to expand their hours, as staffing allows, to operate a 24/7 non-police response to mental health and substance use crises. Due to the field-based nature of the SCU, there have been some challenges hiring staff who are willing to work in-person for each shift. While this has delayed the expansion of the SCU, it has helped the SCU hire staff who are a good fit for the program to support ongoing operations and expansion.
- **Grants and Long-term Funding:** As grant funding is of a limited-term nature, HHCS is actively pursuing additional funding opportunities, including through the Department of Health Care Services, to sustain and improve the SCU over time. HHCS is working closely with Bonita House to determine potential MediCal billing, but anticipates that there will be an unbudgeted need of approximately \$3,600,000/year to sustain the SCU program once the pilot period ends on June 30, 2025.
- **Leadership Changes:** In early 2024, there have been multiple leadership transitions within HHCS and within Bonita House. Program services have remained consistent, but the leadership changes have impacted the rate of expansion. While the direct program management has stayed consistent, these transitions can impact the speed of expansion.

Next Steps & Timeline:

- **January 2024 – ongoing:** The SCU will continue to hire and train staff to build toward 24/7 operations. Additionally, HHCS and Bonita House have started initial conversations about using a MediCal billing model to contribute to longer term program costs.

STAFFING POSITIONS (REIMAGINING PUBLIC SAFETY COMMUNITY SERVICE OFFICERS & DISPATCHERS)

Department Lead: Police

Status Update: *In Progress*

Overview:

As part of **Phase 2** implementation, the City Council allocated funds for Fiscal Years 2023 and 2024 to support a temporary, two-year pilot Community Service Officer and Dispatch program. This program sees the addition of several key positions: 8 Public Safety Dispatcher II, 1 Public Safety Dispatch Supervisor, 6 Community Service Officers (CSOs), and 1 CSO Supervisor. The initiative aims to explore the integration of CSOs into the public safety response, utilizing their capabilities in a variety of non-critical tasks to enhance operational efficiency and community engagement. Recognizing the diverse applications of CSOs in other agencies—ranging from taking cold reports and accident scenes, gathering witness statements, obtaining video evidence, conducting neighborhood checks, to managing traffic, ensuring scene security, and executing logistics—it's evident that CSOs can significantly augment the police force. By leveraging CSOs for these tasks, the program intends to free up sworn officers for redeployment to higher priority calls once a scene is stabilized, thereby optimizing resource allocation and response times. As noted in the Fall 2023 Update, the CSO positions, being temporary in nature, have influenced the decision-making of some prospective candidates, with a few declining offers due to the limited duration of these roles (See Appendix A, page 31 of Fall 2023 Status Report). Despite these challenges, the BPD remains committed to maintaining robust recruitment efforts and is actively engaged in a comprehensive staffing evaluation to ensure the effectiveness and sustainability of its workforce.

As the initiative advances into **Phase 3**, it is recommended by staff **categorizing the request to convert the limited term positions to career as Tier 2 to allow time for Council discussion and coordination with BPD on this. The staffing assessment from CityGate is scheduled to be complete by June 2024.** Formalizing these roles within the Police Department is expected to substantially improve the department's capacity to staff and operationalize the unit effectively. This transition aims to ensure a stable and dedicated workforce, fostering sustained community engagement and bolstering public safety measures through a strategic mix of sworn officers and CSOs, reflecting a smart allocation of resources based on the insights garnered from the deployment of CSOs in various supportive roles.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Summer – Fall 2022	BPD Recruitment Cycle.
	July 2023	Contract with Citygate for BPD Staffing Assessment.
	Summer – Fall 2023	BPD Recruitment Cycle.
	<i>Anticipated</i> January 2024 – ongoing	The Berkeley Police Department will continue recruitment efforts.

Fiscal Summary:

Category	Amount	Source	Description of Use
Baseline Allocation	\$2,204,438.00	General Fund	Safety Dispatcher II (8).
	\$380,718.00	General Fund	Public Safety Dispatch Supervisor (1).
	\$1,968,996.00	General Fund Tier 2 Recommendation (for future FY)	Community Service Officers (6). Limited Term.

Considerations:

- Implementation Timeline with Recruitment Focus:** An effective implementation timeline is essential, now with added emphasis on the recruitment benefits of transitioning positions to permanent status. The shift towards permanency is expected to make the roles within the Community Service Officer and Dispatch program more attractive to potential candidates, addressing some of the recruitment challenges previously encountered due to the temporary nature of these positions. Ensuring that the timeline accommodates for this transition is crucial, as it will likely influence the program's ability to attract and retain qualified personnel.
- Integration into Future Budgets for Long-term Sustainability:** The recommendation to make these positions permanent underscores the need for careful integration of the program into future budget cycles, particularly looking towards the FY 25-26 Budget Process and beyond. This approach not only secures the necessary funding for these roles but also signals a commitment to the program's long-term viability

Next Steps & Timeline

- Winter 2023 – ongoing:** The Berkeley Police Department will continue recruitment efforts. Staff recommend that these positions transition from temporary to permanent status. Formalizing these roles within the Police Department is anticipated to significantly enhance the department's ability to staff and effectively operate the unit. This action aligns with the initial recommendations from the ongoing Staffing Assessment.



FAIR AND IMPARTIAL POLICING

Department Lead: Police

Status Update: *In Progress*

Overview:

During **Phase 1**, In February 2021, the Berkeley City Council approved the implementation of the Mayor's Fair and Impartial Policing (FIP) Taskforce recommendations by the Berkeley Police Department (BPD). To date, BPD has successfully implemented 13 of 14 recommendations as part of their commitment to fair and impartial policing. Which includes specialized FIP training, for which an additional \$100,000 was funded in **Phase 2** for Fiscal Years 2023 and 2024, covering areas such as Crisis Intervention, LGBTQ awareness, Racial Profiling and Bias training, as well as KIND and ABLE training as noted in the Fall 2023 RPS Update (See Appendix A, page 32 of Fall 2023 Report). Additionally, the Berkeley Police Department presented updates related to FIP at the March 12 Special City Council Meeting (See Appendix D for BPD Annual Report).

As the initiative advances into **Phase 3**, staff recommend allocating \$100,000 for FY 25 & 26 to ensure the force continues to have robust FIP training. Furthermore, the Assistant to the City Manager is collaborating with the Police Department to secure competitive grant funding to advance these efforts.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	February 2021	Mayor and the City Council pass FIP Recommendations
	August 2021 – ongoing	Berkeley Police has implemented ongoing fair and impartial trainings for its officers.
Phase 2 (2022-2024)	July 2022 – ongoing	The Berkeley Police Department will continue to fulfill officer training needs.

Fiscal Summary:

Category	Amount	Source	Description of Use
Tier 1 Recommendation	\$200,000.00	General Fund	\$100,000 per FY for FIP Training

Considerations:

- **Long-Term Funding Needs:** Securing continuous funding for FIP beyond the initial fiscal allocations is critical. This involves both securing stable city budget funds and exploring external grants to ensure the sustainability and expansion of specialized training and strategies.

Next Steps & Timeline

- **Winter 2023 – ongoing.** The Berkeley Police Department will continue to fulfill officer training needs through Fiscal Year 2026; Berkeley PD will have various related CIT, LGBTQ, Bias/Profiling, and FIP-styled training planned for 2024.

WELLNESS PRACTICES

Department Lead: Police

Status Update: *In Progress*

Overview:

In **Phase 2** of the Reimagining Public Safety initiative, the Berkeley Police Department were allocated \$50,000 towards enhancing staff wellness services, including Crisis Intervention and Stress Management. As noted in the Fall 2023 Status Update, upgrades to facilities and the introduction of an immersive group therapy program for trauma recovery were key components (See Appendix A, page 34 of Fall 2023 Report). Additionally, the launch of a mobile app offering anonymous access to a wide range of health and wellness resources underscores the department's dedication to the physical and mental well-being of its officers.

As the initiative moves into **Phase 3**, staff recommend allocating \$50,000 for FY 25 and FY 26 to maintain and expand wellness integration within the force. Moreover, the Assistant to the City Manager is partnering with the Department to actively seek competitive grant funding to support and advance these critical wellness efforts.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	July 2022 – Ongoing	Wellness efforts for FY 2023 included counseling, critical incident stress training, gym updates, and immersive group therapy, evolving in FY 2024 to incorporate an O2X Partnership and wellness apps & resources for first responders.
	Ongoing	Continued partnerships and efforts towards BPD Wellness Practices for officers.

Fiscal Summary:

Category	Amount	Source	Description of Use
Tier I Recommendation	\$100,000.00	General Fund	\$50,000 per FY for Wellness Funds.

Considerations:

- **Long-Term Funding Needs:** Securing continuous funding for wellness beyond the initial fiscal allocations, will involve both securing stable city budget funds and exploring external grants to ensure the sustainability and expansion of emerging wellness and training needs.

Next Steps & Timeline

- **Winter 2023 – ongoing.** The Berkeley Police Department will continue to strengthen and expand wellness training and leverage grant opportunities.

VISION ZERO PROGRAM

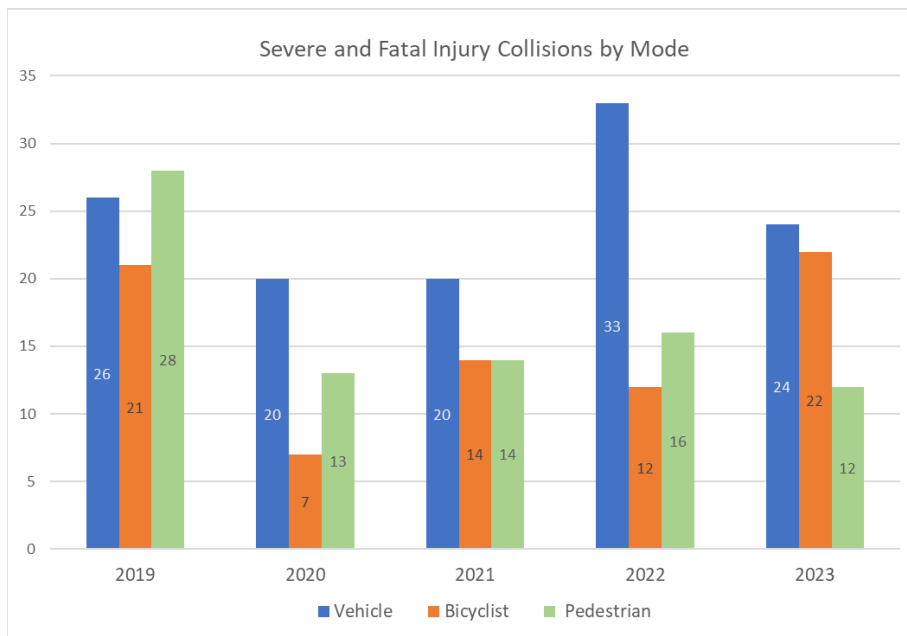
Department Lead: Public Works Department

Status Update: *In Progress*

Overview:

In October 2023, the Public Works department hired a Vision Zero Program Coordinator (Associate Planner). As part of the Reimagining Public Safety initiative this new hire aids in implementing the Vision Zero Action Plan, which includes eleven high-priority actions focused on addressing fatal and serious injury collisions in Berkeley, with the goal of eliminating all fatal and serious injury traffic crashes by 2028. The Vision Zero approach focuses on corridor and system-wide design interventions to improve safety for all modes of transportation in Berkeley, focusing only on severe and fatal collisions, and calling for enforcement only where engineering and education efforts have already been implemented. The Vision Zero Action plan calls for an equity evaluation during the upcoming Plan update to identify gaps in safety and collision datasets and develop milestones to address inequities.

Since being hired, the Vision Zero Program Coordinator has helped manage and support safety projects on Vision Zero High Injury Streets, including the Adeline Street Transportation Improvements Project and Alameda County Transportation Commission’s San Pablo Corridor Projects; established monthly meetings with the Berkeley Police Department to discuss collision data and facilitate communication about any gaps necessary for thorough data analysis; and initiated early planning to restart both the Berkeley Vision Zero Coordinating Committee and the upcoming Vision Zero Action Plan update. The Vision Zero Program Manager (Senior Planner) is currently vacant. This position leads the Vision Zero Program and the work of the Vision Zero Program Coordinator (Associate Planner). Recruitment for this position is currently underway with the hope of hiring and onboarding a new Senior Planner by mid-2024.



For the five-year period 2019 through 2023, there was an average of four fatal collisions and 52 severe injury collisions per year on Berkeley streets.

By comparison, the 2020 Berkeley Vision Zero Action Plan reported an average of two fatal collisions and 21 severe injury collisions per year, for the five-year period 2013 through 2017.

Vision Zero traffic safety interventions may consist of major grant-funded corridor project or smaller-scale Quick Build projects. More information and an update on both strategies can be found below.

Since the Fall 2023 update, construction has begun on two grant-funded corridor safety projects on Vision Zero High Injury Streets: the Southside Complete Streets Project, and the Martin Luther King Jr. Way Vision Zero Quick Build. These safety projects originate from City Council adopted plans and policies, including the Berkeley Bicycle Plan (2017), the Berkeley Pedestrian Plan (2020), and Berkeley's Transit-First Policy Implementation Plan (2023). Projects based on these plans and policies are developed and implemented by staff in the Transportation and Engineering Divisions of Public Works, including Vision Zero Program and Capital Improvement Projects staff.

Following two serious injury crashes and a fatal injury crash in February 2024, the Vision Zero Rapid Response Protocol was activated. The Vision Zero Rapid Response Protocol was developed based on a recommendation from the Vision Zero Action Plan that Public Works Transportation staff establish protocols following serious injury and fatal collisions to communicate timely and accurate information and take a data-driven approach to developing safety interventions and projects at crash locations.

In the weeks following a suspected serious injury or fatal collision, Public Works Transportation Division Vision Zero program staff (Vision Zero Program Coordinator (Associate Planner) and Vision Zero Program Manager (Senior Planner, currently vacant)) convenes representatives from the Berkeley Police Department Traffic Unit, Public Works Transportation Division, City Attorney's Office, and City Manager's Office Communications Office for a briefing from the Berkeley Police Department about the collision. At this briefing, BPD shares information about crash location, conditions, and contributing factors from its investigation of the collision. This briefing is intended to help Public Works Transportation staff better understand the crash to potentially develop traffic safety interventions at these locations, where warranted.

Following the crash briefing, Public Works staff, including Traffic Engineering and Vision Zero program staff, meets to evaluate and decide whether to implement countermeasures to improve safety at crash locations and prevent future incidents of this type. If staff determine that countermeasures should be implemented, Public Works leadership works with transportation and maintenance staff to determine if interventions can be completed with existing staff and on-call contracts, or if additional steps will be necessary for implementation.



Vision Zero Program staff are in the process of working with the consultants who assisted with the Vision Zero Action Plan to develop a more formalized Quick Build program that would include a design toolkit, recommendations for specific countermeasures, and guidance as to whether near-term quick build and/or longer term grant funded capital project solutions would be effective.

As Reimagining Public Safety moves into **Phase 3**, staff recommends continuing to fund the Vision Zero Associate Planner role. Additionally, there are funding recommendations for consultant support, and for an FTE that will work within the Fire Department to support Reimagining Public Safety goals and advance programs, projects and policies that will meet the City’s Complete Streets and Vision Zero goals. From 2017-2022, traffic-related trauma in Berkeley resulted in average annual injuries to 490 motorists, 103 cyclists and 101 pedestrians. The substantial toll of traffic-related street trauma in the City requires that the Fire Department expand its traditional response mission to include a “street trauma prevention” component. This builds on the successes of the Department’s fire prevention activities in preventing fire-related injuries and deaths and applies it to the problem of street trauma.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	October 2023	Vision Zero Program Coordinator (Associate Planner) Hired.
	January 2024 – Ongoing	In line with the 11 high priority action items identified in key priorities of the Vision Zero Action Plan, the Associate Planner will be supporting the implementation of the programmatic and capital project delivery elements of Vision Zero. Three of the eleven high priority action items include collision analysis as described in the Reimagining Public Safety initiative.
	Fall 2023 – Summer 2024	Martin Luther King Jr Way Vision Zero Quick Build construction. This project is intended to make transportation safer for all modes of transportation along Martin Luther King Jr. Way, a High Injury Street corridor, implementing goals of the Vision Zero Action Plan.
	December 2023 – Early 2025	Southside Complete Streets Project construction. This is a safety project for all modes of travel, and includes improvements on Bancroft Way (a High-Injury Street), as well as portions of Fulton Street, and Dana Street.
	<i>Anticipated</i> January 2024 – April 2024	Recruitment for Vision Zero Program Manager (Senior Planner). This position will be responsible for implementing and updating the Vision Zero Action Plan and serve as a project manager for major corridor and “quick build” capital projects on Vision Zero High Injury Streets.

Fiscal Summary:

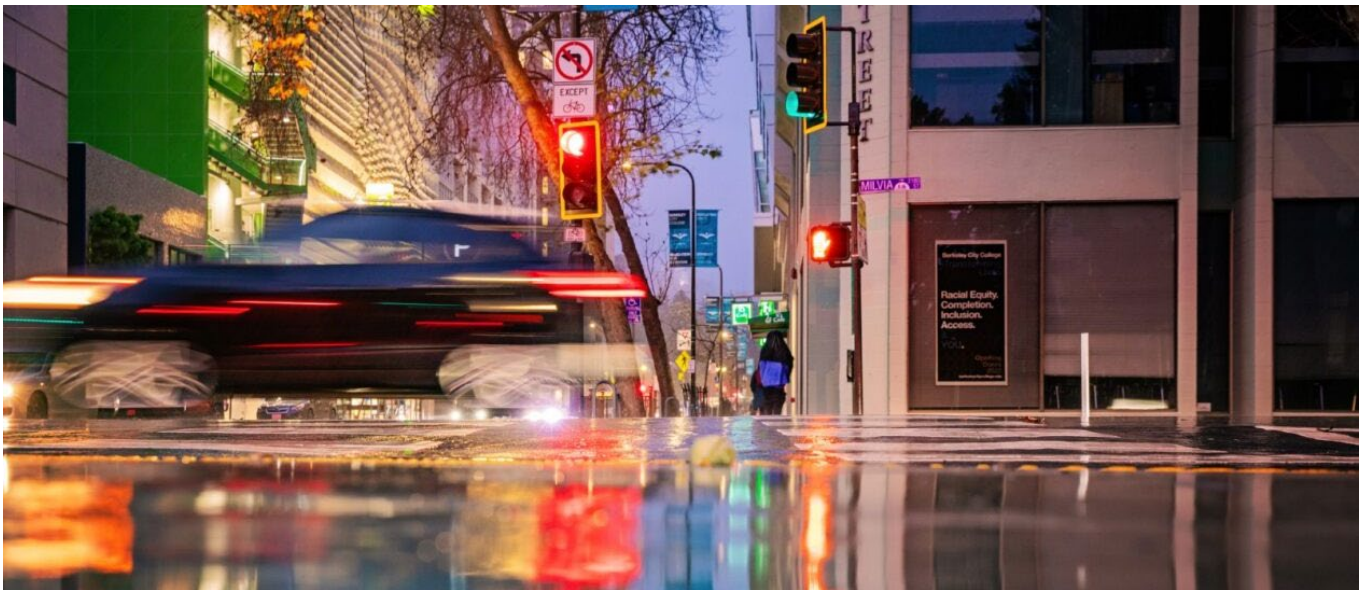
Category	Amount	Source	Description of Use
Baseline Allocation	\$377,808.00	General Fund	Associate Planner – Vision Zero Program Coordinator.
Tier 1 Recommendation	\$250,000.00	General Fund	\$250,000 for FY 25. Consultant Costs – Develop Vision Zero Program Deliverables.
Tier 2 Recommendation	\$525,622.00	General Fund	\$262,811 per FY for Program Manager II – Fire.

Considerations:

- **Staffing Vacancies.** The City Manager issued Off-Agenda memos, [November 2022](#), [December 2022](#), and [October 2023](#), respectively, to update the City Council on the Public Work's Transportation Division's staffing and work priorities.
 - The Vision Zero Program Manager (Senior Planner) position is currently vacant following the promotion of the former Senior Planner to Principal Planner in August 2023. Recruitment for the Senior Planner position began in January 2024 and closes in mid-March, with anticipated hire by mid-2024.
 - Several key Traffic Engineering positions are currently vacant. This may delay progress on major capital project implementation on High-Injury Streets as this reduces capacity for internal engineering review.

Next Steps & Timeline:

- **January 2024 – ongoing:** In 2024, the Vision Zero program anticipates restarting the Vision Zero Coordinating Committee meetings; initiating the three-year update to the Vision Zero Action Plan; continuing to implement and codify the Vision Zero Rapid Response Protocol, restarting development of the Quick Build Program; continuing to support major grant-funded capital projects on Vision Zero High Injury Streets, such as Southside Complete Streets, Adeline Street Transportation Improvements Project, and the Alameda County Transportation Commission San Pablo Avenue Corridor Projects. Progress on Vision Zero high priority projects and programs in 2024 will depend on hiring a new Vision Zero Program Manager (Senior Planner) by mid-2024.



CONSTULTANT COSTS

BERKEKELY DEPARTMENT OF TRANSPORTATION DEVELOPMENT

Department Lead: Public Works Department

Status Update: **In Progress** (funding deferred)

Overview:

In the Reimagining Public Safety Initiative's **Phase 1**, groundwork for the Berkeley Department of Transportation (BerkDOT) was established, focusing on consolidating city transportation functions and emphasizing racial justice in transportation policies. For Fiscal Year 2023, the City allocated \$300,000 for BerkDOT's development in **Phase 2**. The Fall 2023 Status Report revealed challenges, including legislative hurdles like the defeat of California SB-50 Bill and significant staffing shortages in the Public Works Department (See Appendix A, page 37 of Fall 2023 Report). These obstacles, along with the deferral of funding due to the Annual Appropriations Ordinance (AAO) process, have temporarily hindered BerkDOT's progress.

As the initiative progresses into **Phase 3**, staff are closely evaluating the initiative's timeline, dependencies, and priorities. With detailed assessments, pilot programs, and evaluations underway, staff recommend revisiting funding allocation to a future Fiscal Year for a phased approach towards BerkDOT.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	June 2020 – ongoing	Community Process for BerkDOT Development
	Fall 2022	Crossing guards transitioned from the Police to Public Works' Division of Transportation.
	Fall 2022 – 2023	Public Works staffing vacancies memos issued to City Council and community.
Phase 2 (2022-2024)	June 2023	Council referred several Reimagining Tier I requests to the Annual Appropriations Ordinance process.
	January 2024	Funding for the Department of Community Safety deferred.

Fiscal Summary:

Category	Amount	Source	Description of Use
Tier 3 Recommendation	\$300,000.00	General Fund	\$300,000 allocation request future FY.

CONSULTANT COSTS

Considerations:

- **Regulatory Compliance:** BerkDOT must strictly adhere to local, state and federal transportation regulations. This includes not just road and transit roles, but also any pertaining to pedestrian zones, bike lanes, and other urban transportation forms. Ensuring compliance will prevent potential legal complications and foster smoother collaboration and state federal agencies.
- **Budgetary Limitations:** The BerkDOT's budget is currently deferred. This situation necessitates providing essential project and operations within existing resources. The City must explore innovative solutions and consider alternative funding avenues, such as grants or strategic partnerships.
- **Staffing:** The Public Works Department is currently facing a staffing shortage, which affects its capacity to meet all operational demands. The Department is actively recruiting to fill vacancies. It is important to note that with limited personnel, there are competing priorities to manage.

Next Steps & Timeline:

- **January 2024 – ongoing:** Due to the funding deferment and project timeline, staff suggest categorizing \$300,000 as Tier 3, allowing for the completion of dependencies like the Transportation Fines & Fees Analysis. Additionally, this will allow for a phased ramp up for BerkDOT efforts.



BEHAVIORAL HEALTH, CRISIS RESPONSE, AND CRISIS-RELATED SERVICES NEEDS AND CAPACITY ASSESSMENTS

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

In Phase 2, the City of Berkeley allocated \$100,000 in Fiscal Year 2023 for assessing service needs related to behavioral health and homelessness, using data from 911, non-911 calls, and other relevant sources since March 2020. In May 2023, the City Council approved additional funds for Resource Development Associates (RDA) to analyze this data, particularly to support the Specialized Care Unit (SCU)'s implementation and evaluation (See Appendix A, page 39 of Fall 2023 Report).

Concurrently, Health, Housing, and Community Services (HHCS) hired a Community Services Specialist II to evaluate crisis response and related services in Berkeley and Alameda County, focusing on identifying system gaps and enhancing programs like the SCU. This work is expected to continue into 2024. The crisis stabilization needs assessment details suggested recommendations on how the city can better strengthen the social safety net for Berkeley residents' after they experience crisis.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	Existing contract for SCU program evaluation is amended to add a scope of work for RDA to conduct the crisis needs assessment.
	June 2023 – August 2023	Crisis needs assessment for 911 call planning begins.
	August 2023 – ongoing	Data analysis of Computer Aided Dispatch (CAD) calls begins.
	August 2023	Community Services Specialist II Hired.
	November 2023 - ongoing	RDA refines data request and is working with the City of Berkeley to complete. This refined data request has delayed the timeline of the initial results, but HHCS continues to work closely with RDA and other stakeholders to receive these initial results of the call data and analysis.
	January 2024 – March 2024	After extensive research, initial recommendations for the Crisis Needs Assessment have been drafted. HHCS is working with affected stakeholders to determine any additional gaps and barriers in crisis stabilization service provision.
	<i>Anticipated</i> Spring 2024	Crisis Needs Assessment recommendations pertaining to crisis stabilization reviewed by service utilizers, service providers, community stakeholders, and various city departments whose scope of work may be impacted by the recommendations.

CONSULTANT COSTS

Fiscal Summary:

Category	Amount	Source	Description of Use
New/Continued Recommendation	TBD	To be determined	Pending finalization of the crisis needs assessment and recommendations to inform call types that could be diverted to other crisis resources in Berkeley, including the SCU.

Considerations:

- **Expanding Data Analysis & Dynamic Needs:** As the project progresses, there might be a recognition of new data sets essential for comprehensive analysis.
- **Partner Coordination & Feedback:** With multiple partners involved with the different components of the Crisis Needs Assessment, there will be extensive coordination to ensure that all information is gathered to inform these analyses.
- **Policy Awareness:** Staying updated with relevant behavioral health policies and regulations will be key to ensure project success and compliance.

Next Steps & Timeline:

- **Fall 2023 – ongoing:** The data analysis for the 911 call data continues to be ongoing, as the initial data request was revised to gather more specific data. HHCS expects to receive initial results of the analysis in spring of 2024.
- **January 2024 – ongoing:** Initial recommendations for crisis stabilization in Berkeley have been drafted and are being vetted with stakeholders. Next steps will include presenting these recommendations based on the analysis and needs assessment to the appropriate policy committees, and city commissions.

STAFFING ASSESSMENT

Department Lead: Police

Status Update: *In Progress*

Overview:

Under the Reimagining Public Safety **Phase 2** recommendations, the Berkeley Police Department has engaged Citygate Associates for a detailed study of its operations. This study focuses on evaluating the Department's organizational structure, resource allocation, and patrol boundaries. Citygate is tasked with proposing organizational enhancements to improve service to the community, while also considering the morale and well-being of the police staff (See Appendix A, page 41 of Fall 2023 Report).

Preliminary insights from Citygate's analysis endorse the Department's proposal to adjust staffing by incorporating Community Service Officers (CSOs) more robustly into its operational strategy. These findings support the initiative's vision to not only refine the Department's structural and operational dynamics but also to ensure a strategic allocation of personnel. This strategic staffing adjustment aligns with broader goals to optimize police resources and response capabilities, leveraging the diverse skill set of CSOs to complement the work of sworn officers.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	July 2023	The Berkeley Police Department has successfully engaged with Citygate Associates for a comprehensive staffing assessment and workload study.
	August 2023 – ongoing	Citygate Staffing Assessment Tasks 1 & 2.
	Fall 2023	Stakeholder Interviews and Community Survey.
	<i>Anticipated</i> November 2023 – December 2023	Review of Organizational Functions and Workload.

Fiscal Summary:

Category	Amount	Source	Description of Use
New/Continued Recommendation	TBD	To be determined	Pending finalization of the staffing assessment and recommendations.

Considerations:

- **Sustainable Funding:** Long-term sustainability of any staffing or operational enhancements will require careful budget planning, including identifying sources of funding.

Next Steps and Timelines:

- **January 2024 – ongoing:** Citygate's workload study will take approximately nine months and consists of 6 key tasks outlined in the contract and anticipate presenting findings and recommendations at the Fall 2024 RPS Status Update.

TRANSPORTATION FINES & FEES ANALYSIS

Department Lead: City Manager's Office

Status Update: **In Progress** (anticipated carryforward request)

Overview:

Under **Phase 2** of the Reimagining Public Safety initiative, the City Council allocated \$150,000 in Fiscal Year 2023 to review and propose amendments for the City of Berkeley's Municipal Code. This effort aims to enhance equity and racial justice within the city's transportation fines and fees system and to consider civilian enforcement for certain Municipal Code violations (detailed in Companion Appendix T, pages 3259-3264). The Fall 2023 Status Report identified delays in several deliverables, including this analysis, due to funding deferral in the Annual Appropriations Ordinance (AAO) process (See Appendix A, page 42 of Fall 2023 Report). Funding was subsequently released in January 2024, following approval by the Mayor and City Council.

A Steering Committee, coordinated by the Assistant to the City Manager and comprising representatives from the City Attorney's Office, the City Manager's Office (including the Hearing Officer and DEI Officer), and the Public Works Transportation Division, was established to oversee the Request for Proposals (RFP) Design and Process. The issuance of the RFP is now scheduled for Summer 2024, owing to an extended council recess.

As the initiative transitions into **Phase 3**, staff recommend that the allocated funds be carried forward into Fiscal Year 2025. This recommendation is crucial for maintaining the project's continuity and ensuring that the City of Berkeley can effectively pursue its objectives of promoting equity and racial justice through the reassessment of transportation fines and fees. This proactive approach underscores the city's commitment to reevaluating and reforming municipal practices to support a more equitable community environment.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	City Council referred several Reimagining Tier 1 requests to the Annual Appropriations Ordinance process.
	January 2024	Funding for the Transportation Fines & Fees Analysis was released.
	Anticipated Spring 2024	RFP Design and Process.
	Anticipated Summer 2024	RFP Call for Bidders is expected to be published.

Fiscal Summary:

Category	Amount	Source	Description of Use
Anticipated Carryforward Recommendation	\$150,000.00	General Fund	\$150,000 carryforward for FY 25.

Considerations:

- **Legislative Constraints and Compliance:** Navigating legislative hurdles is paramount to ensure that proposed amendments to the Berkeley Municipal Code enhance equity and racial justice within the transportation fines and fees system while remaining compliant with existing laws. This consideration is crucial for achieving the initiative's objectives without legal impediments.
- **Effective Utilization of Allocated Funds:** With \$150,000 allocated for Fiscal Year 2023 and plans to carry forward into FY 2025, managing these funds judiciously is essential. Strategic budgeting and oversight will ensure the project's goals are met efficiently, maintaining momentum and achieving impactful outcomes within the set financial parameters.

Next Steps & Timeline:

- **January 2024 – ongoing:** With funding now released, the immediate focus is on finalizing the RFP for the Transportation Fines & Fees Analysis, scheduled to be posted in Summer 2024. Staff will recommend the carryforward of allocated funds into FY 2025, ensuring that the project's momentum is maintained.

DEPARTMENT OF COMMUNITY SAFETY DESIGN AND IMPLEMENTATION

Department Lead: City Manager's Office

Status Update: *To Be Initiated* (project deferred)

Overview:

As a **Phase 2** item in the Reimagining Public Safety initiative, \$250,000 was initially allocated for Fiscal Year 2024 to support a design process for the creation of a Department of Community Safety. The Fall 2023 Status Report brought to light an important issue: several deliverables within the Reimagining Public Safety initiative, including the creation of the Department of Community Safety, have yet to be initiated (See Appendix A, page 43 of Fall 2023 Report). The postponement of efforts to establish the Department of Community Safety arises from concerns regarding the implementation timeline's feasibility, as well as the need to reallocate funding to existing city services and to address council referrals, in accordance with the Annual Appropriations Ordinance (AAO) process.

As the initiative moves into **Phase 3**, the City of Berkeley recognizes the importance of prioritizing the advancement of other critical areas within the Reimagining Public Safety initiative before proceeding with the establishment of the Department of Community Safety. This strategic recommendation is based on a thorough review of the general implementation timeline, including the specific timelines for assessments, pilots, and evaluations. To ensure a strategic and judicious use of resources, staff advise revisiting allocating funding for the Department of Community Safety to Phase 4. This approach will allow the city to focus on immediate priorities within the Reimagining Public Safety initiative while planning for future developments in a manner that aligns with the initiative's comprehensive goals.

CONSULTANT COSTS

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	Council referred several Reimagining Tier 1 requests to the Annual Appropriations Ordinance process.
	January 2024	Funding for the Department of Community Safety deferred.

Fiscal Summary:

Category	Amount	Source	Description of Use
Long Term Phase 4 Recommendation	\$250,000.00	General Fund	\$250,000 <i>allocation</i> for future FY to support design of Department of Community Safety.

Considerations:

- Strategic Allocation of Resources:** The project deferral and reallocation of the \$250,000 allocation intended for the design of the Department of Community Safety for Phase 4 emphasizes the critical need for strategic and judicious management of financial resources. The City of Berkeley must ensure that such funding is aligned with both the immediate and long-term goals of the Reimagining Public Safety initiative. It is proposed that the funding allocation for Fiscal Year 2026, allowing for a prioritized and financially responsible approach to initiative planning and execution.
- Staffing and Legislative Compliance:** Adequate staffing and compliance with legislative mandates are crucial for the Department of Community Safety's success. This entails recruiting and training skilled personnel for the department's effective operation and ensuring all activities are legally compliant. The City of Berkeley will carefully consider any needed legislative changes or policy adjustments to support the initiative. Addressing staffing needs and legislative compliance is essential to equip the department for its mission within a set timeline.

Next Steps & Timeline:

January 2024 – ongoing: Staff recommends revisiting the funding allocation for Phase 4 concerning the design and establishment of the Department of Community Safety.

DISPATCH NEEDS ASSESSMENT

Department Lead: Fire Department

Status Update: *In Progress*

Overview:

As the City moves forward in implementing a plan to evolve and elevate its dispatch system, it's crucial to understand the ongoing enhancements and challenges facing the City's Dispatch Center, a critical hub for police, fire, and emergency medical services (EMS). The center's complex operations echo those of an air traffic control center, where dispatchers handle emergency calls, collect vital information, and coordinate responses using a Computer Aided Dispatch (CAD) system. The Berkeley Fire Department is focused on elevating these services. They aim to implement systematic emergency call triage, provide pre-arrival instructions, and deploy alternative response units like mobile health or the Specialized Care Unit. These enhancements are in line with regional standards and require substantial investment for realization.

The Mayor's phased Reimagining Public Safety initiative, particularly its Phase 1, concentrated on developing the Dispatch Needs Assessment (DNA) and engaging stakeholders. As noted in the Fall 2023 RPS Status Report, with additional funding in Fiscal Year 2023, the focus shifted to DNA redesign as part of Phase 2 (See Appendix A, page 44 of Fall 2023 Report). The initial assessment by proposed a staffing model, facility improvements, and protocols supporting alternative response models and emergency medical dispatch. However, considering the significance of these recommendations and their long-term impact, the Department sought additional subject matter experts (SME) to validate the findings and recommendations of the needs assessment from October 2022. Upon obtaining additional call data and reanalyzing current and recommended models, these SMEs provided an alternative perspective on several key areas: the staffing model, dispatch protocols, alternatives for low-acuity calls, dispatch workflow, and tiered dispatch.

As the Reimagining Public Safety Initiative moves into **Phase 3**, the validation process aims to ensure that the recommendations are practical, economically viable, and reflective of industry challenges. This crucial step underscores the Department's commitment to informed, effective decision-making and sets the stage for further progress in the following phases of the initiative.



CONSULTANT COSTS

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase I (2020-2022)	Winter 2021 – Fall 2022	Completion of the RFP process and Stage One of the assessment.
Phase 2 (2022-2024)	November 2022 – May 2023	Completion of the initial needs assessment.
	Fall 2023	Development of Validation Scope and Vendor Selection.
	Fall 2023 – Winter 2024	BFD funded Validation Report with Measure FF Funds. The Validation began in November and finished in end of March.
	<i>Anticipated</i> Spring 2024	Completion of the Assessment Validation Report and staff presentations
	<i>Anticipated</i> Spring 2024	Anticipated discussions with City project stakeholders to determine future actions for the DNA. Following these discussions, BFD plans to issue an RFP for ongoing subject matter expert (SME) support and the implementation of changes, subject to budget approval and determination of next steps.

Fiscal Summary:

Category	Amount	Source	Description of Use
Allocation	\$95,000.00	Grant Funding	\$95,000 for FY21 for <i>Initial</i> Needs Assessment Report.
	\$20,000.00	Measure FF Fund	\$20,000 for FY24 for Validation Report.
	\$200,000.00	Measure FF Fund	\$200,000 to support a portion of the Reports and Implementation.
New/Continued Recommendation	TBD	To be determined	\$196,626,70 from the remaining have been encumbered and will be designated for use in FY 2025. This amount will support the implementation efforts arising from the findings and recommendations of the needs assessment and validation reports.

Considerations:

- **Staffing.** Through FY 23 the Fire Department experienced significant and ongoing recruitment and hiring challenges resulting from the global pandemic, the Office of the Fire Chief has struggled to fulfill community needs through day-to-day operations, strategic planning efforts, and project and program management. The most significant challenges surround overseeing operational and programmatic priorities due to short staffing. The Department is working diligently to reorganize its operations to support current and future staff and staffing needs.
- **Unanticipated Delays.** Initially, the Department challenged the conclusions of the first needs assessment, citing a disconnect with our localized operational knowledge. The report had been crafted following a standard collection of call data from Berkeley's Emergency Communication Center (ECC), leading to a proposed staffing model built upon those findings. However, given the significant implications of the recommended changes, leadership made the decision to pursue a validation study. The second group of consultants introduced a new perspective and a

CONSULTANT COSTS

different approach to their analysis, delving deeper into the data collection process by dissecting both the manner in which calls were received and their categorization. The pivotal difference was in the discovery that while existing industry standards dictated specific call-handling protocols for ECCs and dispatchers, the initial study focused on managing call volumes with staff. The validation study looked at methods to optimize workflow to alleviate the burden on staff. This critical and nuanced insight is set to enhance the City's efficiency and simplify the process of implementing necessary changes and upgrades to the ECC. The requirement for this validation study, coupled with the overall availability of contractors, has resulted in a 14-month delay.

- **Facilities Space.** One of the primary challenges and considerations that may inhibit implementation of Stage II of the Dispatch Needs Assessment is securing an appropriate facility space for the center. There is not enough space for the needed expansion of the Dispatch Center in the Public Safety Building before the Fire Department moves to an independent headquarters facility. Identifying and obtaining the appropriate amount of space to house dispatcher workstations is vital for the successful rollout and operation of the project. Ensuring the space meets the specific requirements and standards, both in terms of functionality and accessibility, is paramount and current configuration of the Public Safety Building will need to be adjusted to accommodate a modern and expanded dispatch center.
- **Budget.** Stage I of this project was funded through HHCS grant funds. Subsequent activities, including the Validation Report and the planning phase for implementation, have been financed by Measure FF funding. Measure FF is anticipated to cover certain one-time expenses involved in the implementation of the DNA recommendations. However, for recommendations entailing ongoing expenses, securing additional funds will necessitate the City Council's approval and allocation.

Next Steps & Timeline:

- **Winter 2023 – ongoing:** The validation report has resulted in high-level strategic recommendations for an implementation plan. Yet, the development of a more comprehensive implementation plan awaits the City's determination of its preferred direction, and the identification of which recommendations are practical for adoption. These critical decisions are anticipated in the near future. Despite the specifics of the recommendations or the timeline for decision-making, the City's need for continued contractor support to enhance various technology and workflow processes remains unabated. The Berkeley Fire Department team is actively working on preparing a Request for Proposal (RFP) to secure this vital support. Upon finalizing the budget and implementation strategies, the appointed consultant will be charged with devising a strategic plan for phased implementation, projected to span 5 to 10 years.

COMMUNITY INVESTMENTS

VIOLENCE PREVENTION

VIOLENCE PREVENTION AND YOUTH SERVICES

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

In **Phase 2** of the Reimagining Public Safety initiative, the City of Berkeley has focused on community investments, with significant funding allocated to two Community-Based Organizations (CBOs) (See [Appendix A, page 48 of Fall 2023 Report](#)). McGee Avenue Baptist Church Center for Food, Faith, and Justice has been granted \$50,000 to support its "Voices Against Violence" youth campaign. This initiative is part of the City's broader efforts to enhance community safety and enrichment. "Voices Against Violence (VAV)" is a Black-led Berkeley-based program committed to justice, equity, and violence prevention. "Voices Against Violence" serves middle and high school students through weekly workshops ranging from violence prevention, identity formation, diversity training, art expression, urban gardening, and healthy living. Participants receive merit-based stipends for attendance, participation, and community service projects, along with weekly meals to provide food resources identified as a need for participants early in the program. The funds have enabled McGee-CFFJ to build upon their established successes and expand their efforts in serving Berkeley's most vulnerable youth and families. Additionally, the "Voices Against Violence" program is able to have an even greater reach by leveraging McGee-CFFJ programming such as the Urban Garden, Culinary Arts and Technology Program, and Soulful Parenting Support Initiative.

Additionally, Berkeley Youth Alternatives (BYA) received \$160,000, with \$125,000 earmarked for their Counseling Center, which provides essential support services, and \$35,000 allocated for the Summer Jam Day Camp. These funds aim to strengthen the community by supporting key programs that contribute to the wellbeing of Berkeley youth, and, therefore, improve the overall safety of Berkeley.

One highlight includes the successful implementation of the Summer Jam Day Camp for children aged 6 to 12 years. The camp operated from 10 a.m. to 4 p.m., with an aftercare service available until 6 p.m. It consisted of four 2-week sessions, each priced at \$200, with scholarships available on a sliding scale. Out of 30 participants, 18 students received scholarships, indicating the program's accessibility and community support. The majority of the children attended the entire duration of the camp. The camp offered a comprehensive array of activities designed to promote health, creativity, and personal development. These included swimming, nutrition and gardening lessons, music, sports and games, photography, cooking classes, and separate groups for girls and boys led by counselors. Educational programs focused on literacy development were provided in collaboration with the U.C. Berkeley Public Service Center's BUILD college student mentors. Campers also participated in lawn bowling and community service visits to the elderly.

In addition, Reimagining Public Safety funds supported the BYA Counseling Center over the past year. This funding enabled BYA to serve more youth and families who do not have Medicare or private insurance. The funding was also used to provide incentives to counseling staff, particularly graduate student interns. The funding allowed BYA to hire a new staff member who focused on supporting students who are enrolled in the BYA Afterschool Center and in need of mental health and wellness support. This past summer, BYA launched therapy groups for young people focused on resilience and positive social relationships. The counseling groups were open to all students in BYA’s summer programs. As appropriate, students were invited to co-enroll in BYA’s individual counseling program to address deeper issues that emerged in group sessions.



In light of these successes and moving towards **Phase 3** of the Reimagining Public Safety initiative, staff recommend continuing to support violence prevention efforts in Fiscal Year 25-26. This approach is expected to create synergies and opportunities in alignment with the city-wide violence prevention efforts, fostering a holistic strategy for community safety and enrichment.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	July 2022- June 2023	Funds allocated to CBOs
	Fall 2023 – June 2024	Funds continued allocation to CBOs through FY 24.

Fiscal Summary:

Category	Amount	Source	Description of Use
Tier I Recommendation	\$420,000.00	General Fund	To support Voices Against Violence initiative from McGee Ave. Baptist Church (\$50,000) and BYA (\$160,000: \$125,000 to support their counseling center and \$35,000 for the Summer Jam Day Camp).

Next Steps & Timeline

- **January 2024 – ongoing:** The City will continue to allocate funds to McGee Avenue Baptist Church and Berkeley Youth Alternatives corresponding to their programmatic expenditures through the end of Fiscal Year 2024, which ends on June 30, 2024.

GUN VIOLENCE PREVENTION (BERKELEY CEASEFIRE)

Department Lead: City Manager's Office

Status Update: *In Progress* (anticipated carryover request)

Overview:

As noted in the Fall 2023 Status Report, **Phase 1** placed a significant emphasis on involving community and expert engagement (See Appendix A, page 49 of Fall 2023 Report). As the project progressed into **Phase 2**, the City allocated \$1 million in the FY 2023 and FY 2024 budget (\$2M total) to directly confront the rising issue of gun violence.

The completion of the Gun Violence Prevention (GVP) report in the summer of 2023 marked a pivotal moment, with preliminary analyses and findings subsequently shared with the Chief of Police, the City Manager's Office, and presented to the City Council and community on January 23, 2024. A comprehensive, four-pronged strategy was unanimously approved, emphasizing: 1) place-based interventions in areas experiencing increased shootings, 2) direct engagement with at-risk individuals through custom notifications, 3) street outreach, and 4) the provision of robust social services. Following this strategic direction, the Assistant to the City Manager collaborated with internal staff and subject matter experts to plan the next steps and RFP processes specific to Berkeley's Gun Violence Intervention and Prevention program. This initiative, striving for a 10% reduction in gun violence incidents, harmonizes community engagement, strategic partnerships with internal city departments and external organizations, expertise from field experts, and empirically-based methods. Overseen by the City Manager's Office, the initiative is in the process of inviting proposals for the strategic design and implementation of the program's crucial elements—custom notifications and street outreach.

Launched in March 2024, the Request for Proposals (RFP) sets the groundwork for a comprehensive selection process, supported by a steering committee consisting of both internal and external stakeholders (See Appendix E for RFP). This step signifies the project's transition into **Phase 3**, a phase where the team anticipates finalizing a contract by the early summer, aiming for the official launch of the Gun Violence Intervention and Prevention program by early fall of 2024. Staff recommend a carryforward of unspent funds into FY 25-26 budget.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	Spring/Summer 2022	Community Process and Budget Allocation.
Phase 2 (2022-2024)	Summer 2023	GVP Report complete. Assistant to the City Manager – Reimagining Public Safety Project Coordinator hired.
	January 2024	Comprehensive RPS update to City Council. Research and stakeholder engagement for next steps and RFP process.
	Anticipated Spring 2024	RFP launch and bidding process.
	Anticipated Summer 2024	Selection complete and contract finalized.

Fiscal Summary:

Category	Amount	Source	Description of Use
<i>Anticipated</i> Carryforward Recommendation	\$2,000,000.00	General Funds	\$2,000,000 <i>carryforward</i> for FY 25 & 26 for Gun Violence Intervention and Prevention Program (Ceasefire).

Considerations:

- **CBO/Staffing Recruitment:** The current recruitment landscape presents its own set of challenges. Staffing up qualified organizations/individuals for this program may face prolonged lead times in recruitment. Beyond initial recruitment, the essential training required to ensure the efficacy of the GVP launch may further extend lead times.

Next Steps & Timeline:

- **January 2024 – ongoing:** Request for Proposals (RFP) process is anticipated to be in progress. Any funds uncommitted during this period will be requested to carry forward into Fiscal Year 2025-2026.



PUBLIC SAFETY/CRIME PREVENTION FOR WOMEN AND OLDER PERSONS

Department Lead: City Manager's Office

Status Update: *In Progress*

Overview:

The recommendation on public safety and crime prevention for women was presented to, and accepted by, the City Council in February of 2024 (See Appendix F for COSOW Item). These recommendations include a comprehensive strategy composed of the following elements:

- **Data-Driven Approach:** Collaboration with the Berkeley Police to identify critical areas and optimal times for safety escorts, aimed at enhancing protection for women based on identified risks.
- **Community Forum:** Organization of a city-wide hybrid safety forum targeted specifically at women, with a focus on engaging older women, to be led by the Berkeley Police Department.
- **Community Ambassadors:** Deployment of ambassador-led safety escorts in business districts and nearby residential areas to improve security.
- **Safety Escorts:** Establishment of a safety escort program inspired by the 2003 Respect-BART initiative.
- **Ride-share Program:** Exploration of the expansion of the Go-Go Grandparent program to provide safer transportation options for women, including potential cost-sharing solutions and modifications for ensuring safe arrivals, pending Council budget review.

In April 2024, staff presented preliminary data and findings to the Commission on the Status of Women and received feedback to inform next steps and further direction (See Appendix G for Presentation Materials). Recognizing the need for a meticulous and diligent approach, there is ongoing engagement with stakeholders to better understand the phased rollout and prioritization of these recommendations. Through data analysis and identification of needs, the goal is to pinpoint areas requiring immediate attention. As the Reimagining Public Safety Initiative advances into **Phase 3**, staff recommend allocating \$250,000 for FY 2025 to support the phased rollout of these programs.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	February 2024	Recommendation approved by City Council.
	Spring 2024	Preliminary research and data. Presentation to the Commission on the Status of Women.
	<i>Anticipated</i> Spring 2024 – ongoing	Ongoing research and stakeholder engagement to refine the scope, timeline, and budget, leveraging grants, and prioritizing actions based on data-driven needs analysis.

Fiscal Summary:

Category	Amount	Source	Description of Use
Tier 2 Recommendation	\$250,000.00	General Fund	\$250,000 allocation for FY 25. To support phased roll out of recommendations addressing public safety/crime prevention for women and older persons.

Considerations:

- Stakeholder Coordination, Compliance and Budget:** A primary challenge for this referral is the coordination between multiple city departments and compliance with legal and regulatory standards. Ensuring that all parts of the initiative align with current laws and city ordinances while effectively collaborating across various sectors can complicate timelines and require additional resources for thorough legal reviews. The current lack of a dedicated budget to explore and consider these recommendations complicates the implementation of the project, necessitating very careful resource management and possibly seeking external funding sources, such as grant opportunities, to support the initiative.

Next Steps & Timeline:

- Spring 2024 – ongoing:** Ongoing research and stakeholder engagement to refine the scope, timeline, and budget, leveraging grants, and prioritizing actions based on data-driven needs analysis.

ALTERNATIVES TO SANCTIONS/FINES

HEARING OFFICER-ALTERNATIVES TO SANCTIONS/FINES

Department Lead: Public Works Department

Status Update: *In Progress* (project deferred)

Overview:

Under **Phase 2**, the City allocated \$150,000 for Fiscal Year 2024 to improve hearing officer resources. This funding is designated for referring individuals to community and social services for minor infractions, such as parking violations. However, as noted in the Fall 2023 update, the launch of several Reimagining Public Safety deliverables are pending due to funding deferral (See Appendix A, page 51 of Fall 2023 Report). As the initiative transitions into **Phase 3**, the City of Berkeley acknowledges the need to prioritize the development of other crucial dependencies within the initiative, such as the Transportation Fines & Fees Analysis is currently in progress. This strategic direction, informed by the overall implementation timeline—suggests allocation these funds to Phase 4.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	Council referred several Reimagining Tier I requests to the Annual Appropriations Ordinance process.
	January 2024	Project for Expanding Hearing Officer Resources/Alternative to Sanctions/Fines deferred.

Fiscal Summary:

Category	Amount	Source	Description of Use
Long Term Phase 4 Recommendation	\$150,000.00	General Fund	\$150,000 allocation for future FY.

Considerations:

- Strategic Allocation of Resources and Implementation Timeline:** The project deferral for Fiscal Year 2024 underscores the necessity of strategically reassessing the project's timeline and resource management, particularly considering dependencies. The City is charged with aligning this funding with the phased goals of the Initiative, striking a careful balance between immediate needs and long-term objectives.

Next Steps & Timeline:

- January 2024 – ongoing:** Due to the project deferral and funding reallocation to existing city services and council referrals, staff recommend revisiting fund allocation in Phase 4.

EXPAND DOWNTOWN STREETS TEAMS

Department Lead: Public Works Department

Status Update: *In Progress* (anticipated carryforward request)

Overview:

In **Phase 2**, the City allocated \$50,000 for Fiscal Year 2024 to enhance the contract with Downtown Streets Team (DST). This decision, formalized through City Council Resolution No. 70, 394-N.S on May 31, 2022, enabled negotiations for new pricing, terms, and expanded services under DST's Clean Cities Program. The program includes hand sweeping, leaf and litter removal, graffiti abatement, and poster removal in various commercial districts. The Public Works Department has entered a new contract with DST, effective June 27, 2023. This contract continues DST's involvement in city maintenance activities, including sweeping, graffiti and litter removal, poster removal, and volunteer work programs. The Fall 2023 Status Report identified delays in several deliverables, including the DST contract's expansion to include DST as a placement for low-level violations, due to funding deferral in the Annual Appropriations Ordinance (AAO) process (See Appendix A, page 52 of Fall 2023 Report). Funding was subsequently released in January 2024, following approval by the Mayor and City Council.

As the initiative transitions into **Phase 3**, staff are requesting a carryforward of funds to allow for time for expanding the scope of the DST contract to fulfill this recommendation.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	City Council referred several Reimagining Tier I requests to the Annual Appropriations Ordinance process.
	January 2024	Funding for the Transportation Fines & Fees Analysis was released.
	<i>Anticipated</i> Summer 2024	Downtown Streets Team (DST) Contract Expansion.

Fiscal Summary:

Category	Amount	Source	Description of Use
<i>Anticipated</i> Carryforward Recommendation	\$50,000.00	General Fund	\$50,000 <i>carryforward</i> for FY 25.

Considerations:

- **Funding:** While the current phase of the project is supported by a one-time allocation, future expansions or enhancements will require careful financial planning.

Next Steps & Timeline:

- **January 2024 – ongoing:** Staff will recommend the carryforward of allocated funds into FY 2025, ensuring that the project's momentum is maintained.

COMMUNITY MENTAL HEALTH, BEHAVIORAL, AND CRISIS RESPONSE

COMMUNITY CRISIS RESPONSE SERVICES (BRIDGE SERVICES)

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

In Phase I of Berkeley's Reimagining Public Safety initiative, the city developed the Specialized Care Unit (SCU) to assist individuals in mental health or substance abuse crises without police involvement. To support this, the City Council allocated \$1.2 million from the FY 2022 budget for Community Crisis Response (CCR) services, also known as "Bridge Services." The city issued a Request for Proposals to community-based organizations for these services. Peer Wellness Collective, formerly Alameda County Network of Mental Health Clients, Options Recovery, and Women's Daytime Drop-in Center were selected to provide expanded peer support, substance use disorder interventions, and enhanced mental health care services, respectively ([See Appendix A, page 53 of Fall 2023 Report](#)).

These contracts, launched in Spring 2022 and extended through the end of December 2023 are meant to provide a wide array of crisis services to Berkeley community members as the SCU began operations. Now that the SCU began operations in September 2023, the Community Crisis Response services contracts are winding down. The Peer Wellness Collective contract ended in December 2023, Options Recovery Services ended in February 2024, and the Women's Daytime Drop-In Center contract will end in June 2024.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase I (2020-2022)	June 2021	City Council approves to allocate \$1,200,000 from the FY 2022 budget, sourced from the American Rescue Plan, to fund the Community Crisis Response (CCR) services.
	Summer 2021	RFP Process initiated.
	November 2021	Consent item issued to adopt three Resolutions authorizing the City Manager to execute contracts and any amendments or extensions with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women's Daytime Drop-in Center for Community Crisis Response Services, in an amount not to exceed \$1,200,000.
	Spring 2022 – Winter 2022	Contracts with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery , and Women's Daytime Drop-in Center initiated.
Phase 2 (2022-2024)	Spring 2023 – June 2024	Contracts with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery , and Women's Daytime Drop-in Center renewed/amended, while the SCU will continue to hire and train staff to build toward 24/7 operations.

Fiscal Summary:

Category	Amount	Source	Description of Use
Allocation	\$1,787,517.11	American Rescue Plan Act	This includes the initial \$1,200,000 allocated in July 2021 to support the Community Crisis Response Services. Additional funds were added to continue the Bridge Services through the end of June 2024 to provide a complete “bridge to SCU” as the SCU continued to hire and train staff.

Next Steps & Timeline:

- **Fall 2023 – December 2023:** HHCS continued partnership with Peer Wellness Collective, formerly Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women’s Daytime Drop-in Center for Community Crisis Response Services, while the SCU will continue to hire and train staff to build toward 24/7 operations. The Peer Wellness Collective contract expired and program concluded at the end of December 2023.
- **February 2024 – June 2024:** Options Recovery Services will conclude their Community Crisis Response “Bridge Services” contract at the end of February 2024. Women’s Daytime Drop-In Center will continue their contract through the end of June 2024. Community Crisis Response Services contracts expiring and programs concluding is in line with the intent to be a “bridge to the SCU.”

YOUTH PEERS MENTAL HEALTH, BEHAVIORAL, AND CRISIS RESPONSE

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

In response to student-led concerns about the scarcity of school resources for mental health and wellness support, the City of Berkeley, in collaboration with the Berkeley Unified School District (BUSD), inaugurated the Wellness Center at Berkeley High School with a soft opening at the start of the 2023-24 school year and a grand opening on December 2, 2023 (See Appendix A, page 55 of Fall 2023 Report). The mission of the Berkeley High School Wellness Center is to provide a space on campus where all students can reset, recharge and make connections. As of early March 2024, the Center reported a total of 598 student visits. A report on the first semester of services indicated that: 39% of students who visited the Wellness Center said they were experiencing academic stress/concerns, 35% said they were stressed or anxious, and 9% they felt sad or depressed. The remainder of students cited that the reasons for visiting the center were due to relationship issues, bullying, other reasons or they preferred not to say. African American/Black students accounted for half of the visits and Latinx students for 20%, indicating that the Wellness Center is being accessed by racially/ethnically diverse population of students.

The Center offers a variety of services including self-directed activities (such as simply sitting to take a break, journaling/coloring, and using theraputty/kinesthetic materials). The Wellness Center also offers wellness groups, check-ins with adults or peer mentors, and referrals to external services, addressing key student concerns such as academic stress (30%) and stress or anxiety (31%). Wellness Center staff have been trained to serve as a Crisis Response Team. City of Berkeley Health Center staff have helped lead the development and implementation of the Wellness Center and are guiding the Center’s development, including supporting referrals for mental health counseling from the Wellness Center team.

The Wellness Center is staffed by a dedicated team of BUSD staff, including a full-time coordinator funded through the City's \$350,000 investment, two Restorative Justice Coordinators, and a staff member tasked with supporting the youth peer-mental health team and other program areas. This initiative is a testament to the City's commitment to enhancing community mental health and well-being as part of the broader Reimagining Public Safety Initiative’s **Phase 2** Community Investments. The establishment of the Center marks a pivotal step in offering students a place to self-regulate and improve self-awareness. Preliminary plans are underway for a satellite Wellness Center at Berkeley Technology Academy. The effectiveness of the Wellness Center will be evaluated in its first formal assessment starting July 2024, with findings to be reported to the Health, Housing, and Community Services department.

Given the Wellness Center's significant impact on student mental health and well-being, and that the coordinator position is funded through end of FY 2026, staff recommend continued funding of \$350,000 for **Phase 4** of the initiative. This request is supported by the Center's vital role in addressing critical student needs and its alignment with the City's ongoing efforts to enhance community safety and well-being.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Summer 2023	Mental Health Wellness Coordinator Hired.
	August 2023	Wellness Center Refurbishing and Soft Opening.
	Fall 2023 – ongoing	BUSD - HHCS Collaboration Meeting.
		Outreach activities.
		Preliminary Wellness Center activity and services offered
	Winter 2023	BHS Wellness Center Grand Opening.
	November 2023	BUSD submits project evaluation plan to HHCS.
Anticipated July 2024	Evaluation #1 due to HHCS (for the period of June 26, July 15, 2024 2023 - June 30, 2024).	

Considerations:

- **Coordination with the Berkeley High School Health Center:** The BHS Health Center, operated by the mental health and public health divisions of HHCS, continues to provide first aid, mental health, youth development, and reproductive and sexual health services to students

on campus. As Wellness Center services are largely preventive in nature, and Wellness Center and Health Center staff will coordinate as needed to support the unique needs of students.

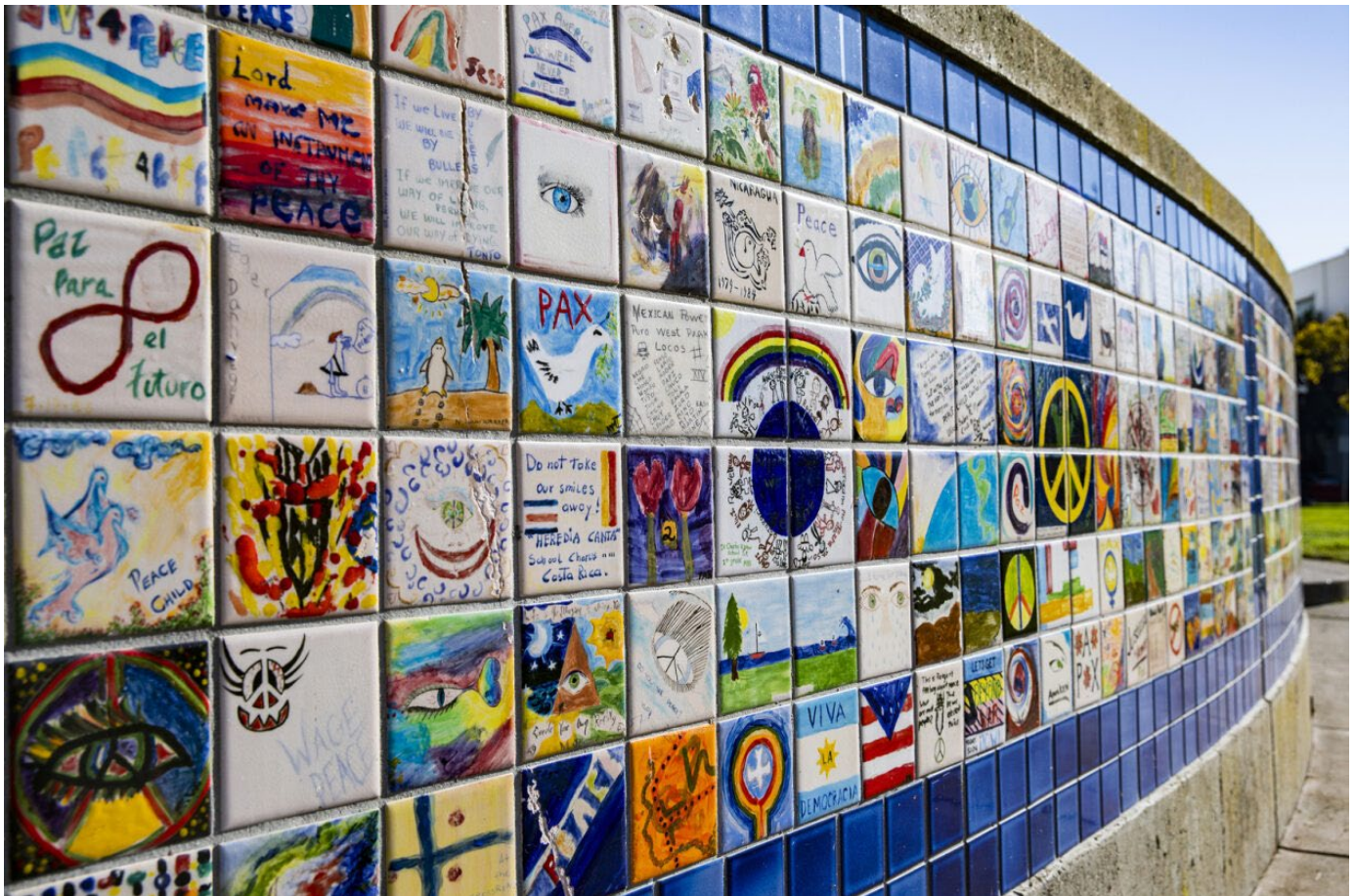
- **Expansion of Programming:** Building upon the foundation of preventive and supportive services, there is a strategic plan to expand the Wellness Center's programming. This development aims to encompass a wider array of workshops, group activities, and individual support services tailored to the evolving needs of the student body.
- **Formation of a Crisis Response Team:** To address the need for prompt support during emergencies, plans include forming a crisis response team at the Wellness Center. This team will specialize in managing mental health crises and other emergencies, providing immediate intervention and support.

Fiscal Summary:

Category	Amount	Source	Description of Use
Long Term Phase 4 Recommendation	\$350,000.00	General Fund	\$175,000 per FY for coordinator position at BHS Mental Health Center.

Next Steps & Timelines:

- **January 2024 – ongoing:** BUSD will submit a project evaluation plan to HHCS. Evaluation #1 will be delivered to HHCS July 2024. Staff recommend continued funding of \$350,000 for Phase 4 to support the expansion of the BHS Wellness Center.



RESPITE FROM GENDER VIOLENCE

RESPITE FROM GENDER VIOLENCE

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

The Health, Housing, and Community Services (HHCS) Department has initiated a strategic effort to conduct a systems analysis concerning respite from gender violence and its intersections with other pertinent crisis response systems. As noted in the Fall 2023 Status report, the purpose is to increase the community’s knowledge about respite resources, understand the strengths and challenges of the current system, and to identify gaps that can be addressed (See Appendix A, page 56 of Fall 2023 Report). To facilitate this, a temporary Community Services Specialist II was hired in August 2023 to lead the process. Additional resources will be identified to fill service gaps. Through engagement with impacted communities, service providers, City department leaders and commissions, HHCS has developed draft policy recommendations which focus on best practices in the areas of Inter-Personal, Intimate Partner, Domestic and Gender-Based Violence (See Appendix G for Presentation Materials). These drafted recommendations are currently being reviewed for feedback by key stakeholder groups in Berkeley, including various City departments as well as commissions such as the Commission on the Status of Women. Considered drafted domestic violence recommendations touch the following areas of work:

1. Financial independence for survivors,
2. Expansion of the Specialized Care Unit scope of work to include appropriate domestic disturbance interventions and calls for service,
3. City investment in Restorative Justice circle work as an alternative to court intervention
4. City investment in trauma-informed, non-carceral crisis response,
5. City investment in accessible and informational DV resource document available in a variety of languages.

Parallel to this initiative the Commission on the Status of Women (COSOW) put forth recommendations related to Public Safety and Crime Prevention for Women (See Appendix F for COSOW Item). The Assistant to the City Manager will work across departments to identify synergies between the recommendations concerning domestic and gender-based violence and those related to public safety and crime prevention for women.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	August 2023	Temporary Community Services Specialist II Hired.
	October – November 2023	Preliminary steps of research to identify resources available at the local, state, and federal level.
	December 2023	Continued research and evaluation to identify resources available based on best practices. Best practices designed for and by survivors of domestic violence nation-wide.

	January – April 2024	Community-based needs assessment to determine alignment between researched best practices and local survivors' experience.
	January – April 2024	Internal-external stakeholder meetings with service providers, city departments, the Commission on the Status of Women and the Mental Health Commission.

Fiscal Summary:

Category	Amount	Source	Description of Use
New/Continued Recommendation	TBD	To be determined	Pending agreement and finalization of the recommended policy activities, HHCS will explore grants to support and fund relevant programs.

Considerations:

- **Community Collaboration:** Prioritizing insights from community partners ensure that the policy evolution remains responsive to the lived experience, policy needs, and priorities of survivor communities.

Next Steps & Timelines:

- **Winter 2024:** The Health, Housing, and Community Services Department continues research and evaluation to identify resources available based on the needs of the community.



LANGUAGE EQUITY

LANGUAGE EQUITY

Department Lead: City Manager's Office

Status Update: *In Progress*

Overview:

In **Phase 2** of the Reimagining Public Safety initiative, the City Council allocated \$15,000 for Fiscal Year 2023 to support the publishing of victim resources in plain and multiple languages and printed and digital format. This investment aims to expand accessibility, ensuring that vital information and support services are available to all community members, including those with limited English proficiency and low literacy levels. This initiative aligns with recommendations from the Reimagining Public Safety Task Force Report (See Appendix A, page 57 of Fall 2023 Report).

For 2024, following the approval of carryover funds via the AAO process, the Assistant to the City Manager began preliminary coordination with the Health, Housing, and Community Services Department. The Community Services Specialist, focusing on gender violence respite work, will lead this effort and co-manage the translation and publishing of victim resources with the Assistant to the City Manager. The team anticipates fulfilling this deliverable before the end of the Fiscal Year.

As the initiative enters **Phase 3**, staff recommend revisiting the opportunity for additional language equity funds for a future fiscal year in Phase 4. This allows the team leading this work to identify critical areas for the expansion of resource translation. This approach enables growth and a measured pace in these efforts.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Fall 2023	Research and evaluation to identify resources available based on the needs of the community.
	January 2024 - ongoing	Continued research and evaluation to identify resources available based on the needs of the community; coordination to identify usage for language equity funds.
	<i>Anticipated Spring 2024</i>	Initiation of internal partnerships for resource translation and determination of critical areas for language equity expansion.
	<i>Anticipated Summer 2024</i>	Contracting Process for Translation Services.

Fiscal Summary:

Category	Amount	Source	Description of Use
Long Term Phase 4 Recommendation	\$30,000.00	General Fund	\$15,000 per FY for Language Equity.

Considerations:

- **Cultural Sensitivity and Inclusivity:** Translating materials into multiple languages is not solely a linguistic task but also requires cultural sensitivity to ensure that the information is culturally relevant and holistically accessible.
- **Coordination with Other Services:** The initiative must be integrated with other support services and resources available in the community to ensure a holistic approach to public safety and support for victims.

Next Steps & Timeline:

- **January 2024 – ongoing:** The team, led by the Assistant to the City Manager and the Community Services Specialist, aims to complete the translation and publishing of victim resources by the end of Fiscal Year 2024, utilizing approved carryover funds. Staff recommend, an annual \$15,000 allocation for language equity funds in Phase 4 to facilitate the expansion of resource translation, focusing on critical areas identified by the Assistant to the City Manager and the DEI Officer for sustainable growth.



APPENDIX

Please refer to the Reimagining Public Safety Status Update Spring 2024 Companion Appendix

REIMAGINING PUBLIC SAFETY



Status Update and Report Out
City Manager's Office
Spring 2024

Introduction

The companion appendix document for the Reimagining Public Safety Status Report serves a dual purpose. Firstly, it acts as an archival record, detailing the work conducted in Phase 2 of the initiative. Secondly, it aims to ensure transparency by supplying supporting documents relevant to the initiative's direct engagements. This includes details such as contract numbers and scope of services for contractor role agreements, with the full contracts being accessible through public record requests. This document reflects the commitment to both accountability and due diligence in the ongoing process of redefining public safety measures.

APPENDIX A

Reimagining Public Safety Status Update Fall 2023 Report



Office of the City Manager

ACTION CALENDAR
January 23, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Carianna Arredondo, Assistant to the City Manager, City Manager's Office
 Subject: Reimagining Public Safety Status Report

RECOMMENDATION

1. Review and discuss the provided status report from the City Manager with the goal of demonstrating transparency and facilitating informed council discussion towards the advancement of the Reimagining Public Safety initiative in Berkeley.
2. Provide comments on the Gun Violence Prevention program model report for Berkeley with the goal of facilitating informed council discussion.

FISCAL IMPACTS OF RECOMMENDATION

No direct financial impacts associated with the subject of these reports.

CURRENT SITUATION AND ITS EFFECTS

The Reimagining Public Safety initiative is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

The Reimagining Public Safety initiative stands as a pivotal project, dedicated to transforming public safety in an equitable and community-centered way; this initiative involves a comprehensive and inclusive process that unfolds in three main phases:

- Phase 1 (2020-2022) Community Process and Research
- Phase 2 (2022-2024) Continued Analysis and Implementation
- Phase 3 (2024-2026) Continued Implementation and Expansion

Phase 1 (2020-2022)

On July 14, 2020, City Council adopted an omnibus package to re-imagine public safety and policing in the City of Berkeley. The omnibus package consisted of numerous elements including, *but not limited to* the following:

- **Community/Consultant Engagement Process.** Engaging a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement

process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.

- **Specialized Care Unit Development.** Analyzing and developing a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit.
- **Community Crisis Response (CCR) Bridge Services.** While the SCU Development process and foundational work is taking place, establishing Bridge Services to address immediate needs to strengthen non-police relationships and supports on the ground for individuals on the verge of crisis.
- **Priority Dispatch Development.** 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.
- **City Auditor Analysis.** Having the City Auditor perform an analysis of City's emergency 9-1-1 calls-for-service and responses, as well as analysis of the Berkeley Police Department's (BPD) budget.
- **Fair and Impartial Policing Implementation.** Completing the implementation of Fair and Impartial Policing recommendations and policy proposals.
- **BerkDOT Development.** 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.
- **Violence Intervention Program Implementation.** Fully implementing the Ceasefire violence intervention program.

Subsequent to City Council's adoption of the omnibus motion, the City established a multi-department working group to oversee and implement various components of the package. The working group consisted of the following:

- City Manager;
- Deputy City Managers;
- City Attorney;
- Fire Chief;
- Health, Housing and Community Services (HHCS) Director;
- Human Resources Director;
- Police Chief; and
- Public Works Director

The City Manager, leadership team, and city staff actively engaged in comprehensive consultations and strategic planning sessions. Upon the establishment of the Reimagining Public Safety Task Force in January 2021, City department's responsible for executing Reimagining Public Safety directives, engaged with the Reimagining Public Safety Task Force to shed light on the comprehensive understanding of their

operations. Through these informative interactions, the Task Force was better positioned to form recommendations. Working in tandem with the Mayor's office and City Council, the RPS Task Force served as a central pillar of the City's community engagement strategy, ensuring that diverse perspectives are considered.

Following a community-driven process in Phase 1, based on input from community members, the Reimagining Public Safety Task Force, and recommendations from the National Institute for Criminal Justice Reform and other field experts, council developed a framework and direction on Reimagining Public Safety that would lead the city to carry forward its work into the next phase. Many Phase 1 initiatives are still underway and have been carried forward into Phase 2.

Phase 2 (2022-2024)

Currently *in progress*, Phase 2 comprises a series of pivotal initiatives and deliverables, including:

- **Staffing Investments** in the Department of Health, Housing and Community Services (HHCS), Police, Public Works, and the City Manager's office to support with implementing the priority recommendations of this initiative;
- **Identifying Consultant Costs** related to assessments, covering areas such as dispatch needs, crisis response, staffing and beat structure, as well as the development of BerkDOT; and,
- **Community Investments** dedicated to strengthening community resilience through violence prevention initiatives, engagement programs and mental health services, and providing support for individuals affected by gender-based violence, among other programmatic elements.

As the city progresses through Phase 2 of the Reimagining Public Safety initiative, diligently advancing the groundwork established in Phase 1, the integrated and interdepartmental approach has remained a cornerstone of our efforts. This approach ensures that city departments leading the execution of our Reimagining Public Safety deliverables work cohesively and in alignment with the directives set by the council. In addition, the City's community-centric process continues to encompass engagement with commissions, boards, committees, ad-hoc groups, and various working groups to strategically inform and guide our work.

BACKGROUND

The dialogue surrounding public safety in the United States shifted in 2020. National events starkly highlighted that trust in law enforcement and public safety mechanisms had been deeply eroded for many, especially within marginalized communities. The tragic and unjust deaths of George Floyd, Breonna Taylor, and many others underscored the pressing need to address systemic inequities and to deeply reconsider the tenets of public safety. On June 6, 2020, over 7,000 Berkeley residents marched in the streets to call for transformative change in law enforcement. The City of Berkeley,

aware of its role and responsibilities in this national context, promptly heeded this call for introspection and reform.

The following provides a chronology of the City of Berkeley's systemic actions in its initiative to Reimagine Public Safety, **and includes key dates and context related to our progress with Gun Violence Prevention program development:**

On July 14, 2020, in Resolution No. 69,501-N.S., City Council passed an omnibus motion, which included a package of items providing direction for the development of a new paradigm of public safety in Berkeley. As part of the items that were adopted, City Council adopted Item 18c ("Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley") and Item 18d ("Transform Community Safety and Initiate a Robust Community Engagement"), which directs the City Manager to engage a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley. Subsequent to the adoption of the omnibus package, the City established a multidepartment working group to oversee and implement various components of the package. The working group consisted of the following: City Manager; Deputy City Managers; City Attorney; Fire Chief; Health, Housing and Community Services (HHCS) Director; Human Resources Director; Police Chief; and Public Works Director.

On December 15, 2020, the City Council authorized the City Manager to enter into a contract with the National Institute of Criminal Justice Reform (NICJR) to conduct research, analysis, and use its expertise to develop reports and recommendations for community safety and police reform as well as plan, develop, and lead an inclusive and transparent community engagement process to help the City achieve a new and transformative model of positive, equitable and community-centered safety for Berkeley

On January 19, 2021, the City Council adopted revisions to the enabling legislation for the Reimagining Public Safety Task Force. Per the Enabling Legislation, the Task Force's work centered on providing input to and making recommendations to NICJR and City Staff on a set of recommended programs, structures and initiatives incorporated into a final report and implementation plan developed by NICJR to guide future decision making in upcoming budget processes for FY 2022-23 and, as a second phase produced, in the FY 2024-2026 budget process. The Public Safety / Police Re-Imagining and community engagement process was led initially by Deputy City Manager David White and then Deputy City Manager LaTanya Bellow who provided overall project management support to the team.

On November 9, 2021, the Berkeley City Council unanimously approved a budget referral for \$200,000 in consulting costs to begin developing a multi-jurisdictional Gun Violence Intervention (GVI) program, also known as "Operation Ceasefire," in Berkeley.

On March 10, 2022, the culmination of research analysis, and community dialogue was manifested in the comprehensive reports from NICJR, the Reimagining Public Safety Task Force, and Resource Development Associates work on the Specialized Care Unit (SCU) design. During the council work session, these reports were shared, providing a detailed overview of suggested programs, structural changes, and new initiatives aimed to establish a community-centric safety paradigm. NICJR's approach and recommendations were rooted in the principles of *Reduce*, *Improve*, and *Reinvest*. The report from the Reimagining Public Safety Task Force offered a response to NICJR's recommendations, including a historical context on public safety issues and steps to address community-centric approaches in Berkeley. Additionally, the session included three reports specifically related to the design and implementation of the Specialized Care Unit (SCU).

On April 21, 2022, the City Manager provided Council with a report and presentation of the work accomplished in Phase 1 of the Reimagining Public Safety initiative. The report submitted included recommendations for advancing various critical initiatives within the Reimagining Public Safety framework. This encompassed proposals for transforming Berkeley's police force, enhancing priority dispatch, developing BerkDOT, and establishing a Specialized Care Unit (SCU). The report also included budget recommendations for these initiatives and highlighted important factors for Council to consider in the City's efforts to move forward with implementation.

On May 5, 2022, a special council meeting was convened, wherein the Mayor's final framework for the next steps of the Reimagining Public Safety initiative was formally adopted. Included in this package was an additional \$200,000 for Ceasefire. This framework was the culmination of years of diligent work from community members, officials and staff. The key decisions made were as follows:

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.
2. Direct the City Manager to prioritize over the next two years the programmatic recommendations for Phase 1 of Reimagining Implementation.
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, 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.

On May 25, 2022, the Berkeley Police Department launched a Transparency Hub dashboard, that includes data and analysis designed to support the Ceasefire process. BPD continues to build automated data visualization tools for violence prevention program stakeholders to track relevant statistics through the duration of the program.

On May 31, 2022, City Council approved a recommendation, submitted by Councilmember Taplin, to refer \$1,000,000 to the budget process to provide full staffing for a Berkeley Ceasefire program. Upon approval, Councilmember Taplin hosted a series of Berkeley Ceasefire D2 Ad-hoc advisory sessions.

On June 28, 2022, the City Council adopted the FY 2023-2024 city budget which included key Reimagining Public Safety Tier 1 items.

On November 28, 2022, the Berkeley Police Department expanded its partnership with UC Berkeley to include a collaboration with the Goldman School of Public Policy to design a Gun Violence Prevention program evaluation plan including the definition of success metrics and independent analysis thereof.

On May 12, 2023, the Gun Violence Prevention report, that explores details of assessments and analysis on Violence Prevention Models as it relates to implementation in Berkeley, was completed.

On August 21, 2023, the Assistant to the City Manager, serving as the Reimagining Public Safety (RPS) Project Coordinator was hired and began collaborating with the City's Reimagining Public Safety project team to provide a comprehensive update on RPS initiatives and the City's progress with Gun Violence Prevention program implementation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

To improve transparency and provide a progress update related to the City of Berkeley's Reimagining Public Safety efforts, based on the guidelines set forth in Resolution No. 69,501-N.S. and recommendations approved during the special council meeting held on May 5, 2022.

ALTERNATIVE ACTIONS CONSIDERED

Staff does not recommend any alternative actions at this time.

CONTACT PERSON

Carianna Arredondo, Assistant to the City Manager, City Manager's Office, 510-981-6903

Attachments:

- 1: Reimagining Public Safety Status Update 2020-23
- 2: Reimagining Public Safety Status Update 2020-23 Companion Appendix
 - For Gun Violence Prevention Program Report, See Appendix N

REIMAGINING PUBLIC SAFETY



Status Update and Report Out

City Manager's Office

Fall 2023

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EXECUTIVE SUMMARY

This section provides an overview of Berkeley's work towards Reimagining Public Safety, highlighting key milestones and the city's commitment to creating an equitable and effective model for all residents.

Introduction

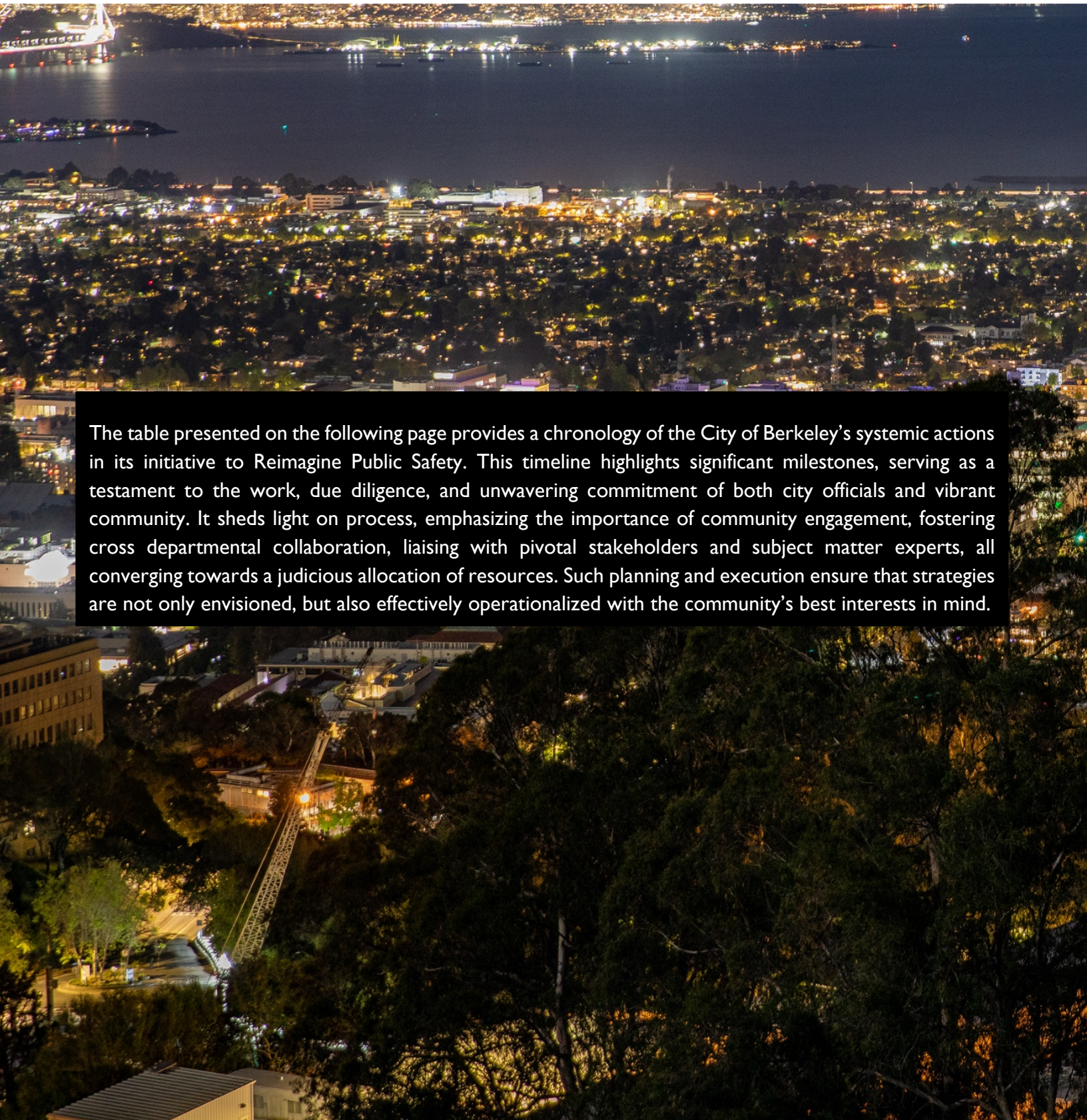
The dialogue surrounding public safety in the United States shifted in 2020. National events starkly highlighted that trust in law enforcement and public safety mechanisms had been deeply eroded for many, especially within marginalized communities. The tragic and unjust deaths of George Floyd, Breonna Taylor, and many others underscored the pressing need to address systemic inequities and to deeply reconsider the tenets of public safety. On June 6, 2020, over 7,000 Berkeley residents marched in the streets to call for transformative change in law enforcement. The City of Berkeley, aware of its role and responsibilities in this national context, promptly heeded this call for introspection and reform.

This report delineates the systematic and strategic steps -- grounded in equity, transparency, and community engagement -- taken by the City of Berkeley since 2020 to reimagine and recalibrate its approach to public safety.

As Berkeley progresses in its mission, the City remains committed to fashioning a public safety paradigm that is both reflective of community aspiration and is robustly equipped to address emergent challenges through holistic measures. With a blend of strategic financial investments, stakeholder collaboration, and a dedication to innovation, Berkeley is diligently working to set a standard for community-focused public safety.

This report and status update on Reimagining Public Safety underscores the City of Berkeley's dedication to serving its residents. It provides a comprehensive review of the City's progress and efforts thus far towards the Reimagining Public Safety initiative. The City remains determined to develop a comprehensive, fair, and inclusive approach to public safety that benefits every member of the community. The City remains committed to these efforts and will continue to collaborate with the community and engage with experts in the field towards designing and implementing a new public safety model that aligns with an expansive approach towards public safety, encompassing areas from traditional policing to mental health and crisis intervention, and disaster preparedness (e.g., managing climate change).

Timeline of Phase I Actions and Commitments



The table presented on the following page provides a chronology of the City of Berkeley’s systemic actions in its initiative to Reimagine Public Safety. This timeline highlights significant milestones, serving as a testament to the work, due diligence, and unwavering commitment of both city officials and vibrant community. It sheds light on process, emphasizing the importance of community engagement, fostering cross departmental collaboration, liaising with pivotal stakeholders and subject matter experts, all converging towards a judicious allocation of resources. Such planning and execution ensure that strategies are not only envisioned, but also effectively operationalized with the community’s best interests in mind.

Phase I: Community Process and Research		
Date	Milestone Description	References
June 16, 2020	A rapid response to the evolving national dialogue was evidenced with the introduction of the “Urgency Item: Safety for All,” a directive that set the stage for the Omnibus motion, and comprehensive deliberations on public safety.	<ul style="list-style-type: none"> • Annotated Agenda
July 14, 2020	With the approval of the Omnibus motion, Berkeley signaled its intention to undertake substantive and meaningful reforms.	<ul style="list-style-type: none"> • See Action Calendar: Items 18a-18e • Annotated Agenda
December 15, 2020	Recognizing the need for expert input, a partnership and contract with the National Institute of Criminal Justice Reform (NICJR) was established.	<ul style="list-style-type: none"> • See Consent Calendar: Item 7 • Annotated Agenda
January 19, 2021	Institutionalizing community and stakeholder engagement, the Reimagining Public Safety Task Force was instituted, ensuring that diverse voices were actively included in the reimagining process.	<ul style="list-style-type: none"> • See Consent Calendar: Item 18 • Annotated Agenda
March 10, 2022	The culmination of research analysis, and community dialogue was manifested in the comprehensive reports from NICJR, the Task Force, and Specialized Care Unit (SCU).	<ul style="list-style-type: none"> • See Action Calendar: Item 1-2 • Annotated Agenda
April 21, 2022	A presentation by the City Manager’s Office served as a synthesis of the work done, offering an in-depth view of Berkeley’s roadmap and strategic vision.	<ul style="list-style-type: none"> • See Action Calendar: Item 1 • Annotated Agenda
May 5, 2022	<p>The Mayor presented a plan to the City Council from which a final framework was adopted:</p> <ol style="list-style-type: none"> 1. Allocating up to \$5.3 million for FY 2023-2024, aimed at reinforcing staff/consultant resources, and critical community investments to complete the Reimagining Public Safety Initiatives. 2. Prioritization of Phase I programmatic recommendations for the next two years (2022-2024). 3. A mandate for designing an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration, and return with recommendations to the City Council by May 2024 to align with the FY 2025-2026 Biennial Budget process. 4. Forward-looking plans for further reforms, designated for inclusion in the FY 2025-2026 Biennial Budget. 	<ul style="list-style-type: none"> • See Action Calendar: Item 1a-1c • Annotated Agenda
June 28, 2022	The Biennial Budget adoption was emblematic of Berkeley’s strategic foresight, weaving in financial judiciousness with transformative public safety objectives.	<ul style="list-style-type: none"> • See Action Calendar: Item 44 • Annotated Agenda

Progress Overview

Phase I

Community Process and Research

On July 14, 2020, in Resolution No. 69,501-N.S., City Council passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley. As part of the items that were adopted, City Council adopted Item [18c](#) (“Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley”) and Item [18d](#) (“Transform Community Safety and Initiate a Robust Community Engagement”), which directs the City Manager to engage a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community centered safety for Berkeley.

Partnerships & Collaborations

As outlined in the City Manager’s April 2022 report, the City has embraced a holistic and integrated community engagement process. This initiative aims to lead the community toward a transformative model of equity and community-centered safety (See [Companion Appendix A, pp. 2-17 of City Manager’s Report](#)).

National Institute for Criminal Justice Reform (NICJR) Partnership and Community Engagement

On December 15th 2020, the City Council authorized a contract with NICJR to enhance community safety and police reform strategies. NICJR, selected due to their recognized expertise and alignment with Berkeley’s ethos,

worked hand-in-hand with City teams, stakeholders, and community to ensure comprehensive strategies for Reimagining efforts.

Reimagining Public Safety Task Force and Departmental Presentations

On January 19, 2021, the City Council adopted revisions to the enabling legislation for the Reimagining Public Safety (RPS) Task Force. The RPS Task Force’s work centered on providing input and making recommendations to NICJR and City Staff on a set of recommended programs, structures and initiatives incorporated into a final report and implementation plan developed by NICJR to guide future decision making in upcoming budget processes for FY 2022-23 and, as a second phase advanced, in the FY 2024-2026 budget process. The Public Safety / Police Re-Imagining and community engagement process was led initially by Deputy City Manager David White and then Deputy City Manager LaTanya Bellow who provided overall project management support to the team.

City departments responsible for executing Reimagining Public Safety directives engaged with the Reimagining Public Safety Task Force to shed light on the comprehensive nature of their operations. Through these informative interactions, the Task Force was better positioned to form recommendations. Working in tandem with the Mayor’s Office and City Council, the RPS Task Force served as a central pillar of Berkeley’s community engagement strategy, ensuring that diverse perspectives are considered as we continue to shape the future of public safety in Berkeley.

Culmination of Efforts and Adopted Framework

On March 10, 2022, the culmination of research, analysis, and community dialogue was manifested in the comprehensive reports from NICJR, the Reimagining Public Safety Task Force, and Resource Development Associates work on the Specialized Care Unit (SCU) design. During a City Council work session, these reports were shared, providing a detailed overview of suggested programs, structural changes, and new initiatives aimed to establish a community-centric safety paradigm. NICJR's approach and recommendations were rooted in the principles of *Reduce*, *Improve*, and *Reinvest*. The report from the Reimagining Public Safety Task force offered a response to NICJR's recommendations, including a historical context on public safety issues and steps to address community-centric approaches in Berkeley (See Companion Appendix A, pp. 861-1005 for Reimagining Public Safety Task Force Report). Additionally, the session included three reports specifically related to the design and implementation of the Specialized Care Unit (SCU) (See Companion Appendix E, pp. 2497-2701 for RDA SCU Reports).

On April 21, 2022, the City Manager provided the City Council with a report and presentation on the work accomplished in Phase I of the Reimagining Public Safety initiative. The report submitted included recommendations for advancing various critical initiatives within the Reimagining Public Safety Framework of *Reimagine*, *Improve*, and *Reinvest*:

- **Reimagine:** Redesign public safety from a traditional Police enforcement model to one that is focused on the diverse needs of the community it serves.
- **Improve:** Improve the City of Berkeley's public safety system for

residents and communities that have experienced the greatest harm from the existing public safety model.

- **Reinvest:** Increase equitable investment in vulnerable communities and for those who have been historically marginalized.

This encompassed proposals for transforming Berkeley's police force, enhancing priority dispatch, developing a Berkeley Department of Transportation (BerkDOT), and establishing a Specialized Care Unit (SCU). The report also included budget recommendations for these initiatives and highlighted important factors for the City Council to consider in the City's efforts to move forward with implementation (See Companion Appendix A, pp. 2-17 of City Manager's Report).

On May 5, 2022, a special City Council meeting was convened, wherein the Mayor's final framework for the next steps of the Reimagining Public Safety initiative was formally adopted (See Companion Appendix C, pp. 2287-2307). This framework was the culmination of years of diligent work from community members, officials and staff. The key decisions made were as follows:

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.
2. Direct the City Manager to prioritize over the next two years the programmatic recommendations for Phase I of Reimagining Implementation.
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, 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.

On June 28, 2022, the City Council adopted the FY 2023-2024 city budget which included key Reimagining Public Safety Tier I items.

Ongoing Engagement

While in 2020, a collaborative strategy was set in motion, drawing on the expertise of multiple city departments, as well as the City Auditor, to ensure alignment with the City Council directives, this collaborative approach has remained. In ongoing efforts to maintain transparency and foster trust, the City’s team has held public forums, presented City Manager comments, and issued progress memos to the City Council and the community (See Companion Appendix B, pp. 1899-2285 for City Manager’s Reimagining Public Safety Off-Agenda Memos).

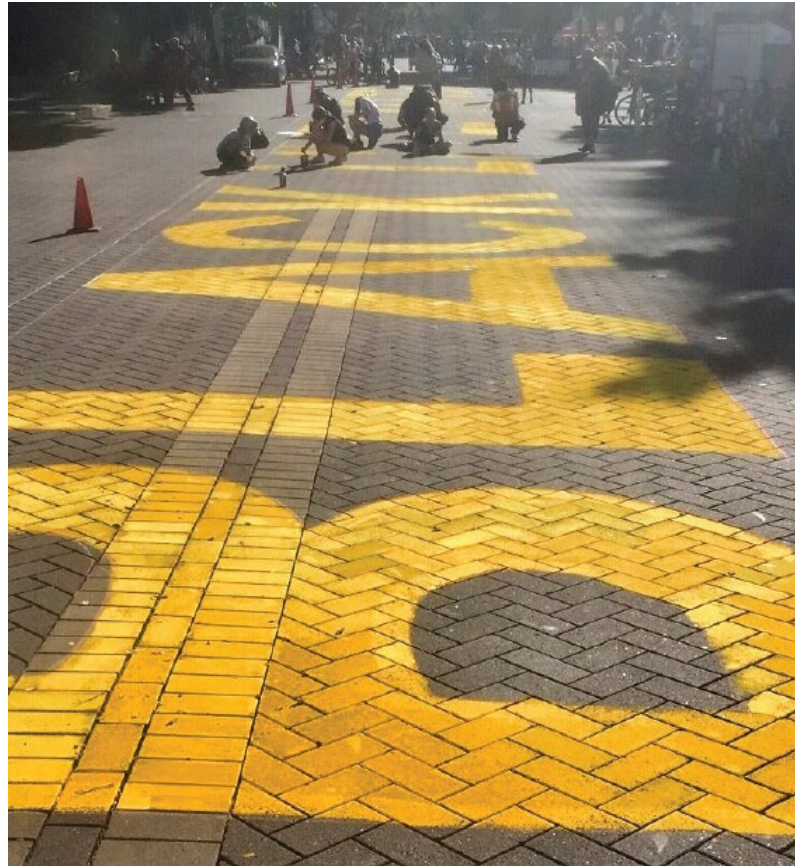
Deliverables & Status Update

Based on the recommendations listed in the omnibus package, **Phase I** of the Reimagining Public Safety Initiative, directed by City Leadership, consisted of numerous elements. The following pages provide a high-level overview of the Phase I recommendations and status updates. Additionally, the following legend offers an overview of the key Reimagining Public Safety departments leading the implementation of these priority initiatives. It is crucial to emphasize that this initiative is a city-wide effort, reliant on the active involvement of a variety of city staff and community-based subject matter experts throughout its phased implementation. This

team is uniquely situated to continue accomplishing this work. Their dedication, passion and leadership around this work is truly exceptional.

Lastly, please refer to the **Companion Appendix¹** online for a full scope of archival documentation related our efforts; the **Abbreviated Appendix** includes new items introduced.

Reimagining Public Safety Deliverable Leads	
Color Code	Lead Department
Grey	City Manager’s Office (CMO)
Yellow	Health Housing and Community Services (HHCS)
Blue	Police
Red	Fire
Green	Public Works
Orange	City Auditor’s Office
Purple	City Attorney’s Office (CAO)



¹ <https://berkeleyca.gov/your-government/boards-commissions/reimagining-public-safety-task-force>

Health, Housing, and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
Specialized Care Unit (SCU) Development	Adopt the report, “City of Berkeley Specialized Care Unit Crisis Response Recommendations by Resource Development Associates” and implement the pilot Specialized Care Unit (SCU).	Complete. HHCS worked extensively with RDA, the Reimagining Public Safety Taskforce, the SCU Steering Committee, and other key community stakeholders in the Specialized Care Unit <i>development</i> process. The Specialized Care Unit Response Recommendations were shared with the City Council on March, 10, 2022 (See Companion Appendix E).
(Phase I) Community Crisis Response (CCR) Bridge Services	Implement the Community Crisis Response (CCR) services while the Specialized Care Unit is piloted and reaches full operations.	In Progress. Contracts with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women’s Daytime Drop-in Center renewed/amended.
Gender Violence Recommendations	Implement recommendations from the Reimagining Task Force relating to Gender Violence, LGBTQIA and PEERS as feasible.	In Progress. HHCS has hired a Community Services Specialist II to support with implementing these recommendations and preliminary steps of research are underway.

Fire-led Deliverable		
Deliverable	Recommendation	Status Update
Priority Dispatch Development	Continue development and implementation of prioritized dispatch, request staff return with a recommended plan.	In Progress. Federal Engineering, Inc. was contracted for the Dispatch Needs Assessment, a second opinion with another industry expert is underway.

City Manager’s Office-led Deliverables		
Deliverable	Recommendation	Status Update
Community/Consultant Engagement Process	Engaging a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.	Complete. The City of Berkeley engaged with several key community stakeholders and field experts in the Reimagining Public Safety process. Recommendations shared include: the SCU Response Recommendation , Reimagining Public Safety Taskforce Recommendations (shared March 10, 2022), and City Manager’s Report and Recommendations (shared April 21, 2022) (See Companion Appendix A).
Alternative Response Implementation Plan	Develop an implementation plan to expand alternative response from civilian responders beyond the proposed pilot for SCU for other low-level calls that includes, but is not limited to: Community Service Officers for only those calls that necessitate police, code enforcement, environmental health, fire inspectors or city-hired community mediators.	To Be Initiated. Preliminary steps of research are underway.
Violence Intervention Program (GVP/Ceasefire)	Fully implement the Ceasefire Violence Intervention Program.	In Progress. Gun Violence Prevention analysis has been completed, the Assistant to the City Manager is outlining preliminary next steps for implementation.

City Auditor-led Deliverable		
Deliverable	Recommendation	Status Update
City Auditor Analysis	Have the City Auditor perform an analysis of City’s emergency 9-1-1 calls-for service and responses, as well as analysis of the Berkeley Police Department’s (BPD) budget.	Complete. The City Auditor Completed their report, Data Analysis of the City of Berkeley’s Police Response , July 2, 2021 (See Companion Appendix A , pp. 521-600).

Public Works-led Deliverables		
Deliverable	Recommendation	Status Update
Berkeley Department of Transportation (BerkDOT) Development	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.	In Progress. While the City Manager’s Office Public Works Department continues to work with stakeholders and constituents in the BerkDOT <i>development</i> process, progress has been slow, especially concerning legislative matters. For instance, the California Senate Bill 50 supporting civilian traffic enforcement was declined on September 14, 2023. Additionally, since Berkeley is not included in the Assembly Bill 645, introducing a Speed Safety System Pilot Program locally would require separate legislation.
Crossing Guards Transition	Transition crossing guards from BPD to Public Works until a Department of Transportation is developed.	Complete. Transition of crossing guards from BPD to Public Works until a Department of Transportation is developed is completed. Additionally, Public Works planning capacity has been expanded to include collision analysis.
Transportation Functions Consolidation	Continue consolidating transportation functions as recommended by staff.	In Progress. Continued efforts are underway.

Police-led Deliverable(s)		
Deliverable	Recommendation	Status Update
Fair and Impartial Policing Recommendations	Complete the implementation of Fair and Impartial Policing (FIP) Recommendations.	In Progress. Following the approval of the 14 Fair and Impartial Policing recommendations, the Berkeley Police Department has fully implemented 13 of them and has hired a consultant to fulfill the remaining recommendation.
Auditor Recommendations	Complete Auditor Recommendations on overtime and calls for service.	Complete. The Berkeley Police Department initiated efforts to implement recommendations. Progress updates have been communicated to council and the community via memos and information reports (See Companion Appendix S , pp. 3246-3257 for latest update).

City Attorney-led Deliverable		
Deliverable	Recommendation	Status Update
Litigation Analysis	Analyzing litigation outcomes and exposure for city departments in order to guide the creation of City policy to reduce the impact of settlements on the General Fund.	In Progress. The City Attorney’s Offices continues to partner with departments on all Reimagining Public Safety-related efforts.

Progress Overview

Phase 2

Continued Analysis and Implementation

The Reimagining Public Safety initiative stands as a pivotal project, dedicated to transforming public safety in an equitable and community-centered way; this initiative involves a comprehensive and inclusive process that unfolds in three main phases:

1. Phase 1 (2020-2022) Community Process and Research
2. Phase 2 (2022-2024) Continued Analysis and Implementation
3. Phase 3 (2024-2026) Continued Implementation and Expansion

Following a community-driven process in Phase I, based on input from community members, the Reimagining Public Safety Task Force, and recommendations from the National Institute for Criminal Justice Reform and other field experts, the City Council developed a framework and direction on Reimagining Public Safety that would lead the city to carry forward its work into the next phase.

Employing the guiding principles of *Reimagine*, *Improve*, and *Reinvest*, as a framework for the city's efforts, Phase 2 comprises a series of pivotal initiatives and deliverables, including:

- **Staffing Investments** in the Department of Health, Housing and Community Services (HHCS), Police, Public Works, and the City Manager's Office, to support with implementing the priority recommendations of this initiative;
- **Identifying Consultant Costs** related to assessments, covering areas such as

dispatch needs, crisis response, staffing and beat structure, as well as the development of BerkDOT; and

- **Community Investments** dedicated to strengthening community resilience through: violence prevention initiatives, engagement programs and mental health services, and providing support for individuals affected by gender-based violence, among other programmatic elements.

Partnerships & Collaborations

As the City of Berkeley progresses through Phase 2 of the Reimagining Public Safety initiative, the City staff leading this work have diligently carried forward the groundwork established in Phase I. During this phase, an integrated and interdepartmental approach has remained a cornerstone of the City's efforts. This approach ensures that departments leading the execution of the Reimagining Public Safety deliverables work cohesively and in alignment with the directives set by the City Council. In addition, the City's community-centric process continues to encompass engagement with commissions, boards, committees, ad-hoc groups, and various working groups to strategically inform and guide the work. Preparations are underway to provide a detailed account of the evolving nature of these partnerships as Phase 2 nears conclusion.

Deliverables and Status Update

The following pages contain tables that offer a summarized overview of the key deliverables associated with the Reimagining Public Safety initiative. These deliverables, as outlined, derive from the phased approach adopted during the City Council meeting on May 5, 2022 ([See Companion Appendix C, pp. 2290-2298 for outline of phased approach and deliverables](#)).

Subsequently, beginning on page 23, the “Priority Reimagining Public Safety Initiatives” section offers a detailed account of each department’s specific actions and their current status. Through this structure, the City team leading this work aims to clearly communicate both the individual steps taken by departments and the broader progress made in Berkeley’s efforts to reimagine public safety.



STAFFING INVESTMENTS

City Manager’s Office-led Deliverables		
Deliverable	Recommendation	Status Update
Assistant to the City Manager Reimagining Project Coordinator	The responsibilities of project management have fallen under Deputy City Manager, with part-time support from a Management Analyst. To effectively coordinate the ongoing work, a full-time senior level staff person is required.	In Progress. This position was successfully filled on August 21, 2023. The Assistant to the City Manager will continue to support and report out on the city’s Reimagining efforts.
Office of Equity (DEI Officer and Assistant)	The development of the Office of Equity should reflect the recommendations from the Task Force. Particular attention from the Office of Equity should be paid to language access.	In Progress. The individual appointed to the DEI Officer role is anticipated to commence their duties on November 27, 2023.
Grant Assistance	Recommended by City Manager to access grant funds to support reimagining efforts and other programs.	In Progress. The city is currently engaged with California Consulting LLC. for grant writing support and coordinated efforts; FY 23 funding carryover request for AA0#1.

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) SCU Implementation	Adopt the report, “City of Berkeley Specialized Care Unit Crisis Response Recommendations by Resource Development Associates” and implement the pilot Specialized Care Unit (SCU)	In Progress. Contract with Bonita House initiated; SCU continues to hire and train staff to build to 24/7 operations.

Police-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) Fair and Impartial Policing Implementation	Recommendation to implement and prioritize FIP and continue to support employee training and professional development.	In Progress. 13 of the 14 Task force recommendations have been implemented; BPD will continue to support and fulfill officer training needs through Fiscal Year 2025.
Wellness Funding	Continue to support employee health and wellness.	In Progress. Continued partnerships and efforts towards BPD Wellness Practices for officers are underway.
Staffing (CSO & Dispatcher)	Launch a pilot Community Services Officer unit using Police salary savings. Positions would be project based for two-years. Evaluate pilot after two-year period to align with the FY 25-26 Budget Process and determine the appropriate location of the CSO unit within a new Public Safety Department and the role for other non-sworn responders.	In Progress. Recruitment is underway, current applicants are being assessed for candidacy.

STAFFING INVESTMENTS

Public Works-led Deliverables		
Deliverable	Recommendation	Status Update
Vision Zero Coordinator (Collision Analysis)	Approve a new Vision Zero staff position in Public Works' Division of Transportation to conduct collision analysis. This will promote the City's Vision Zero approach by boosting the City's capacity to analyze collision data collected by the Police Department.	In Progress. This position was successfully filled October 2023. The Associate Planner will continue to support and report out on Vision Zero as it relates to Reimagining efforts.

CONSULTANT COSTS

Public Works-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) BerkDOT Development	Continue BerkDOT process 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 two implementation plans: 1) if state law changes to accommodate, and 2) if state law does not change.	In Progress. Efforts related to BerkDOT design are in preliminary stages; funding deferred for AA0#1 review.

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
Crisis Needs Assessment	Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments	In Progress. Existing contract for SCU program evaluation is amended to add a scope of work for RDA to conduct the crisis needs assessment; work is underway.

Police-led Deliverables		
Deliverable	Recommendation	Status Update
Staffing Assessment	Analysis of BPD Staffing and Beat Structure.	In Progress. Contract with Citygate for Staffing Assessment; preliminary stages of data collection underway.

CONSULTANT COSTS

City Manager’s Office-led Deliverables		
Deliverable	Recommendation	Status Update
Transportation Fines/Fees	Review Municipal Code for proposed changes to increase equity and racial justice in City’s transportation fines and fees, and explore the civilianization of the municipal code.	To Be Initiated. This deliverable has yet to be implemented; funding deferred for AA0#1 review.
Department of Community Safety	Support an organizational design process to create an umbrella Department of Community Safety.	To Be Initiated. Efforts related to Department of Community Safety design are in preliminary stages; funding deferred for AA0#1 review.

Fire-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) Dispatch Needs Assessment (DNA) & Implementation	Consulting costs requested by City Manager to support continued analysis of prioritized dispatch and development of an implementation plan.	In Progress. Stage I of DNA is well underway, a second opinion will be initiated with an additional vendor.

COMMUNITY INVESTMENTS

VIOLENCE PREVENTION

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
Violence Prevention and Youth Services	Community investments for violence prevention/services programs (McGee Ave. Baptist Church and Berkeley Youth Alternatives).	In Progress. Funds have been allocated to CBOs.

City Manager’s Office-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) Gun Violence Prevention (Ceasefire) Development	Fully implement the Ceasefire violence intervention program.	In Progress. Preliminary analysis of Gun Violence Prevention Programs complete; FY 23 funding carryover request for AA0#1.

COMMUNITY INVESTMENTS

ALTERNATIVES TO SANCTIONS/FINES

Public Works-led Deliverables		
Deliverable	Recommendation	Status Update
Expand Downtown Streets Teams (DST)	Expand Downtown Streets Team (DST) as placement for <i>low-level violations</i> (e.g. vehicular camping/parking and sidewalk ordinance infractions).	In Progress. A contract with DST has been renewed and it has been expanded to cover additional areas; however, for the specific work to place low-level violators; funding deferred for AA0#1 review.
Alternatives to Sanctions/Fines Hearing Officer	Expand hearing officer resources in the City Manager’s Office to provide alternative referrals to community service and social services for <i>parking and other infractions</i> .	In Progress. Resources in Public Works have been expanded to support these efforts; alternatives to sanctions and fines to be initiated; funding deferred for AA0#1 review.

COMMUNITY MENTAL HEALTH, BEHAVIORAL AND CRISIS RESPONSE

Health Housing and Community Services-led Deliverables		
Deliverable	Recommendation	Status Update
(Phase I) Community Crisis Response (CCR) Bridge Services	Implement the Community Crisis Response (CCR) services while Specialized Care Unit ramps up.	In Progress. Contracts with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women’s Daytime Drop-in Center renewed/amended.
Youth Peers Mental Health Response	Youth Peers Mental Health Response is retained as proposed by the Berkeley High School student-led plan for mental health services.	In Progress. Contract with BUSD initiated; wellness center work is underway with a soft launch of the new center in winter 2024.

IMPROVE

PHASE 2 DELIVERABLES

COMMUNITY INVESTMENTS

RESPITE FROM GENDER VIOLENCE

Health Housing and Community Services-led Deliverables

Deliverable	Recommendation	Status Update
Respite from Gender Violence	Provide services and housing leads for victims of gender violence. Request staff to work with county partners and CBOs to map the system, identify gaps, recommend how to fill them.	In Progress. Community Services Specialist II hired with preliminary steps of system mapping underway.

LANGUAGE EQUITY

City Manager’s Office-led Deliverables

Deliverable	Recommendation	Status Update
Language Equity	Publish victim resources in plain language and in multiple languages.	To Be Initiated. Efforts related to Language Equity are in preliminary stages, the Assistant to the City Manager will partner with HHCS on implementation; FY 23 funding carryover request for AA0#1.

Considerations

In the process of Reimagining Public Safety, Berkeley is faced with a series of interconnected challenges that could shape the trajectory, efficacy, and timeline of implementation. Understanding and addressing these considerations is imperative to ensure that efforts are not only transformative but also compliant, sustainable, and resilient to potential challenges.

Staffing Vacancies and Attrition

From 2018 to 2022, the City of Berkeley observed a concerning trend in attrition, with departures surpassing hires. According to the City Auditors report, by October 2022, the city of Berkeley's vacancy rate was 19%, ranking it as the second highest in the Bay Area (See Companion Appendix U, pp. 3271-3275 for report). This staffing challenge has had tangible impacts on service delivery, and poses significant challenges, especially as the City staff strive to successfully implement the Reimagining Public Safety initiative.

Reduced staffing has had a pronounced impact on various city services. Confronting these challenges, several departments have had to adjust operations and manage costs. Furthermore, attrition has led to substantial loss of institutional knowledge. With that said, in the city's continued progression toward the Reimagining Public Safety initiative, it is crucial to have a stable and committed workforce to drive these transformative changes. This approach is essential to align with the City Council's established timeframe, scope, and budgetary parameters. Ultimately, the staffing challenges in key departments may have ripple effects on the City of Berkeley's broader public safety objectives, emphasizing the interconnectedness of city services and the

urgency to address these staffing concerns holistically, such as through the Employer of Choice (EOC) initiative (See Companion Appendix V, pp. 3328-3361 for EOC supporting documentation).

Regulatory Compliance

As the City of Berkeley moves forward with its initiatives, particularly in developing the Berkeley Department of Transportation (BerksDOT), the City must adhere to regulatory frameworks.

- **Local Adherence:** Compliance with City of Berkeley's specific ordinances and by-laws is crucial. These local guidelines dictate the foundation and operation of city departments, ensuring that efforts remain consistent with established standards.
- **State-Level Conformity:** Navigating the intricacies of California's regulatory landscape is essential. For example while the [California SB-50 Bill](#), which supported civilian traffic enforcement, was not approved as of September 14, 2023, it serves as a significant legislative consideration. It is imperative that the City stay updated on these legislative developments and align, or adjust, our strategies accordingly to ensure legal compliance.
- **Federal Standards:** The City's initiatives must meet the expectations set by federal entities, including the United States Department of Transportation and related federal mandates in the realms of public safety and transportation. This ensures eligibility for federal grants and maintains the integrity of potential national partnerships.

We will rely on the City Attorney's Office to ensure that the initiatives associated with these efforts comply with federal, state, and local laws, regulations, and statutes.

Ongoing Funding

In the context of Reimagining Public Safety, it is important to underscore the fiscal parameters under which this effort is operating. The City of Berkeley has allocated budgetary support specifically for Fiscal Years 2023 and 2024, with the anticipation of supplying recommendations for the next budgetary cycle by May 2024 (See Companion Appendix C, pp. 2290-2298 and Appendix T, pp. 3259-3264).

- **Implementation Delays:** Due to delays in rolling out select deliverables, there is a potential challenge ahead. By the time budgetary recommendations are presented to the City Council in May 2024, some Reimagining-related initiatives may still be in the early stages of implementation. This early phase could complicate accurate evaluations of their financial implications and long-term feasibility.

- **Grant Funding:** While external grant funding is being pursued to execute some of the deliverables, the nature of such funding is inherently uncertain. Grants, whether from foundations or government sources, are highly competitive, often involving lengthy decision-making processes. As a result, and there is no guarantee of securing them for intended purposes.

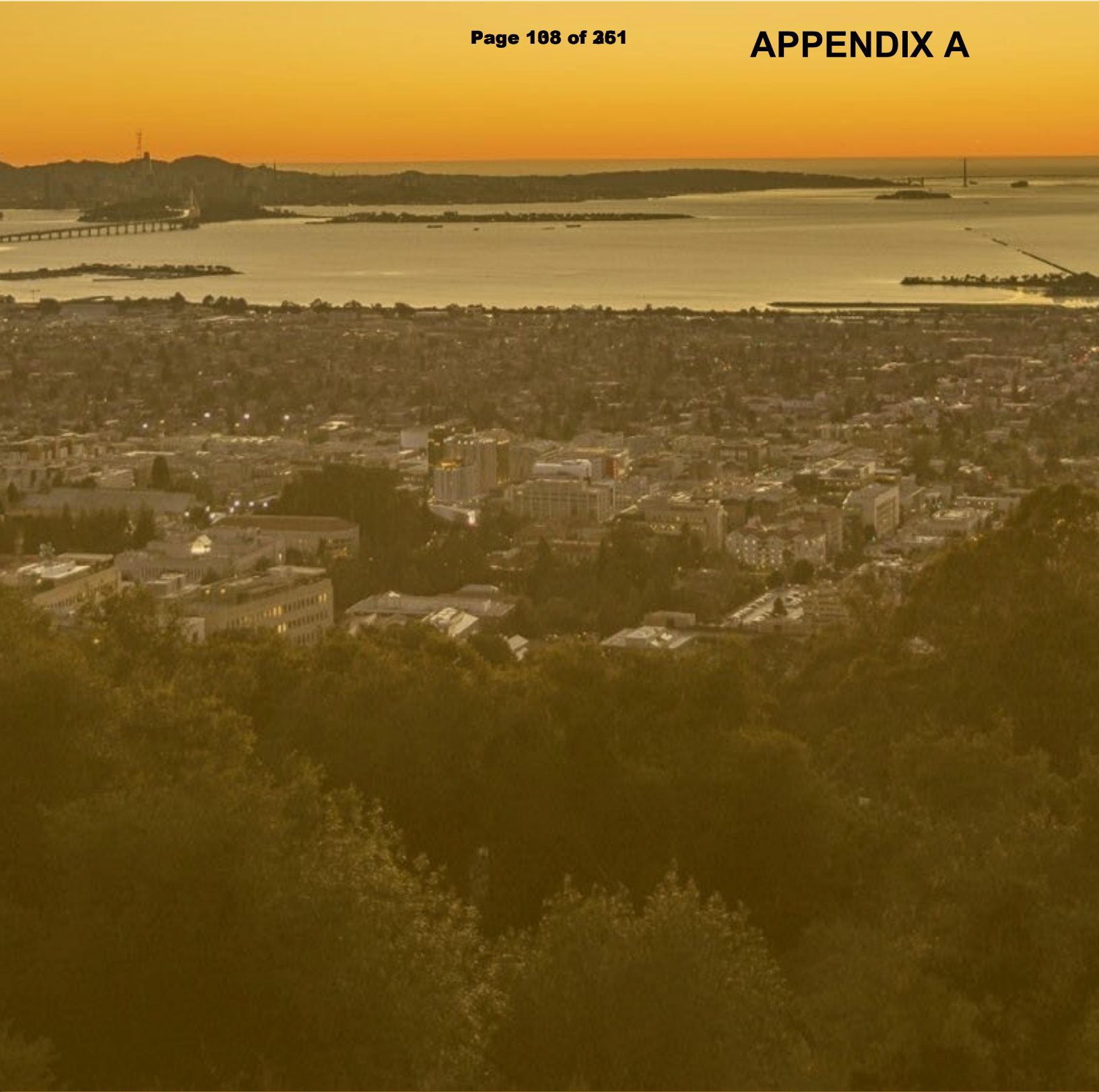
Implementation Timeline

While the Reimagining Public Safety initiative has set ambitious goals, the full realization of these objectives and deliverables may span an extended timeframe. Estimations project a timeline of 3-5 years for the complete roll-out of all items. However, it is paramount to consider that legislative progress and other unforeseen factors could extend this period. Furthermore, regular analysis is vital to understand and ascertain the effectiveness of these implemented initiatives. To ensure accurate assessment, it is crucial to allow enough time for initiatives and measures to take effect. The timeline and phased approach presented, while informed and deliberate, should be viewed as a dynamic structure.

Next Steps

As the City advances efforts towards the Reimagining Public Safety initiative, continuing to strategically navigate evolving challenges such as staffing vacancies, legislative considerations, and budgetary constraints will remain a priority, with a proactive and solution-oriented approach. City leaders, in conjunction with Human Resources, are diligently working to address staffing concerns. Concurrently, the City Manager's Office and Public Works Department is engaged with relevant legislative entities to further the BerkDOT agenda. And lastly, the City staff and Council will make budgetary decisions during the AAO#1 (First Amendment Annual Appropriations Ordinance) process scheduled for mid-December. In this process, the City Council will consider re-appropriation of unspent Fiscal Year (FY) 2023 funds and deferred items into FY 24, informing the development of FY 25-26 Biennial Budget.

The City Manager's Office, alongside the departments spearheading this work, will plan to deliver the next progress update on Reimagining Public Safety by Spring 2024, which will provide further insights into both accomplishments and challenges. In line with these efforts, the City expects to continue to cultivate a community-centered approach as initiatives are designed, implemented, and assessed with principles of compassion, equity, and democracy at the forefront.



Priority Reimagining Public Safety Initiatives

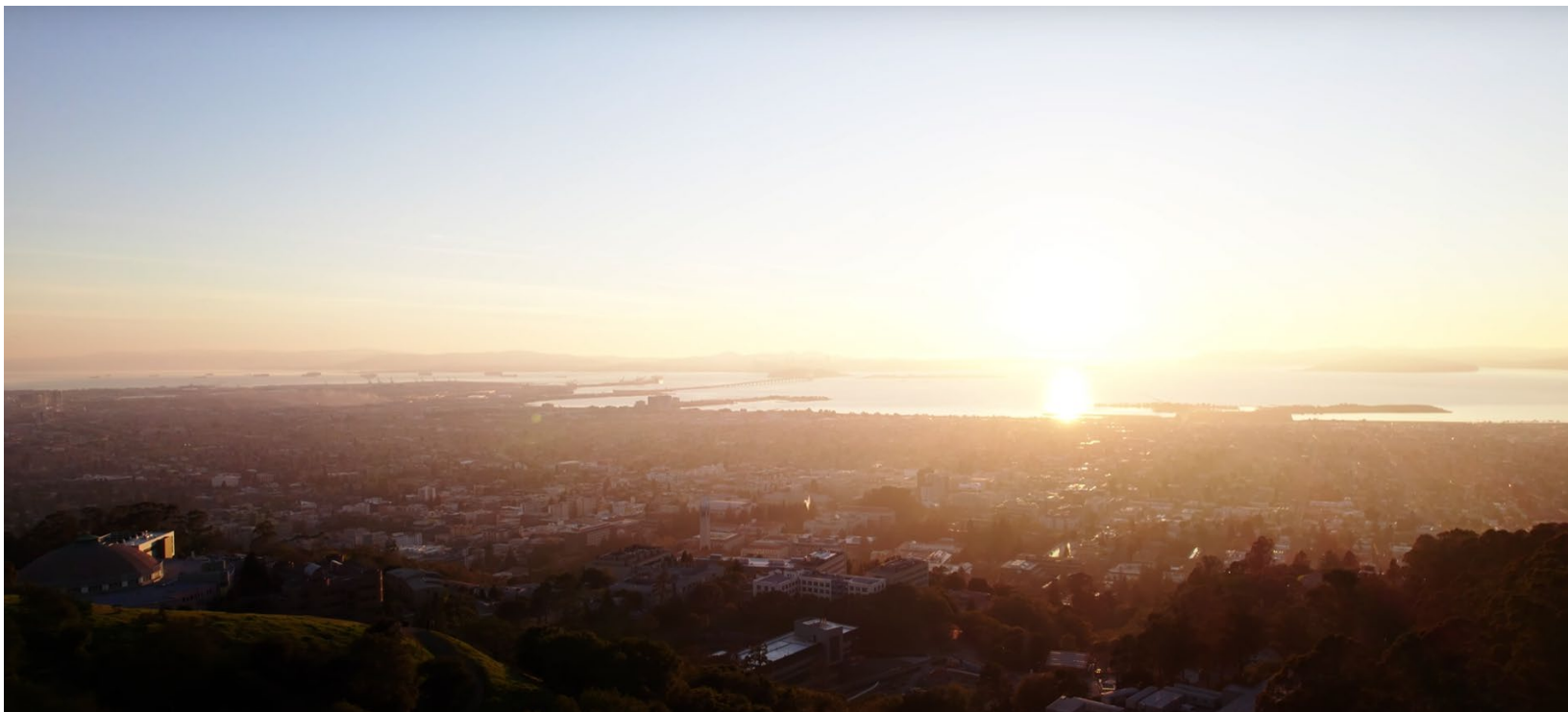
This section offers a concise overview of Berkeley's work towards Reimagining Public Safety, highlighting key milestones and the city's commitment to creating an equitable and effective model for all residents.

Overview

Building upon the summaries outlined in the earlier sections for Phases I and II, this part of the report delves deeper, offering an expanded view of the City's ongoing endeavors. It will detail the unique challenges and considerations associated with each deliverable, laying out forthcoming steps and associated timelines. Further corroborative details can be found in the report's companion appendix.

As mentioned in the Executive Summary, while the City presses forward in efforts to reimagine public safety, it is pivotal to acknowledge certain roadblocks. Some initiatives have faced delays, primarily attributed to staffing constraints and temporary deferral of resources. It is the City's duty and responsibility to ensure transparency and clear communication regarding all facets of this initiative, including both achievements and challenges encountered.

It is vital to recognize that, while there are further milestones to attain, real change is a continuous process. The City of Berkeley remains deeply invested in this essential work and its impactful journey ahead. This work, grounded in community, is not just an obligation but a privilege, and it remains central to Berkeley's shared vision of a safer, more inclusive city.



STAFFING INVESTMENTS

REIMAGINING PUBLIC SAFETY PROJECT COORDINATOR

Department Lead: City Manager's Office

Status Update: *In Progress*

Overview:

The City recognized the need for dedicated leadership to support the multi-departmental responsibilities of the Reimagining Public Safety initiative. This requirement led to the creation of the role of Assistant to the City Manager as a Reimagining Public Safety Project Coordinator. Previously, such responsibilities were managed by the Deputy City Manager with support from a Management Analyst. Given the extensive scope of the initiative, this appointment became an essential need and priority. ***This position was successfully filled on August 21, 2023.***

Since assuming the position, the Assistant to the City Manager has engaged with pivotal departments including Police, Fire, Health Housing and Community Services, and Public Works. To streamline the reporting and documentation process, the Assistant to the City Manager has worked collaboratively with these departments to craft the Reimagining Public Safety Coordination Plan ([See Abbreviated Appendix D, pp. 2477-2485 for RPS Coordination Plan](#)). This plan serves as an essential roadmap, aiming to efficiently manage resources, bolster communication, and ensure methodical progress towards a new public safety paradigm.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	August 2023	Assistant to the City Manager hired.
	September – November 2023	Reimagining Public Safety Coordination plan created and a Reimagining Public Safety status report is underway.
	<i>Anticipated</i> December 2023	Reimagining Public Safety presentation to the City Council (December 5, 2023).
	<i>Anticipated</i> Fall 2023 – ongoing	The Assistant to the City Manager, will continue to coordinate and offer support in project management facets of the initiative.

Considerations:

- **Departmental Coordination and Alignment:** Given the multi-departmental involvement, there's a necessity to ensure seamless coordination among various departments such as Police, Fire, Health Housing and Community Services, and Public Works. With city-wide staffing shortages and competing priorities, proper resource management becomes critical to maintain

momentum and efficiency. With this in mind, achieving consistent alignment and understanding among the core departmental team leading this work is essential.

Ongoing Timelines:

- **Fall 2023 – ongoing:** The Assistant to the City Manager, in their capacity as the Reimagining Public Safety Project Coordinator, will continue to project manage and offer support in various facets of the initiative. Their role will be pivotal ensuring seamless progression and implementation of all endeavors associated with Reimagining Public Safety. They will continue to collaborate cross-departmentally to report back to the City Council with updates on the initiative's progress in Spring 2024.

DIVERSITY, EQUITY, AND INCLUSION (DEI) OFFICER

Department Lead: City Manager's Office

Status Update: *In Progress*

Overview:

Endorsed by the City Council, Reimagining Public Safety Task Force, the City Manager's Office championed the establishment of a DEI Officer position, as part of **Phase 2** implementation. Situated within the City Manager's Office, the DEI Officer will helm the Diversity, Equity, and Inclusion Division. The primary vision guiding the Diversity, Equity, and Inclusion Division is to centralize and embed equity and justice practices within the City's infrastructure. By adopting this approach, the City aspires to not only address present disparities but also to cultivate strong alliances with community organizations. The overarching goal is for City Departments to continue to evolve into entities that are both responsive and truly accountable to the diverse communities they serve.

The DEI Officer's responsibilities will encompass overseeing the division's multifaceted activities and operations, including but not limited to:

- **Strategic Development and Policy Administration:** Under the direction of the City Manager, the DEI Officer will lead the creation, planning, and deployment of the DEI Division's strategic objectives. Their responsibility will extend to crafting and endorsing policies and procedures, ensuring they resonate with the City's DEI vision and lay the groundwork for enduring, meaningful change. Central to this role will be the Officer's capability to harmonize divisional activities cross-departmentally, fostering a unified approach to city-wide training and professional advancement.
- **Inclusive Visionary Leadership:** The DEI Officer will be an integral part of promoting inclusivity within the City. Tasked with the responsibility to collaborate with City and community leadership, the Officer will help align diversity and inclusion initiatives with the City's broader objectives. They are expected to facilitate strategic planning in areas of diversity and inclusion and periodically engage in evaluations through surveys. The aim is to collaboratively develop and implement strategies that reflect the City's mission, vision, and goals, ensuring that Berkeley continues its commitment to being an inclusive and equitable community.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Anticipated November 2023	DEI Officer Hired. The individual appointed to the DEI Officer role is anticipated to commence their duties on November 27, 2023.
	Anticipated Fall 2023 – ongoing	Onboarding of DEI Officer and preliminary planning of DEI strategic plan. Hiring of DEI Administrative Assistant. Next steps would likely include onboarding and familiarization with the city's current DEI landscape and getting acquainted with the City's structure and key personnel in order to begin building a strategic DEI plan.

Considerations:

- **Definition and Scope, and Sustainability:** Navigating the evolving landscape of DEI requires the city of Berkeley to maintain a clear, shared understanding of its significance. Ensuring that City's DEI vision remains aligned with evolving norms and values while planning for long-term sustainable impact. This overarching consideration encompasses understanding DEI, implementing initiatives, and working towards continuity.
- **Inter-departmental Collaboration and Resource Allocation:** Effective DEI integration hinges on seamless collaboration between various city departments. It is essential to strike a balance between promoting DEI principles and other citywide priorities, which can pose challenges in terms of communication, coordination, and the optimal allocation of resources.
- **Community Trust, Engagement, and Evaluation Metrics:** Building and retaining community trust is vital for the success of DEI efforts. This involves effective communication and the establishment of clear metrics to evaluate the effectiveness of DEI efforts and implementation.

Ongoing Timelines:

- **Fall 2023 – ongoing:** The individual appointed to the DEI Officer role is anticipated to commence their duties on November 27, 2023. The City Manager's Office anticipates next steps would likely include onboarding and familiarization with the city's current DEI landscape and getting acquainted with the City's structure and key personnel in order to begin building a strategic DEI plan and hiring the DEI Administrative Assistant to support this implementation.

GRANT ASSISTANCE

Department Lead: City Manager's Office

Status Update: **In Progress** (FY 23 carryover request to AAO#1)

Overview:

In **Phase 2** of the Reimagining Public Safety initiative, the City Council approved an allocation of \$100,000 for fiscal years 2023 and 2024. This funding aims to bolster the longevity and sustainability of the City's commitment to Reimagining Public Safety. In 2024, the City of Berkeley has engaged California Consulting, LLC to enhance grant application capabilities (See Companion Appendix R, pp. 3241-3244 for California Consulting Contract and Scope of Services). In the pursuit of a more comprehensive Reimagining Public Safety initiative, the City of Berkeley has turned its attention to opportunities that not only address immediate safety concerns but also contribute to the overall wellbeing and enhancement of community spaces.

Among the state and federal grants pursued, notable prospective state funders include the [Community Resilience Centers Program²](#) (CRC) and the CalTrans [Clean California Local Grant Program³](#). The CRC aims to fund facilities that serve as community safe havens during climate adversities, offering shelter and vital resources during challenges such as extreme heat or poor air quality events. The Clean California program is devised to channel funds into local communities, aiming to beautify and uplift local streets, tribal lands, parks, pathways and transit centers. Equally important, the Clean California program is committed to advancing equity, promoting public health, strengthening cultural connections, and enhancing community place making.

Significant Federal grant applications include the [PROTECT Discretionary Grant Program⁴](#) and [Reconnecting Communities and Neighborhoods \(RCN\) Program⁵](#). The PROTECT program's vision revolves around bolstering the resilience of transportation infrastructure against the impending climate crisis. The primary objective of the PROTECT program is not only to ensure resilient transportation infrastructure but also to promote equity by safeguarding disadvantaged communities, who often bear the brunt of natural hazards. The RCN program holds significant alignment with the Reimagining Public Safety objectives as one of its priorities. It emphasizes the advancement of disadvantaged communities, broadens access to essential services such as jobs, education, healthcare, food, and recreation, and underscores the importance of equitable development and community restoration. Additionally, a key focus is on bridging community divides by tackling transportation facilities that impede connectivity, ensuring that mobility, access, and economic development are unobstructed.

Unspent funds (\$100,000) from Fiscal Year 2023 have been requested for carryover to FY 2024 as part of AAO#1. The Assistant to the City Manager will collaborate cross-departmentally to pinpoint grant opportunities that align with objectives of the Reimagining Public Safety initiative.

² <https://sgc.ca.gov/programs/community-resilience-centers/>

³ <https://cleancalifornia.dot.ca.gov/local-grant-program>

⁴ grants.gov/search-results-detail/347585

⁵ <https://www.transportation.gov/grants/rcnprogram>

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Summer – Fall 2023	Contract with California Consulting, LLC has been initiated. Seven grant applications were submitted under the direction of Parks, Recreation and Waterfront Department.
	<i>Anticipated</i> Winter 2023 – ongoing	The Reimagining Public Safety Project Coordinator will manage continued efforts in grant identification, application, and management.

Considerations:

- **Grant Alignment and Coordination:** Grants from state, federal, and local sources come with varied criteria. Balancing Berkeley’s Reimagining Public Safety goals with these diverse requirements demands precise tailoring of applications, ensuring both alignment with grant specifics and adherence to overarching Reimagining Public Safety objectives. In addition to this, inter-departmental collaboration introduces considerations for streamlined processes.

Ongoing Timelines:

- **Fall 2023 – ongoing:** Unspent funds (\$100,000) from Fiscal Year 2023 have been requested for carryover to FY 2024 as part of AA0#1. The Assistant to the City Manager will collaborate cross-departmentally to pinpoint grant opportunities that align with objectives of the Reimagining Public Safety initiative.



SPECIALIZED CARE UNIT *IMPLEMENTATION*

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

In part of the Mayor's [phased approach](#) to Reimagining Public Safety, **Phase I** work primarily focused on extensive community engagement and research to create recommendations for a Berkeley-specific crisis response model. To ensure that the design of the Specialized Care Unit (SCU) model was aligned with community expectations, Health, Housing, and Community Services created a Steering Committee that includes representatives from the Mental Health Commission, Berkeley Community Safety Coalition, and community service providers, as well as staff from the City's HHCS and the Fire Departments, to provide guidance on SCU design and implementation. In addition, the City contracted with Resource Development Associates (RDA), to conduct research on non-police crisis response models, lead the community engagement process with guidance from the Steering Committee, and make recommendations for a SCU model for Berkeley (See Companion Appendix E, pp. 2487-2496 for RDA Contract). RDA's final report includes 25 recommendations for implementing a successful Specialized Care Unit in Berkeley (See Companion Appendix E, page pp. 2497-2701 for RDA reports). The Steering Committee analyzed and further refined these recommendations, laying the groundwork to move forward with a SCU pilot program.

At the beginning of 2022, to bolster these initiatives, HHCS brought on board several key staff, including a Senior Management Analyst, dedicated to aiding the implementation of the SCU as well as the Community Crisis Response ("Bridge Services") programs. To support these Bridge Services, the City contracted with Options Recovery Services, Peer Wellness Collective (formerly Alameda County Network for Mental Health Clients), and Women's Daytime Drop-In Center to provide a variety of services for vulnerable community members who experience mental health and substance use crises. These programs helped to support the continued need for community crisis support while the City worked toward implementation of the Specialized Care Unit.

In December, 2022, after a competitive Request for Proposal process, Bonita House, Inc. was selected to be the Specialized Care Unit provider. (See Companion Appendix F, pp. 2703-2785 for Bonita House/SCU Contract). In 2023, Bonita House hired and trained initial SCU staff and worked collaboratively with the City and the SCU Steering Committee to ensure the program is implemented in alignment with the recommendations from RDA and Steering Committee. On September 5, 2023, the SCU began providing services to the Berkeley community and currently operates daily from 6 am to 4 pm. Bonita House continues to hire and train staff to ramp-up to full 24/7 operations.

The SCU pilot program is supported by grant funding from the American Rescue Plan Act, California Department of Health Care Services (Crisis Care Mobile Units program), and Mental Health Services Act funding. The full budget breakdown of the SCU contract can be found in Companion Appendix F, pp. 2714-2717.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase I (2020-2022)	December 2020	SCU Steering Committee Formed.
	January 2021	Contract with RDA for research, community-engagement, and SCU design.
	March 2022	RDA Completes Report & Presents to Council.
	May 2022	City Council informed of Reimagining Public Safety Framework for SCU design.
Phase 2 (2022-2024)	December 2022	Contract with Bonita House for SCU Implementation.
	January 2023 – ongoing	SCU staff are hired and trained; Systems for implementation are developed.
	February 2023 – Ongoing	HHCS hosts Community Dialogues to provide updates on SCU development and implementation. Community listserv begins to provide program-specific updates.
	September 2023	SCU soft launch begins; SCU team begins providing daily services from 6am to 4pm in mid-September. Outreach materials are distributed throughout the community.
	<i>Anticipated</i> October 2023 - ongoing	The SCU will continue to hire and train staff to build toward 24/7 operations. Additionally, HHCS and Bonita House have initiated conversations about using a MediCal billing model to contribute to longer term program costs.

Considerations:

- Scaling Up:** The SCU continues to operate in a ramp-up state as Bonita House continues to hire and train staff for the program. As staff are hired and trained, they can start providing services in the field. The SCU will continue to expand their hours, as staffing allows, to operate a 24/7 non-police response to mental health and substance use crises. The City of Berkeley continues to work on receiving City-purchased vehicles for SCU operations, which are currently being customized for SCU operations.
- Grants and Long-term Funding:** As grant funding is of a limited-term nature, HHCS is actively pursuing additional funding opportunities to sustain and improve the SCU over time.

Ongoing Timeline:

- Fall 2023 – ongoing:** The SCU will continue to hire and train staff to build toward 24/7 operations. Additionally, HHCS and Bonita House have started initial conversations about using a MediCal billing model to contribute to longer term program costs.

STAFFING POSITIONS (PILOT RPS COMMUNITY SERVICE OFFICERS & DISPATCHERS)

Department Lead: Police

Status Update: *In Progress*

Overview:

In part of the **Phase 2** implementation, funding was allocated for Fiscal Years 2023 and 2024 by City Council to introduce a temporary two-year pilot program of additional Community Service Officers and Public Safety Dispatchers. City Council directives included an evaluation of the pilot after the two-year period to align with the FY 25-26 Budget Process and determine the appropriate location of the CSO unit within a new Public Safety Department and the role for other non-sworn responders.

The Mayor and City Council approved the Recruiting and Retention Incentive Program (RRIP) for the Berkeley Police Department (BPD). The City has intensified recruitment efforts across the department to address staffing vacancies. These efforts include the approved RPS-designated positions: 8 Public Safety Dispatcher II, 1 Public Safety Dispatch Supervisor, 6 Community Service Officers (CSO), and 1 Community Service Officer Supervisor. The CSO positions are temporary and were budgeted for 3 years starting July 1, 2022. We are currently in the 3rd month of year 2, and any new hires must be told the position ends June 30, 2025. Previous candidates have declined the job offer because of the temporary status.

The Berkeley Police Department's recent Community Service Officer recruitment drive concluded on September 18, 2023 and saw a marked increase in interest attracting 138 CSO applicants – nearly double the previous year's count. The subsequent evaluation, involving written and physical tests, is scheduled for October 21, 2023. It is important to acknowledge that in previous evaluations, several candidates faced challenges in clearing one or both tests. Given the increased applicant pool this year, Berkeley PD remains optimistic about securing a larger number of qualified candidates.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Summer – Fall 2022	RPS funding allocation of approximated ~\$2.5 million for pilot program. BPD Recruitment Cycle commenced.
	July 2023	Contract with Citygate for BPD Staffing Assessment.
	August 2023	Recruiting and Retention Incentive Program.
	<i>Anticipated</i> Summer – Fall 2023	BPD Recruitment Cycle.
	<i>Anticipated</i> October 2023 – ongoing	The Berkeley Police Department is on track to assess approximately 138 CSO applicants in the month of October.

Ongoing Timeline:

- **October 2023 – ongoing:** The Berkeley Police Department is on track to assess approximately 138 applicants in the month of October and continue efforts to fill these vacancies in 2024, further enhancing BPD's capacity to serve the community.

FAIR AND IMPARTIAL POLICING

Department Lead: Police

Status Update: *In Progress*

Overview:

On February 23, 2021, during a City Council Special Meeting, the recommendations put forth by the Mayor’s Fair and Impartial Policing (FIP) Taskforce were directed to the Berkeley Police Department for implementation. Berkeley PD provides quarterly updates to City Council, and has completed 13 of the 14 recommendations to date. These FIP recommendations were introduced during **Phase 1** of the Mayor’s strategy for Reimagining Public Safety. The Berkeley Police Department has subsequently facilitated a series of FIP-dedicated training sessions, emphasizing key fair and impartial policing tenets. As Berkeley PD continues to advance the recommendations of the Fair and Impartial Policing Task Force, additional Tier 1 funding of \$100,000 was approved for Fiscal Years 2023 and 2024 for specialized FIP training for Berkeley police officers. This enactment is a part of **Phase 2** in the Mayor’s [phased approach](#).

Berkeley PD FIP training also includes Crisis Intervention Team (CIT), LGBTQ, [Racial Profiling and Bias](#)⁶ training offered through the [California Commission on Peace Officer Standards and Training](#) (POST)⁷. Furthermore, BPD has mandated the KIND Policing Education Incentive in the newest 2023 – 2025 [Berkeley Police Association MOU](#) with the city (See Companion Appendix H, pp. 2799-2801). The KIND Policing Educational Incentive is a first-of-its-kind initiative that promotes the City’s policing values while ensuring the availability of robust training for sworn members of BPD in effective policing that is rooted in procedural justice and impartiality, community-oriented, and culturally competent.

Berkeley PD believe these efforts will enable the Department to better serve the community and ensure public safety for all. The Berkeley Police Department will continue to work closely with the City Council and other stakeholders to develop and implement strategies that are effective, equitable, and just. Berkeley PD remains committed to promoting fair and impartial policing practices and fostering trust and mutual respect between the police and the community we serve.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase I (2020-2022)	June 2020 – March 2021	Community Process for FIP Recommendations <i>Development</i> convened.
	February 2021	Mayor and the City Council pass FIP Recommendations
	August 2021 – ongoing	Berkeley Police has implemented ongoing fair and impartial trainings for its officers.

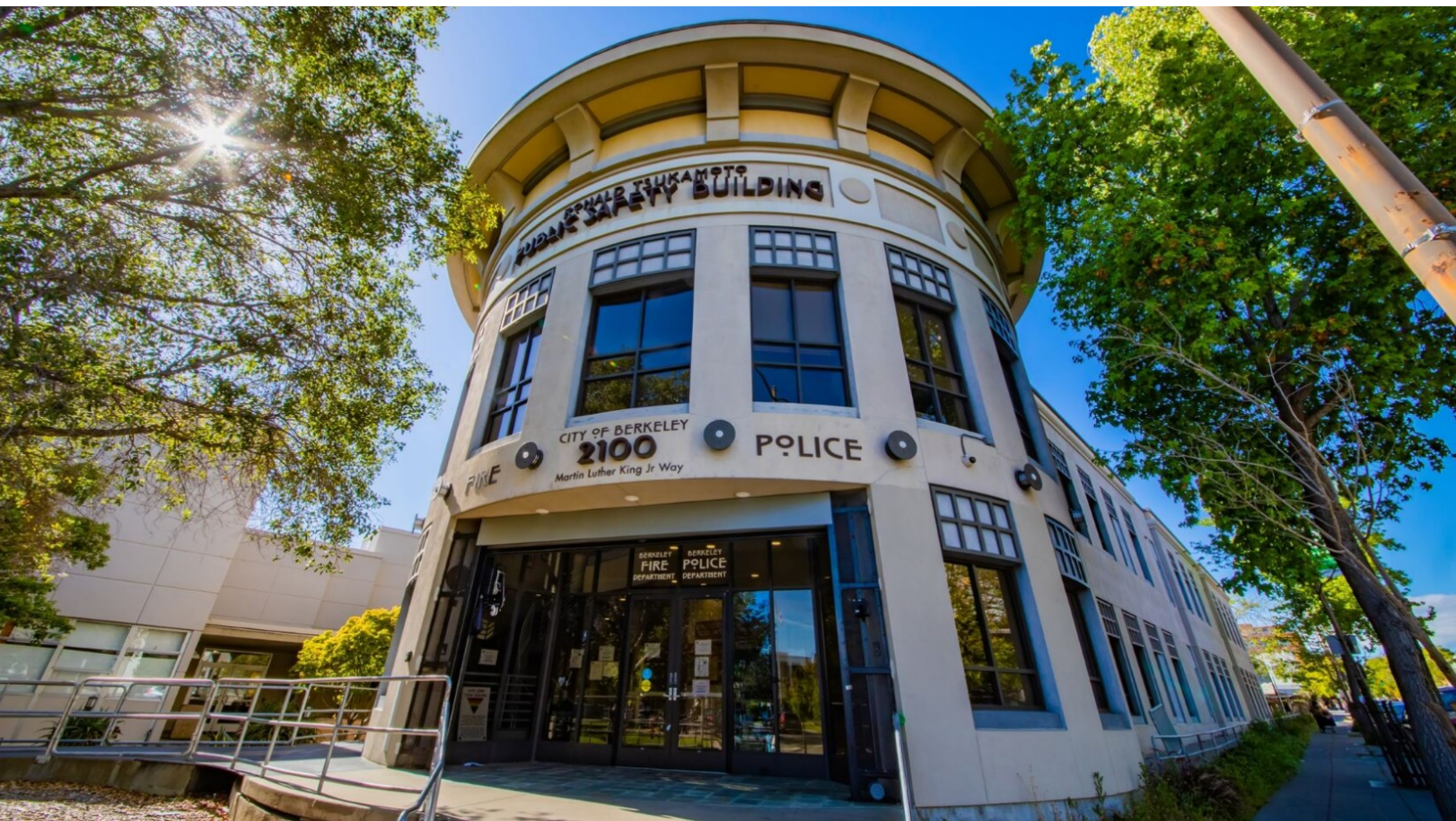
⁶ <https://catalog.post.ca.gov/SearchResult.aspx?category=Mandates&MAC=9jfKTy12dmPZ5m6b632T9DV8U5Q>

⁷ <https://post.ca.gov/>

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	July 2022 – ongoing	Continued training inclusive of FIP tenets.
	August 2023	The KIND Policing Educational Incentive is a first-of-its-kind initiative that promotes the City’s policing values while ensuring the availability of robust training for sworn members of the Berkeley Police Department in effective policing that is rooted in procedural justice and impartiality, community-oriented, and culturally competent.
	October 2023 – ongoing	The Chief of Police submitted an “ Update on the Implementation of Fair and Impartial Policing Task Force Recommendations ” October 3 2023. Thirteen of the fourteen Task Force recommendations have been implemented and we remain committed to upholding and sustaining these measures (See Companion Appendix G, pp. 2787-2797).
	Anticipated October 2023 – ongoing	BPD will continue to support and fulfill officer training needs through Fiscal Year 2025. We will have various related CIT, LGBTQ, Bias/Profiling, and FIP-styled training planned for 2024.

Ongoing Timeline:

- October 2023 – ongoing.** The Berkeley Police Department will continue to fulfill officer training needs through Fiscal Year 2025. Berkeley PD will have various related CIT, LGBTQ, Bias/Profiling, and FIP-styled training planned for 2024.



WELLNESS PRACTICES (CRITICAL INCIDENT STRESS, PEER SUPPORT TEAM, AND EMERGING WELLNESS NEEDS)

Department Lead: Police

Status Update: *In Progress*

Overview:

The Berkeley Police Department has built out a suite of wellness and mental health services for staff as outlined in the key accomplishments section. In part of the Reimagining Public Safety Phase 2 directives, the department has utilized the allocated \$50,000 Reimagining Public Safety funds for Crisis Intervention and Critical Incident Stress Management Services. Acknowledging that physical health is intertwined with mental well-being, improvements have been made to BPD's gym facilities, both at the Public Safety Building and the substation. For those officers in need of specialized support, Berkeley PD provided access to an immersive group therapy program designed to provide employees with the ability to recover from traumatic incidents with resilience. In addition to these wellness efforts, we're on the brink of launching a mobile application designed to provide anonymous access to a vast array of health and wellness resources.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	July 2022 – June 2023	FY 2023 Wellness Efforts Include: <ul style="list-style-type: none"> Contracted with a local first responder-specific counseling group, Public Safety Family Counseling Group (PSFCG). International Critical Incident Stress Foundation training in Assisting Individuals in Crisis and Group Crisis Intervention⁸. Gym Updates Access to immersive group therapy
	July 2023 – ongoing	FY 2024 Wellness Efforts Include: <ul style="list-style-type: none"> O2X Partnership⁹ First Responder Wellness Apps & Resources
	Anticipated October 2023 – ongoing	Continued partnerships and efforts towards BPD Wellness Practices for officers.

Ongoing Timeline:

- October 2023 – ongoing.** The Berkeley Police Department will continue to work with PSFCG to utilize Crisis Intervention and Critical Incident Stress Management Services for the officers through Fiscal Year 2026, in addition to continued wellness offerings. Berkeley PD will have various related CIT, LGBTQ, Bias/Profiling, and FIP styled training planned for 2024.

⁸ <https://icisf.org/individual-crisis-intervention-and-peer-support-group-crisis-intervention/>

⁹ <https://www.o2x.com/>

VISION ZERO PROGRAM COORDINATOR

Department Lead: Public Works Department

Status Update: *In Progress*

Overview:

The Public Works department have successfully hired a Vision Zero Program Coordinator (Associate Planner) in October 2023. This position supports the work of the Vision Zero Program Manager (Senior Planner) which is currently vacant. In line with the eleven high priority action items identified in the [Vision Zero Action Plan](#), the Associate Planner will be supporting with the implementation of the programmatic and capital project delivery elements of Vision Zero. Three of the eleven high priority action items include collision analysis as described in the Reimagining Public Safety initiative. Note the latest [Vision Zero Annual Report](#) (2021-2022) (See [Companion Appendix I, pp. 2803-2886 for Vision Zero Action Plan and Vision Zero Annual Report](#)). Some of the current program priorities include: supporting the delivery of grant-funded capital traffic safety capital projects on Vision Zero High Injury Streets; reconvening the Vision Zero Coordinating Committee; restarting development and implementation of a Rapid Response program, including: supporting the City's interdepartmental Rapid Response team in understanding the reasons for traffic crashes and restarting development and implementation of a Quick Build program to be able to respond through appropriate traffic safety countermeasures; conducting the three-year update of the Vision Zero Action Plan; and resuming Vision Zero Annual Reports.

Key Accomplishments and Next Steps:

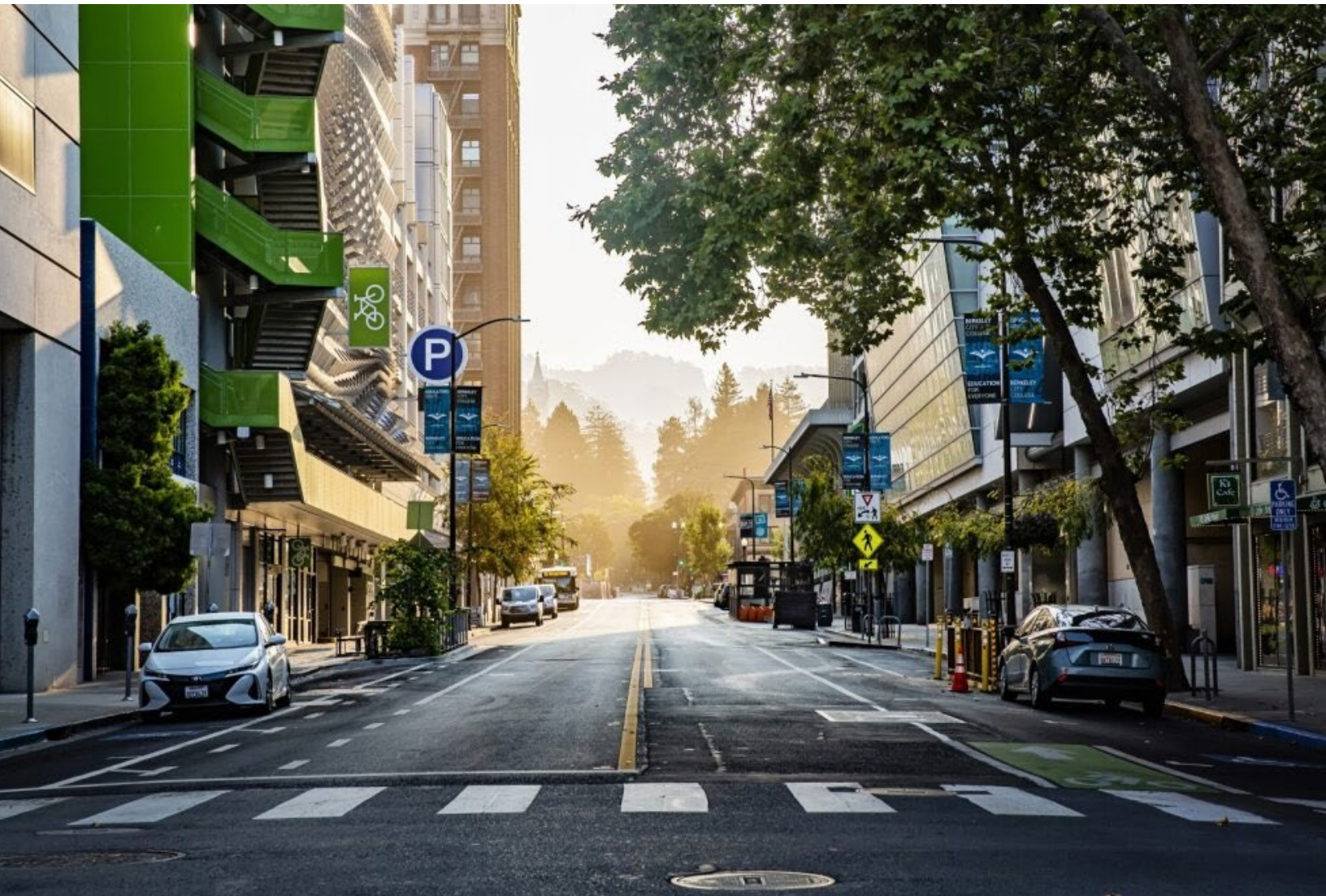
RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	October 2023	Vision Zero Program Coordinator (Associate Planner) Hired.
	<i>Anticipated</i> January 2024 – ongoing	In line with the 11 high priority action items identified in key priorities of the Vision Zero Action Plan, the Associate Planner will be supporting the implementation of the programmatic and capital project delivery elements of Vision Zero. Three of the eleven high priority action items include collision analysis as described in the Reimagining Public Safety initiative.

Considerations:

- **Staffing Vacancies.** The City Manager issued three Off-Agenda memos, [November 2022](#), [December 2022](#), and [October 2023](#), respectively, to update the City Council on the Public Work's Transportation Division's staffing and work priorities (See [Companion Appendix J, pp. 2888-2900 for Staffing Memos](#)).
 - While the Vision Zero Program Coordinator (Associate Planner) has been hired, the Vision Zero Program Manager (Senior Planner) position is currently vacant following the promotion of the former Senior Planner to Principal Planner in August 2023. Public Works is preparing to kick off the recruitment for this position.

Next Steps & Timelines:

- **January 2024 – ongoing:** In 2024, the Vision Zero program anticipates restarting the Vision Zero Coordinating Committee meetings; initiating the three-year update to the Vision Zero Action Plan; restarting the development of the Rapid Response and Quick Build Programs; continuing to support major grant-funded capital projects on Vision Zero High Injury Streets, such as Southside Complete Streets, Sacramento St Pedestrian Crossing Safety Improvements, and the Alameda County Transportation Commission San Pablo Avenue Corridor Projects. Progress on Vision Zero high priority projects and programs in 2024 will depend on hiring a new Vision Zero Program Manager (Senior Planner).



CONSULTANT COSTS

BERKELEY DEPARTMENT OF TRANSPORTATION (BERKDOT) DEVELOPMENT

Department Lead: Public Works Department

Status Update: *In Progress* (funding deferred to AAO#1)

Overview:

In the structured approach to the Reimagining Public Safety initiative, **Phase 1** played an instrumental role in laying the groundwork for BerkDOT. This phase focused on [preliminary design and development](#), underpinned by robust stakeholder engagement (See Companion Appendix B, pp. 1899-2285 for Off-Agenda Memos). Central to the vision of BerkDOT is the consolidation of all transportation-related functions in the city into a single entity. This department would be responsible for diverse areas, from traffic management and road maintenance to school crossing guards. Additionally, an embedded racial justice lens in BerkDOT's mandate ensures that transportation policies, programs, and infrastructure actively address racial disparities. By doing so, the City aims to create transportation environments that reduce burdens historically placed on communities of color, ensuring streets where all residents feel secure and included.

The City approved a Tier 1: Reimagining Public Safety budget allocation of \$300,000 for Fiscal Year 2023 with the objective of propelling BerkDOT's implementation forward. This budget allocation, which is central to **Phase 2**, will also support research for a forthcoming "white paper" and potential advocacy for state legislation.

Below outlines five core deliverables *related* to early implementation of BerkDOT:

1. Continue legislative advocacy for changes in state law to grant cities the authority for non-sworn civilian traffic enforcement, and automated enforcement for speeding/red lights.
2. Transition crossing guards from the Police Department to Public Works' Division of Transportation.
3. Strategize for a Civilian Traffic Enforcement Unit, pending legislative changes.
4. Review Berkeley Municipal Code for proposed changes to increase equity and racial justice in the City's existing transportation fines and fees.
5. Develop a roadmap for establishing a standalone Berkeley Department of Transportation.

While the Public Works Department successfully transitioned crossing guards, progress in other sectors have been slow, especially concerning legislative matters. For instance, the [California SB-50 Bill](#)¹⁰ supporting civilian traffic enforcement was declined on September 14, 2023. Additionally, since Berkeley

¹⁰ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB50

is not included in the Assembly Bill 645 ([AB-645¹¹](#)), introducing a Speed Safety System Pilot Program locally would require separate legislation.

Other challenges include the Public Works Department's significant staffing issues. The Berkeley Public Works Department, central in BerkDOT's, faced significant staffing challenges. The City Manager issued Off-Agenda memos in [November](#) and [December](#) of 2022, and again in [October 2023](#) (See [Companion Appendix J, pp. 2888-2900 for Staffing Memos](#)). These memos informed the City Council on the department's staffing challenges and their implications for ongoing projects, highlighting that several initiatives led by Public Works, including BerkDOT's evolution, had been temporarily halted. This pause was later addressed at the Berkeley Budget & Finance Committee on June 22, 2023 and at the June 27, 2023 City Council session. Notably, several Reimagining Tier I requests have been referred to the December 2023 Annual Appropriations Ordinance #1 process (See [Companion Appendix K, pp. 2902-2997 for Budget & Finance Committee Annotated Agenda and June 2023 Item 53 Council Supplemental Item](#)).

As of this report's submission, movement related to this deliverable has yet to be initiated. The Public Works Department anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been finalized at the AAO #1 meeting. Should the allocation be returned, Public Works' proactive response plan will be to launch a comprehensive Request for Proposal (RFP) process to bring aboard a third party with a proven track record in urban transportation to assess preliminary research, bridge any existing gaps, and devise an actionable BerkDOT implementation plan.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	June 2020 – ongoing	Community Process for BerkDOT Development
	Fall 2022	Crossing guards transitioned from the Police to Public Works' Division of Transportation.
	November 2022 – ongoing	Public Works staffing vacancies memos issued to City Council and community.
Phase 2 (2022-2024)	June 2023	City Council referred several Reimagining Tier I requests to the December 2023 Annual Appropriations Ordinance #1 process.
	<i>Anticipated</i> November 2023 – ongoing	Public Works anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been made at the AAO#1 meeting. Next Steps would include a possible RFP process for BerkDOT implementation planning.

Considerations:

- Regulatory Compliance:** BerkDOT must strictly adhere to local, state and federal transportation regulations. This includes not just road and transit roles, but also any pertaining to pedestrian zones, bike lanes, and other urban transportation forms. Ensuring compliance will prevent potential legal complications and foster smoother collaboration and state federal agencies.

¹¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB645

- **Budgetary Limitations:** The BerkDOT's budget is currently deferred. This situation necessitates providing essential project and operations within existing resources. The City must explore innovative solutions and consider alternative funding avenues, such as grants or strategic partnerships.
- **Staffing:** The Public Works Department is currently facing a staffing shortage, which affects its capacity to meet all operational demands. The Department is actively recruiting to fill vacancies. It is important to note that with limited personnel, there are competing priorities to manage.

Ongoing Timeline:

- **Fall 2023 – ongoing:** As of this report's submission, movement related to this deliverable has yet to be initiated. The Public Works Department anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been finalized at the AAO #1 meeting. Should the allocation be returned, Public Works' proactive response plan will be to launch a comprehensive Request for Proposal (RFP) process to bring aboard a third party with a proven track record in urban transportation to assess preliminary research, bridge any existing gaps, and devise an actionable BerkDOT implementation plan.

BEHAVIORAL HEALTH, CRISIS RESPONSE, AND CRISIS-RELATED SERVICES NEEDS AND CAPACITY ASSESSMENTS

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

In **Phase 2**, the City of Berkeley allocated \$100,000 in Fiscal Year 2023 for 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 who are unhoused. This needs assessment should be conducted using computer-aided dispatch (CAD) or other data from the Berkeley Communications Center, other dispatch agencies, BPD, BFD, and any other relevant data during the COVID-19 pandemic from at least March 2020 through the present. In addition to this service assessment, the recommendation also includes a capacity assessment of crisis response and crisis-related services available to Berkeley.

In May 2023, the City Council authorized the City Manager to add a portion of this funding to an existing contract with Resource Development Associates (RDA) to support a CAD data analysis to better inform the implementation and evaluation of the Specialized Care Unit (SCU) ([See Companion Appendix E, pp. 2487-2496 for RDA Contract](#)).

Analyzing the CAD data will help inform future SCU and crisis system operations by gaining a better understanding of the types of calls that could apply to behavioral health crises. Components of this CAD data analysis and follow-up recommendations, as it applies to current program operations will be incorporated into the broader SCU evaluation, and provided to the City throughout the SCU pilot.

In addition to the RDA contract to analyze 911 call data, HHCS recently hired a Community Services Specialist II (CSSII) who is focused on analyzing care support systems in the City of Berkeley and Alameda County, including crisis response and crisis-related services. This CSSII will focus on conducting the capacity assessment to determine what exists and system gaps with respect to the SCU, respite, and sobering centers. This work will continue throughout the calendar year and into early 2024.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	Existing contract for SCU program evaluation is amended to add a scope of work for RDA to conduct the crisis needs assessment.
	June 2023 – August 2023	Crisis needs assessment for 911 call planning begins with initial data scoping.
	August 2023 – ongoing	Data analysis of Computer Aided Dispatch (CAD) calls begins with City of Berkeley stakeholders.
	August 2023	HHCS hired a Community Services Specialist II to analyze crisis response and related systems, specifically including crisis stabilization.
	<i>Anticipated</i> Ongoing – December 2023	Data collection and systems planning.
	<i>Anticipated</i> December 2023 – ongoing	Reporting. These projects continue to be ongoing through the rest of 2023. HHCS expects to receive initial results of the analysis of the 911 call data and crisis systems by the beginning of next year

Considerations:

- **Expanding Data Analysis & Dynamic Needs:** As the project progresses, there might be a recognition of new data sets essential for comprehensive analysis.
- **Partner Coordination & Feedback:** With multiple partners involved, there will be extensive coordination to ensure that all information is gathered to inform these analyses.
- **Policy Awareness:** Staying updated with relevant behavioral health policies and regulations will be key to ensure project success and compliance.

Ongoing Timeline:

- **Fall 2023 – ongoing:** These projects continue to be ongoing through the rest of 2023. HHCS expects to receive initial results of the analysis of the 911 call data and crisis systems by the beginning of next year.

STAFFING ASSESSMENT

Department Lead: Police

Status Update: *In Progress*

Overview:

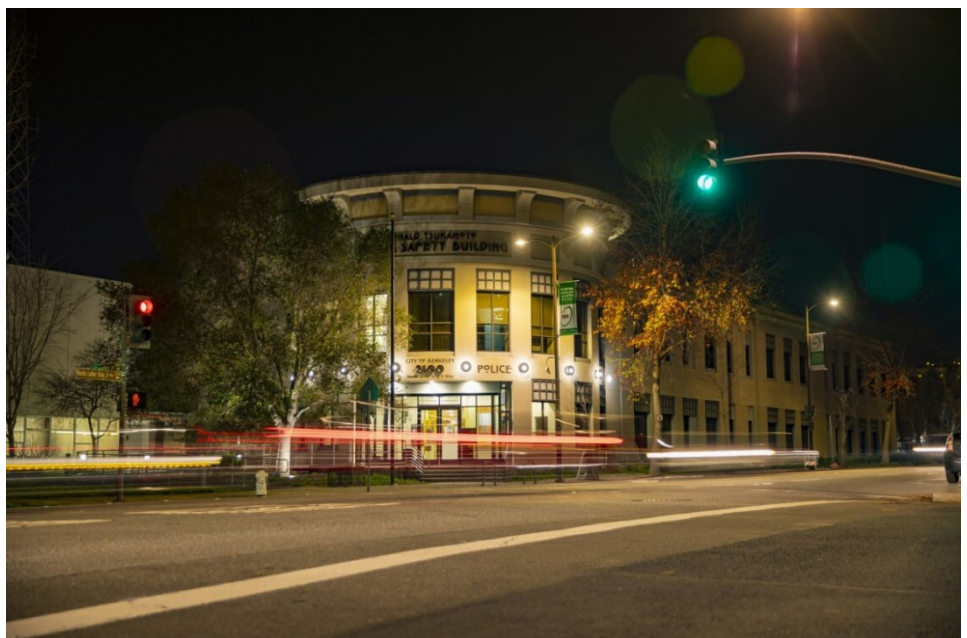
As part of ongoing efforts in the Reimagining Public Safety **Phase 2** recommendations, the Berkeley Police Department has contracted with [Citygate Associates](#) to undertake a thorough study of the Berkeley Police Department (See Companion Appendix L, pp. 2999-3006 for Contract and Scope of Services). This comprehensive study aims to evaluate the Department’s organizational structure, resource allocation, and geographical patrol boundaries. Citygate will also recommend organizational improvements to enhance overall service to the community with consideration given to the morale and well-being of police staff.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	July 2023	The Berkeley Police Department has successfully engaged with Citygate Associates for a comprehensive staffing assessment and workload study. Citygate’s workload study will take approximately nine months and consists of 6 key tasks outlined in the contract. RPS funding allocation of \$125,000 for FY 2024.
	August 2023 – ongoing	Citygate Staffing Assessment Tasks 1 & 2.
	<i>Anticipated</i> October 2023 – November 2023	Stakeholder Interviews and Community Survey.
	<i>Anticipated</i> November 2023 – December 2023	Review of Organizational Functions and Workload.

Ongoing Timeline:

- October 2023 – ongoing.** Citygate’s workload study will take approximately nine months and consists of 6 key tasks outlined in the contract. The Berkeley Police Department anticipates providing updates during the next Reimagining



Public Safety status report out.

TRANSPORTATION FINES & FEES ANALYSIS

Department Lead: City Manager's Office

Status Update: **To Be Initiated** (funding deferred to AAO#1)

Overview:

As a **Phase 2** item in the Reimagining Public Safety initiative, \$150,000 was allocated by the City Council for Fiscal Year 2023 to review the City of Berkeley's Municipal Code for proposed changes to increase equity and racial justice in City's transportation fines and fees, and explore the civilianization of enforcement of various Municipal Code violations (See Companion Appendix T, pp. 3259-3264).

As previously mentioned, several Reimagining Public Safety deliverables, have yet to be initiated. Additionally, at the City Council's Budget & Finance Committee meeting on June 22, 2023 and June 27, 2023 City Council session, several Reimagining Tier I requests were deferred to the December 2023 Annual Appropriations Ordinance #1 process (See Companion Appendix K, pp. 2902-2997 for Budget & Finance Committee Annotated Agenda and June 2023 Item 53 Council Supplemental Item). The City Manager's Office anticipates exploring next steps towards fulfilling this deliverable once a decision around funding has been finalized at the AAO #1 meeting.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	City Council referred several Reimagining Tier I requests to the December 2023 Annual Appropriations Ordinance #1 process.
	Anticipated October 2023 – ongoing	The City Manager's Office anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been made at the AAO#1 meeting.

Ongoing Timeline:

- **Fall 2023 – ongoing:** As of this report's submission, this deliverable has yet to be initiated. The City Manager's Office anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been finalized at the AAO #1 meeting.

DEPARTMENT OF COMMUNITY SAFETY DESIGN AND IMPLEMENTATION

Department Lead: City Manager’s Office

Status Update: **To Be Initiated** (funding deferred to AAO#1)

Overview:

As a **Phase 2** item in the Reimagining Public Safety initiative, \$250,000 was allocated for Fiscal Year 2024 to support a design process for the creation of a Department of Community Safety (See Companion Appendix T, pp. 3259-3264).

As previously mentioned, several Reimagining Public Safety deliverables, have yet to be initiated. Additionally, at the City Council’s Budget & Finance Committee meeting on June 22, 2023 and June 27, 2023 City Council session, several Reimagining Tier I requests were deferred to the December 2023 Annual Appropriations Ordinance #1 process (See Companion Appendix K, pp. 2902-2997 for Budget & Finance Committee Annotated Agenda and June 2023 Item 53 Council Supplemental Item). The City Manager’s Office anticipates exploring next steps towards fulfilling this deliverable once a decision around funding has been finalized at the AAO #1 meeting.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	Council referred several Reimagining Tier I requests to the December 2023 Annual Appropriations Ordinance #1 process.
	Anticipated October 2023 – ongoing	The City Manager’s Office anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been made at the AAO#1 meeting.

Ongoing Timeline:

- **Fall 2023 – ongoing:** As of this report’s submission, this deliverable has yet to be initiated. The City Manager’s Office anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been finalized at the AAO #1 meeting.



DISPATCH ASSESSMENT & IMPLEMENTATION

Department Lead: Fire Department

Status Update: *In Progress*

Overview:

The City's Dispatch center is the hub of both police, fire and emergency medical services (EMS) for the community. When a resident call 911 for help, there is a simple expectation that person has: that the right responders arrive on scene to provide help quickly. What happens behind the scenes is a complex process that is similar to that of an air traffic control center. Dispatchers receive calls for help via 911 or a ten-digit phone number, they ask questions to clarify the need, collect critical information and enter information into a Computer Aided Dispatch (CAD) system, alert the right resource(s), coordinate the response to the call, all the while maintaining awareness of the system status.

With this project, the Berkeley Fire Department's goal is to enhance the City's Dispatch center to allow for the systematic triage of emergency calls, to provide pre-arrival emergency medical instructions to callers, and to create the opportunity to send alternate resources like an alternative mobile health unit (similar to the Fire Departments Mobile Integrated Paramedic unit deployed early in the Pandemic) or the Specialized Care Unit (SCU). To meet these modern fire and EMS capabilities, as seen in most other centers in the region including the Contra Costa Regional Fire Communications Center, the Alameda County Regional Emergency Communications Center, and the San Francisco Emergency Communications Department, a substantial initial and on-going investment may be required.

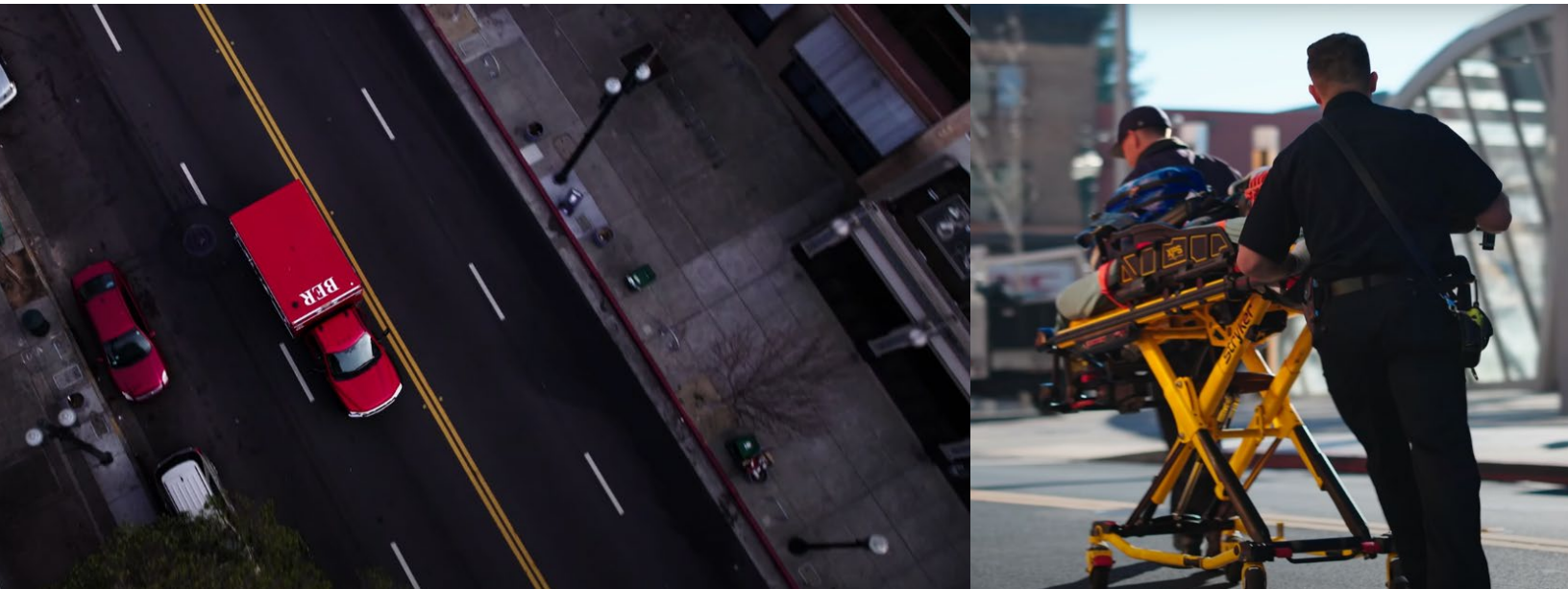
In part of the Mayor's [phased approach](#) to Reimagining Public Safety, **Phase 1** work primarily focused on [preliminary development and stakeholder engagement](#) of the Dispatch Needs Assessment (DNA) design prior to soliciting a formal (See Companion Appendix B, pp. 1899-2285 for City Manager's Reimagining Public Safety Off-Agenda Memos). As we advanced efforts towards Dispatch Needs Assessment and Redesign, additional funding was approved for Fiscal Year 2023 for DNA efforts, this enactment is a part of **Phase 2** in the Mayor's three-tiered approach.

Leading into **Phase 2** of the Reimagining Public Safety initiative, the Berkeley Fire Department [contracted](#) with [Federal Engineering, Inc.](#) (FE) to conduct a Dispatch Needs Assessment (DNA). The results of the completed scope of work is detailed in the high-level implementation plan (See Companion Appendix M, pp. 3009-3014 for FE Contract and High Level Implementation Plan). The recommendations included a staffing model, facility improvements, advanced training and protocols required to support call triaging for alternative response models, and the implementation of emergency medical dispatch.

Due to the significance of the recommendations from FE and following extensive discussions with stakeholders from dispatch, the City Manager's Office, the fire department, and the police department, staff is seeking a second opinion from other industry experts in the field before bringing the full report to City Council and advancing to the next phase of the DNA (implementation of the plan). The scope and lasting impacts of implementation of the DNA recommendations is so significant, it is imperative

that the team exercises due diligence. By soliciting a second opinion, staff aim to ensure that the report and subsequent recommendations to the City Council are anchored in best practices, are pragmatic, fiscally responsible, and represent a comprehensive understanding of the challenges and requirements of this industry. This careful approach underscores the Berkeley Fire Department's commitment to the highest standards of professional and strategic implementation.

The cost of the second opinion is not expected to exceed \$20,000 and will be paid by Measure FF funds. Contract initiation and reassessment will conclude in Spring 2024. Within this timeframe, the core objective is to undertake a comprehensive reassessment of the current and proposed staffing model. The reassessment will utilize the most recent call data, as the FE report is now a year old. It is important to contextualize that the data, influenced by the unprecedented challenges of the COVID-19 Pandemic, may not represent typical patterns. The final output will encompass a plan for strategic implementation of the derived recommendations. Upon the completion of the second opinion, Fire Department staff anticipates engaging with City leadership to shape and inform next steps. The findings from this review will be presented to the appropriate stakeholder groups and the Council in 2024. The total contract for the Dispatch Needs Assessment and Implementation Plan is \$300,000. In addition to City allocation (\$200,000) the initial assessment was funded by HHCS grants (approximately \$100,000).



Key Accomplishments and Next Steps:

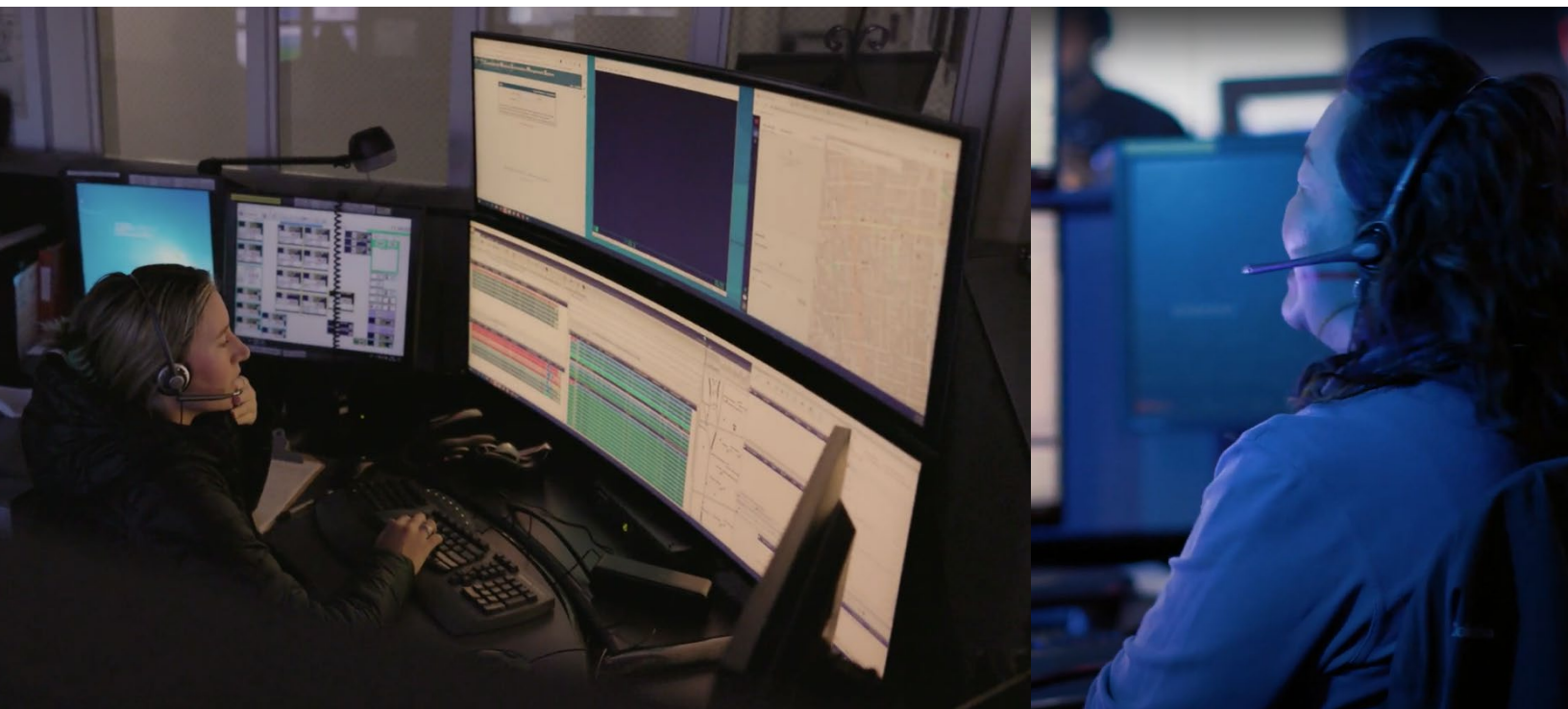
RPS Phase	Timeline	Milestone
Phase I (2020-2022)	February 2021 – December 2021	RFP Process Executed.
	January 2021 – October 2022	Federal Engineering Conducts Assessment. The scope of work for this project examined existing dispatch capabilities and the City's goals to develop a gap analysis and path forward on how to triage calls, divert non-emergency calls—including mental health calls—to appropriate resources, and implement the delivery of emergency medical instructions to callers.
Phase 2 (2022-2024)	November 2022 – May 2023	The Federal Engineering Report on Priority Dispatch was presented to key stakeholders and discussed internally.
	July 2023 – October 2023	Development of Second Opinion Scope and Vendor Selection
	<i>Anticipated</i> Fall 2023	A budget of \$20,000 from Measure FF funds is allocated for a second opinion, set to begin in November for a three-month duration. This review will re-evaluate our staffing model using the latest call data, considering the anomalies from the COVID-19 impacted years. The outcome will provide strategic recommendations for implementation.
	<i>Anticipated</i> Winter/Spring 2024	Second opinion report complete.
	<i>Anticipated</i> Winter/Spring 2024	Discussion with City project stakeholders of FE's report and the second opinion to determine next steps for the DNA.

Considerations:

- **Staffing.** Through FY23 the Fire Department experienced significant and ongoing recruitment and hiring challenges resulting from the global pandemic, the Office of the Fire Chief (the Department) has struggled to fulfill community needs through day-to-day operations, strategic planning efforts, and project and program management. The most significant challenges surround overseeing operational and programmatic priorities due to short staffing. The Department is working diligently to reorganize its operations to support current and future staff and staffing needs.
- **Facilities Space.** One of the primary challenges and considerations that may inhibit implementation of Stage II of the Dispatch Needs Assessment is securing an appropriate facility space for the center. There is not enough space in the Public Safety Building before the Fire Department moves to an independent headquarters facility. Identifying and obtaining the appropriate amount of space to house dispatcher workstations is vital for the successful rollout and operation of the project. Ensuring the space meets the specific requirements and standards, both in terms of functionality and accessibility, is paramount and current configuration of the Public Safety Building will need to be adjusted to accommodate a modern and expanded dispatch center.
- **Budget.** Stage I of this project was paid for with HHCS grant funds and the second opinion and planning for implementation is funded by Measure FF. Additional funding for implementation of any/all recommendations will need to be approved and appropriated by the City Council.

Ongoing Timeline:

- **Fall 2023 – ongoing:** A budget of \$20,000 from Measure FF funds is allocated for a second opinion, set to begin in late Fall 2023. This review will re-evaluate Fire’s staffing model using the latest call data, considering the anomalies from the COVID-19 impacted years. The outcome will provide strategic recommendations for implementation.



COMMUNITY INVESTMENTS

VIOLENCE PREVENTION

VIOLENCE PREVENTION AND YOUTH SERVICES

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

In **Phase 2** of the initiative to Reimagine Public Safety, emphasis was placed on community investments. Two prominent Community-Based Organizations (CBOs), namely [McGee Avenue¹²](#) Baptist Church Center for Food, Faith, and Justice and [Berkeley Youth Alternatives¹³](#) were identified and selected to receive funds. These allocations are instrumental in bolstering collective efforts to reshape and enhance the dynamics of Berkeley’s community. For Fiscal Years 2023 and 2024, \$50,000 has been designated to support the “Voices Against Violence” series by the McGee Avenue Baptist Church. Additionally, Berkeley Youth Alternatives has been allocated \$160,000, of which, \$125,000 is dedicated to their [Counseling Center¹⁴](#) and the remaining \$35,000 is designated for the Summer Jam Day Camp.

Center for Food, Faith. In the City’s ongoing efforts to enhance community safety and enrichment, the McGee Avenue Baptist Church was granted funding of \$50,000 to support with their “Voices Against Violence” youth campaign.

Berkeley Youth Alternatives. BYA, another pillar in the community, has been awarded \$160,000. A substantial portion, \$125,000 is dedicated to fortifying their counseling center, which plays a crucial role in providing support to many. The remaining \$35,000 is allocated to ensure successful continuation of their Summer Jam Day Camp.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	July 2022- June 2023	Funds allocated to CBOs
	<i>Anticipated</i> Fall 2023 – June 2024	Funds continued allocation to CBOs through FY 24.

Ongoing Timeline:

- **Fall 2023 – June 2024:** The City will continue to allocate funds to McGee Avenue Baptist Church and Berkeley Youth Alternatives corresponding to their programmatic expenditures through the end of Fiscal Year 2024, which ends on June 30, 2024.

¹² <https://www.cffj.org/programs-services>

¹³ <https://www.byaonline.org/>

¹⁴ <https://www.byaonline.org/programs/counseling-center/counseling-center>

GUN VIOLENCE PREVENTION (BERKELEY CEASEFIRE)

Department Lead: City Manager's Office

Status Update: **In Progress** (FY 23 carryover request to AAO#1)

Overview:

As part of the Mayor's [phased approach](#) to Reimagining Public Safety, **Phase I** work primarily focused on community-centric processes and comprehensive engagement with key stakeholders and field experts. In this engagement, analysis, and design process, the [National Institute for Criminal Justice Reform](#)¹⁵ (NICJR), was commissioned to conduct an assessment of programs and models that increase safety, properly respond to emergencies, reduce crime and violence, and improve policing. Included in their final report was a dedicated assessment of [Community Driven Violence Reduction Strategies](#)¹⁶, also known as Gun Violence Prevention or "Ceasefire," This report was presented to the Reimagining Public Safety Task Force, and thereafter to the City Council in Spring 2022 (See [Companion Appendix A](#), pp. 1107-1111, for NICJR Report).

Councilmember Terry Taplin recommended a series of budget referrals ([November 2021](#), [May 2022](#)) for a Gun Violence Intervention (Operation Ceasefire) program to be designed and implemented within the city of Berkeley (See [Abbreviated Appendix N](#), pp. 3088-3095). To support this initiative, the Berkeley Police Department (BPD) has established a comprehensive [Transparency Hub](#)¹⁷ with data and analysis designed to support the Ceasefire process and inform the community of BPD's efforts in this space.

As the Reimagining Public Safety work transitioned to **Phase 2** of analysis and implementation, on June 28, 2022, the City of Berkeley ratified a budget for [FY 2023 & FY 2024](#) with an allocation of \$1,000,000 dedicated to addressing the increase in gun violence that the city of Berkeley has experienced in recent years. The budget item, titled "Ceasefire," is predicated on said prior discussions on potential community-based violence prevention strategies. The City Manager has since issued an Off Agenda Memo in [October 2022](#) providing updates on progress thus far, highlighting BPD's preliminary steps, including engagement with Ceasefire programs in surrounding cities and other violence prevention programs when there are Berkeley connections to crime in other jurisdictions as well as their expanded partnership with UC Berkeley to include a collaboration with the Goldman School of Public Policy to design a Gun Violence Prevention program evaluation plan including the definition of success metrics and independent analysis thereof. (See [Abbreviated Appendix N](#), pp. 3014-3087, for Report). In addition to the Police Department's efforts, Councilmember Taplin has coordinated several advisory group meetings inviting a number of community stakeholders and experts in violence reduction programs. These meetings included faith leaders and community-based organizations in Berkeley. The meetings involved identifying current systems and other stakeholders who should be engaged in the process as

¹⁵ <https://nicjr.org/>

¹⁶ https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport_030722.pdf#page=100

¹⁷ <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/>

well as discussions as to what strategies would work best in Berkeley. A [memo was published](#) April 2023 (See Abbreviated Appendix N, page p. 3088, for April 2023 memo).

The Gun Violence Prevention (GVP) report was completed in summer 2023 and preliminary analyses and findings have been presented to the Chief of Police and City Manager's Office, and are expected to be presented to the City Council December 5, 2023 (See Appendix N, pp. 3014-3087, for Gun Violence Prevention Report). Unspent funds (\$1,000,000) from Fiscal Year 2023 have been requested for carryover to FY 2024 as part of AA0#1. The Assistant to the City Manager, now onboarded in their role as the Reimagining Public Safety Project Coordinator, will collaborate with essential stakeholders to design the forthcoming steps and processes tailored to meet the specific requirements of Berkeley's GVP program. The team will also explore the potential need for a Request for Proposal (RFP) during this phase.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Status
Phase 1 (2020-2022)	Spring 2022	Preliminary Steps. NICJR Presents report to Task Force and Council. Councilmember Terry Taplin presents budget recommendations. BPD launches transparency hub.
	June 2022	\$1M allocation adopted for Gun Violence Prevention Program.
Phase 2 (2022-2024)	November 2022	Gun Violence Prevention (GVP) Preliminary Analysis Initiated
	May 2023	GVP Report complete.
	August 2023	Assistant to the City Manager – Reimagining Public Safety Project Coordinator hired.
	Anticipated December 2023	Comprehensive update on Reimagining and Project update for GVP.
	Anticipated Winter 2024 – ongoing	Preliminary research and stakeholder engagement for next steps and possible process.

Considerations:

- **CBO/Staffing Recruitment:** The current recruitment landscape presents its own set of challenges. Staffing up qualified organizations/individuals for this program may face prolonged lead times in recruitment. Beyond initial recruitment, the essential training required to ensure the efficacy of the GVP launch may further extend lead times.

Ongoing Timeline:

- **December 2023 – ongoing:** Unspent funds from FY 2023 have been requested for carryover as part of AA0#1. GVP findings are scheduled to be presented to the City Council December 5, 2023. The Assistant to the City Manager will collaborate with essential stakeholders. This collaboration aims to design the forthcoming steps and processes tailored to meet the specific requirements of the GVP program.

ALTERNATIVES TO SANCTIONS/FINES

HEARING OFFICER-ALTERNATIVES TO SANCTIONS/FINES

Department Lead: Public Works Department

Status Update: *In Progress* (funding deferred to AAO#1)

Overview:

As a **Phase 2** item in the Reimagining Public Safety initiative, \$150,000 was allocated for Fiscal Year 2024 to enhance hearing officer resources. The remit of this allocation includes referring individuals to community service and social services for various infractions, such as low-level violations related to parking.

As previously mentioned, several Reimagining Public Safety deliverables, have yet to be initiated. Additionally, at the City Council's Budget & Finance Committee meeting on June 22, 2023 and June 27, 2023 City Council session, several Reimagining Tier I requests were deferred to the December 2023 Annual Appropriations Ordinance #1 process (See Companion Appendix K, pp. 2902-2997 for Budget & Finance Committee Annotated Agenda and June 2023 Item 53 Council Supplemental Item). The City Manager's Office anticipates exploring next steps towards fulfilling this deliverable once a decision around funding has been finalized at the AAO #1 meeting. In light of the need to address the backlog of the administrative review queue, the Public Works Department has expanded resources to bring on an assistant to support with this process.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	City Council referred several Reimagining Tier I requests to the November 2023 Annual Appropriations Ordinance #1 process.
	<i>Anticipated</i> October 2023 – ongoing	The Public Works Department anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been made at the AAO#1 meeting.

Ongoing Timeline:

- **Fall 2023 – ongoing:** As of this report's submission, this deliverable has yet to be initiated. The Public Works Department anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been finalized at the AAO #1 meeting.

EXPAND DOWNTOWN STREETS TEAMS

Department Lead: Public Works Department

Status Update: *In Progress* (funding deferred to AAO#1)

Overview:

In **Phase 2**, a budgetary provision of \$50,000 was allocated for Fiscal Years 2023 and 2024 to expand the scope of the City’s contract with [Downtown Streets Team](#)¹⁸. On May 31, 2022, City Council approved Resolution No. 70, 394-N.S to allow for City staff to enter into sole source negotiations with DST for new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of hand sweeping, leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts (See Companion Appendix O, pp. 3097-3100 for 2022 Contract with Downtown Streets Team).

As mentioned, several Reimagining Public Safety deliverables have yet to be initiated. Additionally, at the Berkeley Budget & Finance Committee meeting on June 22, 2023 and June 27, 2023 City Council session, several Reimagining Tier I requests have been referred to the December 2023 Annual Appropriations Ordinance #1 process (See Companion Appendix K, pp. 2902-2997 for Budget & Finance Committee Annotated Agenda and June 2023 Item 53 Council Supplemental Item).

Public Works has since then entered into a new contract with Downtown Streets Team, June 27, 2023 wherein which DST supports the city with services related to hand sweeping, graffiti and litter abatement, poster removal, and low barrier volunteer work experience programming (See Companion Appendix O, pp. 3101-3103 for 2023 Contract with Downtown Streets Team). The Public Works department anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been finalized at the AAO #1 meeting.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	City Council referred several Reimagining Tier I requests to the December 2023 Annual Appropriations Ordinance #1 process. Public Works enters contract with Downtown Streets Team.
	<i>Anticipated</i> October 2023 – ongoing	The Public Works Department anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been made at the AAO#1 meeting.

Ongoing Timeline:

- Fall 2023 – ongoing:** As of this report’s submission, this deliverable has yet to be initiated. The Public Works Department anticipates exploring next steps towards fulfilling this deliverable, once a decision around funding has been finalized at the AAO #1 meeting.

¹⁸ <https://www.streetsteam.org/berkeley>

COMMUNITY MENTAL HEALTH, BEHAVIORAL, AND CRISIS RESPONSE

COMMUNITY CRISIS RESPONSE SERVICES (BRIDGE SERVICES)

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

Within the framework of **Phase I** of the Reimagining Public Safety initiative, the city was actively engaged in the planning stages of the Specialized Care Unit (SCU). The SCU, envisioned as a 24/7 mobile unit, will provide support to individuals experiencing a mental health or substance abuse crisis, without necessitating direct police involvement. During the design period, with HHCS actively engaged in the development process, the city recognized the pressing need to enhance non-police relationships and support for individuals at risk of entering a crisis state. In response to this need, the City Council, on June 29, 2021, allocated up to \$1,200,000 from the FY 2022 budget, sourced from the American Rescue Plan, to fund the Community Crisis Response (CCR) services. These services, intended to bridge the gap until the SCU became operational, were also referred to as “Bridge Services.”

In pursuit of these goals, the City issues a Request for Proposals, seeking community-based organizations (CBOs) and groups with expertise to provide these supportive services. The City of Berkeley received proposals from three local organizations, [Alameda County Network of Mental Health Clients](#)¹⁹ (Berkeley Drop-in Center), [Options Recovery](#)²⁰, and [Women’s Daytime Drop-in Center](#)²¹, each with intent to expand their current service offerings. The review committee, consisting of representatives from the Health, Housing and Community Services Department, the Fire Department, the Mental Health Commission, and the Berkeley Community Safety Coalition, recommended funding all three contracts (See Companion Appendix P, pp. 3105-3110 for City Manager’s consent item).

These contracts will provide financial support to:

1. Alameda County Network of Mental Health Clients (Berkeley Drop-in Center) to expand their peer support programming for crisis prevention, crisis intervention and post-crisis support (See Companion Appendix P, pp. 3111-3150 for Peer Wellness Berkeley Drop-In Center Contract)
2. Options Recovery for hiring Substance Use Disorder (SUD) Navigators for culturally competent stage-matched interventions (See Companion Appendix P, pp. 3151-3244 for Options Recovery Contract)
3. Women’s Daytime Drop-in Center for enhanced mental health care services to the community including assessment, linkages, workshops, and goal-setting (See Companion Appendix P, pp. 3180-3215 for Women’s Daytime Drop-in Center Contract)

¹⁹ https://alameda.networkofcare.org/mh/services/agency.aspx?pid=BerkeleyDropInCenter_344_2_0

²⁰ <https://optionsrecovery.com/>

²¹ <https://www.womensdropin.org/>

As Reimagining efforts have transitioned into **Phase 2** of the implementation process, these contracts were initiated in Spring 2022, and amended to be extended the following year, while the Specialized Care Unit, having launched September 2023, continues to build and ramp up.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	June 2021	City Council approves to allocate \$1,200,000 from the FY 2022 budget, sourced from the American Rescue Plan, to fund the Community Crisis Response (CCR) services.
	Summer 2021	RFP Process initiated.
	November 2021	Consent item issued to adopt three Resolutions authorizing the City Manager to execute contracts and any amendments or extensions with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women’s Daytime Drop-in Center for Community Crisis Response Services, in an amount not to exceed \$1,200,000.
	Spring 2022 – Winter 2022	Contracts with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery , and Women’s Daytime Drop-in Center initiated.
Phase 2 (2022-2024)	Spring 2023 – ongoing	Contracts with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery , and Women’s Daytime Drop-in Center renewed/amended, while the SCU will continue to hire and train staff to build toward 24/7 operations.

Ongoing Timeline:

- Fall 2023 – ongoing:**
 HHCS will continue partnership Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women’s Daytime Drop-in Center for Community Crisis Response Services, while the SCU will continue to hire and train staff to build toward 24/7 operations.



YOUTH PEERS MENTAL HEALTH, BEHAVIORAL, AND CRISIS RESPONSE

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

The City’s Health, Housing, and Community Services (HHCS) Department has initiated a collaborative effort with the Berkeley Unified School District (BUSD). Central to this partnership is the establishment of a [Wellness Center at Berkeley High School²²](#). This center is envisioned as a new space for students, providing an environment conducive to rejuvenation, connectivity, and well-being. This initiative falls under of **Phase 2** of the Reimagining Public Safety’s Community Investments, with “Community Mental Health, Behavioral and Crisis Response” identified as a focal sub-category. In alignment with this vision, the City of Berkeley has allocated \$175,000 for Fiscal Year 2023 and 2024 (totaling \$350,000) to [contract](#) and cover the salary and benefits for a BHS Mental Health and Wellbeing Coordinator to oversee the Wellness Center. In addition, the City partially funds the MEET and Wellness Counselor at the Center (See Companion Appendix Q, pp. 3215-3239 for BUSD Contract and Scope of Services).

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	July 2023	Mental Health Wellness Coordinator Hired.
	August 2023	Wellness Center Refurbishing and Soft Opening.
	August 2023 – ongoing	BUSD - HHCS Collaboration Meeting.
		Outreach activities to introduce MHW Coordinator to BUSD staff, students, and parents (as appropriate).
		Preliminary Wellness Center activity and services offered
	Anticipated November 2023	BUSD submits project evaluation plan to HHCS.
Anticipated July 2024	Evaluation #1 due to HHCS (for the period of June 26, July 15, 2024 2023 - June 30, 2024).	

Considerations:

- **Coordination with the Berkeley High School Health Center:** The BHS Health Center, operated by the mental health and public health divisions of HHCS, continues to provide first aid, mental health, youth development, and reproductive and sexual health services to students on campus. As Wellness Center services are largely preventive in nature, and Wellness Center and Health Center staff will coordinate as needed to support the unique needs of students.

Ongoing Timeline:

- **Fall 2023 – ongoing:** BUSD will submit a project evaluation plan to HHCS. Evaluation #1 will be delivered to HHCS July 2024.

²² <https://sites.google.com/berkeley.net/bhswellness/bhs-mental-health-resources>

RESPITE FROM GENDER VIOLENCE

RESPITE FROM GENDER VIOLENCE

Department Lead: Health, Housing and Community Services Department

Status Update: *In Progress*

Overview:

The Health, Housing, and Community Services (HHCS) Department has initiated a strategic effort to conduct a systems analysis concerning respite from gender violence and its intersections with other pertinent crisis response systems. The purpose is to increase the community's knowledge about respite resources, understand their strengths and challenges, and to identify gaps that can be addressed. To facilitate this, a temporary Community Services Specialist II was hired in August 2023 to lead the process. Additional resources will be identified to fill service gaps.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	August 2023	Temporary Community Services Specialist II hired.
	October – November 2023	Preliminary steps of research to identify resources available at the local, state, and federal level.
	<i>Anticipated</i> Fall 2023 – ongoing	Continued research and evaluation to identify resources available based on the needs of the community.

Considerations:

- **Community Collaboration:** Prioritizing insights from community partners ensure that the policy evolution remains responsive to the lived experience, policy needs, and priorities of survivor communities.

Ongoing Timeline:

- **Fall 2023 – ongoing:** The Health, Housing, and Community Services Department anticipates continuing research and evaluation to identify resources available based on the needs of the community.

LANGUAGE EQUITY

LANGUAGE EQUITY

Department Lead: City Manager's Office

Status Update: *To Be Initiated* (FY 23 carryover request to AAO#1)

Overview:

In **Phase 2** of the Reimagining Public Safety initiative, the City Council allocated a budget of \$15,000 for Fiscal Year 2023 to support the publication of victim resources in plain language and multiple languages. This strategic investment is aimed at expanding accessibility and ensuring that vital information and support services are readily available to all members of the community, including those with limited English proficiency, non-English speakers, and individuals with low-literacy levels. This initiative directly aligns with the recommendations outlined in the Reimagining Public Safety Task Force Report (See Companion Appendix A, pp. 938-941 for Reimagining Public Safety Task Force Report).

Unspent funds (\$15,000) from Fiscal Year 2023 have been requested for carryover to FY 2024 as part of AAO#1. The Assistant to the City Manager, serving as the Reimagining Public Safety project manager will coordinate with the Health Housing and Community Services Department, specifically, their newly appointed Community Services Specialist II who is focusing on respite from gender violence work.

Key Accomplishments and Next Steps:

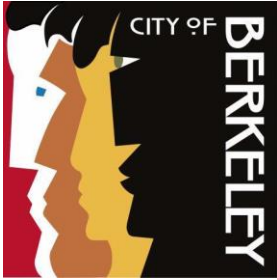
RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	August 2023	Assistant to the City Manager and temporary Community Services Specialist II hired.
	October – November 2023	Preliminary steps of research to identify resources available at the local, state, and federal level.
	<i>Anticipated</i> Fall 2023 – ongoing	Continued research and evaluation to identify resources available based on the needs of the community; coordination to identify usage for language equity funds.

Ongoing Timeline:

- **Fall 2023 – ongoing:** The team anticipates continuing research and evaluation to identify resources available based on the needs of the community. As the City progresses in this phase, the team will coordinate to identify usage for language equity funds.

APPENDIX B

Updated RPS Coordination Plan



City Manager's Office

Reimagining Public Safety Coordination Plan

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1 Executive Summary

Introduction: The Reimagining Public Safety (RPS) initiative is a groundbreaking effort by the City of Berkeley to transform its approach to public safety. The initiative aims to build a safe, equitable, and thriving community through a redefined, multidisciplinary approach to public safety.

Justification: The RPS initiative aims to achieve a transformative approach to public safety, improving community well-being and potentially reducing long-term costs. The expected outcome includes not just policy adjustments but also broad, systemic change.

Objectives: To fulfill¹ the task activities and deliverables outlined within the Mayor and Councils recommendations and [phased approach](#) regarding Reimagining Public Safety:

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
2. 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.

Scope: The initiative encompasses a breadth of fields including, but not limited to, law enforcement, health, housing and community services, dispatch analysis and coordination with our fire teams, and public works. It will focus on collaborative, proactive, and problem-solving approaches that align with the mission and values of our City and Reimagining Public Safety efforts.

Purpose of the Coordination Plan: This coordination plan aims to integrate the Assistant to the City Manager, serving as the Reimagining Public Safety Project Coordinator, into the RPS Team and establish a framework for collaborating. Designated City Departments (CMO, HHCS, Police, Fire, Public Works), who have been spearheading this initiative forward, will continue to serve as leads for respective Reimagining Public Safety deliverables. The Assistant to the City Manager will serve as the RPS project coordinator and work collaboratively alongside Departments to catalog and report-out RPS project progress.

Timeline: This timeline will follow the 2020-2026 phased approach [outlined here](#).

Budget and Resources: A budget of up to \$5.3 million has been referred for the FY 2023-2024 Budget Process. Staff and/or consulting services will be engaged for implementing deliverables.

Next Steps: *This coordination plan is a dynamic document and may be updated as needed. Upon formal approval of this plan, we will make every effort to execute the plans and activities outlined herein.*

¹ Unless otherwise amended.

2 Introduction

2.1 Objective of the Reimagining Public Safety Initiative Coordination Plan

The primary objective of this Coordination Plan is to articulate the integration of project coordinator responsibilities within the broader context of leaders and teams committed to propelling the Reimagining Public Safety (RPS) initiative forward. Given the dynamic nature of the RPS initiative, the coordination plan is inherently a living document, adaptable to the evolving needs of the team. It establishes a framework for reporting on the progress of various deliverables and sub-deliverables associated with the Reimagining Public Safety initiative (RPS) being implemented across the City of Berkeley. The Assistant to the City Manager – RPS Project Coordinator’s role will primarily involve cataloging ongoing work, managing information flow, and ensuring that the key stakeholders are informed of RPS developments and progress.

2.2 Drivers, Problems to be Solved, and Communities Impacted

In striving to reimagine public safety, Berkeley’s efforts encompass a balanced distribution of resources, reassessment of policing responsibilities, strategic community investments, and the design of a holistic approach to safety. This approach seeks to offer a balanced model for addressing public safety while also attending to various community needs.

Drivers & Motivators	Problems to be Solved	Communities Impacted
<ul style="list-style-type: none"> • Community Well-being • Public Trust • Equity and Inclusion • Legislative Momentum • Resource Optimization • Fiscal Responsibility • Compliance and Accountability • Resilience and Preparedness • Technological Advances 	<ul style="list-style-type: none"> • Addressing Historical Inequities • Scope and Range of Police Responsibilities • Community Investment Gap • Resource Allocation • Public Perception and Trust • Data and Reporting • Diverse Population Dynamics • Community Call Responses • Holistic Safety and Well-being Approach • Sustainability 	<ul style="list-style-type: none"> • City of Berkeley Residents <ul style="list-style-type: none"> ○ Communities of Color ○ Low Income Communities ○ LGBTQIA+ Communities ○ Justice-Impacted Communities ○ Mental Health & Substance Use Communities ○ Youth & Students ○ Immigrant Communities ○ Justice-Impacted Communities • Community Based Organizations • Government Officials <ul style="list-style-type: none"> ○ City Departments: <i>CMO, Fire, Police, HHCS, Public Works, HR, IT, Finance</i> ○ Council Committees: <i>Public Safety Policy Committee, FITES Committee, Health, Life Enrichment, Equity & Community Committee, Budget & Finance Policy Committee</i> ○ Boards & Commissions: <i>Mental Health Commission, Public Safety Policy Committee, Police Accountability Board, RPS Taskforce</i>

2.3 Purpose and Value to Organization

The purpose of the Reimagining Public Safety Initiative in the City of Berkeley is to develop a more equitable, holistic, and community-centered approach to public safety. By reassessing and restructuring traditional models, we aim to address systemic inequities, increase community trust, and efficiently allocate resources for the well-being of all residents. This initiative not only seeks to enhance the city's public safety and community engagement, but also positions Berkeley as a potential model for innovative, comprehensive, and inclusive public safety strategies nationwide. Reimagining Public Safety Principles, Commitments, and Objectives

Guiding Principle	Commitment
<p>REIMAGINE</p> <p>Redesign public safety from a traditional Police Department to one that is focused on the diverse needs of the community it serves.</p>	<p>A transformative approach to community-centered safety and reducing the scope of policing, by re-defining our understanding of safety to be holistic and focus not just on crime prevention but health, wellness, and economic security for all of our residents. While the focus has been on reducing the footprint of policing, we recognize that police play a critical role in our society, and we must determine the right size, focus and function of our Police Department to prevent and respond to crime, while exploring alternative response models and upstream investments in social services to create a healthy, safe and equitable community.</p> <p>Reimagining health and safety, considering allocating resources towards a more holistic approach - one that shifts resources away from policing towards health, education and social services, and is able to meet crises with a variety of appropriate responses.</p> <p>Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.</p>
<p>IMPROVE</p> <p>Improve the City of Berkeley's public safety system for residents and communities that have experienced the greatest harm from the existing public safety model.</p>	<p>A broad, inclusive community process that will result in deep and lasting change to support safety and wellbeing for all Berkeley residents.</p> <p>Determining the appropriate response to community calls for help including size, scope of operation and powers and duties of a well-trained police department.</p> <p>Supporting police by freeing them to focus on what they do best: respond to and investigate crimes.</p>
<p>REINVEST</p> <p>Increase equitable investment in vulnerable communities and for those who have been historically marginalized.</p>	<p>Equitable investment in the essential conditions of a safe and healthy community, especially for those who have been historically marginalized and have experienced disinvestment.</p> <p>Providing meaningful safety, continuing critical health and social services, and committing to, and investing in, a new, positive, equitable and community-centered approach to health and safety that is affordable and sustainable.</p> <p>Ensuring an appropriately staffed and deployed Police Department while reducing the impact of Police expenditures to the General Fund; Investing in a suite of alternative response services and a sophisticated dispatch system to deploy the most appropriate emergency response in a cost-effective manner.</p>

3 Reimagining Public Safety Team

The Reimagining Public Safety Team has undertaken the substantial task of reshaping the city’s approach to public safety, following the City Council’s adoption of the [July 2020 omnibus motion](#). This initiative, as noted in the [City Manager’s report](#), represents a collective effort, drawing together city departments, community stakeholders, field experts, and the dedicated Reimagining Public Safety Task Force to collaboratively design a new public safety paradigm.

In Phase 1 (2020-2022), the City Manager, leadership team, and city staff actively engaged in comprehensive consultations and strategic planning sessions; their efforts, focused on ensuring that the initiatives underway are well-aligned with both the community’s needs and the city council’s directives, set the stage leading into Phase 2 (2022-2024).

The table below offers an overview of the Reimagining Public Safety Team’s structure for Phase 2, acknowledging the individuals and their collaborative work². It is crucial to emphasize that this initiative is a city-wide effort, reliant on the active involvement of a variety of city staff and community-based subject matter experts throughout its phased implementation. This team is uniquely situated to continue accomplishing this work. Their dedication, passion and leadership around this work is truly exceptional.

Department	RPS Team	
City Manager’s Office (CMO)	Dee Williams Ridley	City Manager
	LaTanya Bellow	Deputy City Manager
	Anne Cardwell	Deputy City Manager
	Rex Brown	DEI Officer
	Carianna Arredondo	Assistant to the City Manager <i>Reimagining Public Safety Project Coordinator</i>
Health Housing and Community Services (HHCS)	Scott Gilman (Interim)	Interim Director, Health Housing and Community Services
	Katherine Hawn	Senior Management Analyst, HHCS <i>RPS Team Lead Representative (HHCS)</i>
Police	Chief Jennifer Louis	Chief of Police
	Lt. Matthew McGee	Lieutenant, Police <i>RPS Team Lead Representative (Police)</i>
Fire	Chief David Sprague	Chief of Fire
	Shanalee Gallagher	Program Manager, Fire <i>RPS Team Lead Representative (Fire)</i>
Public Works	Terrance Davis	Director, Public Works <i>RPS Team Lead Representative (Public Works)</i>
	Wahid Amiri	Deputy Director, Public Works Transportation Div.

² As noted in the Executive Summary, this coordination plan aims to integrate the Assistant to the City Manager, serving as the Reimagining Public Safety Project Coordinator, into the RPS Team and establish a framework for collaborating. Designated City Departments (CMO, HHCS, Police, Fire, Public Works), who have been spearheading this initiative forward, will continue to serve as leads for respective Reimagining Public Safety deliverables. The Assistant to the City Manager will serve as the RPS project coordinator and work collaboratively alongside Departments to catalog and report-out RPS project progress.

		<i>RPS Team Lead Representative (Public Works)</i>
City Attorney's Office (CAO)	Brendan Darrow	Assistant City Attorney
City Attorney's Office (CAO)	Emile Durette	Assistant to the City Attorney <i>RPS Team Lead Representative (City Attorney's Office)</i>

4 Deliverables and Tasks

At the time of this coordination plan's creation, the Reimagining Public Safety initiative has already been set into motion. City departments, each taking steps in line with their specific mandates and responsibility, are continuing to move forward in their efforts to support this initiative. Department Heads and the designated RPS Team leads will collaborate with the Assistant to the City Manager serving as the RPS project coordinator in identifying and cataloging work that has already been completed, work that is in progress, and future tasks that still require action. This consolidated view will enable effective resource allocation, risk management, and strategic planning, thus ensuring the deliverables are executed in a timely and effective manner.

Department	Deliverable	
City Manager's Office (CMO)	Phase 1	<ul style="list-style-type: none"> Community Engagement Process
	Phase 2	<ul style="list-style-type: none"> Asst. To City Manager – RPS Project Coordinator DEI Officer & Asst to DEI Officer Grant Assistance Department of Community/Public Safety <i>Design</i> Fines/Fees Analysis <i>Ceasefire Analysis, Design & (early) Implementation</i>
	Phase 3	<ul style="list-style-type: none"> Ceasefire Implementation Launch Universal Basic Income Pilot
Health Housing and Community Services (HHCS)	Phase 1	<ul style="list-style-type: none"> <i>Specialized Care Unit Design</i> <i>Bridge Services</i>
	Phase 2	<ul style="list-style-type: none"> <i>Specialized Care Unit Implementation</i> Respite from Gender Violence Needs and Capacity Assessment Violence Prevention and Youth Services Youth Peers Mental Health Response
	Phase 3	<ul style="list-style-type: none"> <i>Specialized Care Unit Expansion</i>
Police	Phase 1	<ul style="list-style-type: none"> Fair and Impartial Policing
	Phase 2	<ul style="list-style-type: none"> Fair & Impartial Policing Beat Study & Staffing Assessment Wellness Funding -- CIS Contract & PST Staffing – Community Service Officers & Dispatchers
	Phase 3	<ul style="list-style-type: none"> BPD Budget & Staffing Update
Fire	Phase 1	<ul style="list-style-type: none"> <i>Dispatch Analysis Study Design</i>
	Phase 2	<ul style="list-style-type: none"> <i>Dispatch Analysis Study Implementation</i>
	Phase 3	<ul style="list-style-type: none"> <i>Dispatch Redesign Application</i>
Public Works	Phase 1	<ul style="list-style-type: none"> <i>BerkDOT Design</i>

	Phase 2	<ul style="list-style-type: none"> • BerkDOT <i>Analysis & Implementation</i> • Associate Planner for Vision Zero Collision Analysis • Expand Downtown Streets Teams • Hearing Officers Alternatives to Sanctions/Fines
	Phase 3	<ul style="list-style-type: none"> • BerkDOT <i>Implementation</i> • Implementation of Public Safety Department

5 Assumptions and Constraints

In planning and executing the Reimagining Public Safety initiative, it's crucial to identify the underlying assumptions that guide our strategies, as well as the constraints that may limit our options. This section outlines these assumptions and constraints to provide a structured framework for decision-making, risk management, and effective project implementation on an inter-departmental level.

Assumption/Constraint	Description	Example Detail
Funding	<i>Adequate financial resources will be available for implementing various aspects of the project.</i>	<i>Budget allocation, grants, etc.</i>
	<i>Limited funds may restrict the extent of changes or pace implementation.</i>	<i>Budget caps, competing priorities.</i>
Community Support	<i>There is strong community support and engagement in the reimagining process.</i>	<i>Community meetings, surveys, etc.</i>
	<i>Resistance or opposition from certain community groups may slow down the project's pace.</i>	<i>Public protests, negative media attention.</i>
Legislative Framework	<i>Necessary changes in local and state laws will be made to facilitate project goals.</i>	<i>Policy adjustments for unarmed enforcement.</i>
	<i>Existing laws may limit the types of changes that can be implemented immediately.</i>	<i>State laws on unarmed enforcement.</i>
Staff Recruitment/Retention	<i>Required staff positions will be filled timely and will remain stable throughout the project.</i>	<i>Assistant City Managers, Vision Zero Coordinator, etc.</i>
	<i>Constraints on hiring or retaining the specialized staff required for the project.</i>	<i>Recruitment challenges, staffing shortages, causing delay.</i>
	<i>High attrition rates.</i>	<i>Hiring and training can take up to a year due to added measures in this specialty.</i>
Technology	<i>Technology platforms will effectively support new dispatch and response models.</i>	<i>Software for prioritized dispatch.</i>
	<i>Technological limitations may constrain the speed or effectiveness of new systems or models.</i>	<i>Outdated systems, interoperability issues, extended timelines.</i>
	<i>Request for Proposals is often a 6-month process. Actual implementation of new systems could take up to two years.</i>	

6 Project Budget

A budget allocation of up to \$5.3 million³ has been designated for Fiscal Year 2023-2024. Together with additional grants, the total funding for the Reimagining Public Safety Initiative exceeds approximately \$9 million. Developed based on recommendations from the City Manager, Mayor, and City Council the budget serves as a financial blueprint for responsibly allocating resources and achieving the initiative's objectives. For optimized tracking and reporting, we've established a simple process that involves multiple stakeholders.

6.1 Reporting Process, Frequency, and Deadlines

The given the dynamic nature of the Reimagining Public Safety work, the team will continue to collaborate on identifying and improving best practices for budget process. RPS Project Leads will be responsible for sharing the following information for respective RPS-related deliverables:

Type of Expense	Tracking Information
For Contracted Items	<ul style="list-style-type: none"> • Vendor Name • Contract # (if applicable) • Budget COA
For Staffing Positions	<ul style="list-style-type: none"> • Position Filled (Y/N) • Job Description/Posting Link

Considering the RPS work is funded by the city across FY 2023 and FY 2024, a quarterly reporting cadence is most effective.

By adhering to these guidelines and protocols, we aim to maintain rigorous control and agility while effectively making meaningful progress on the Reimagining Public Safety Initiative.

³ Subject to change based on bi-annual budget review process and recommendations.

APPENDIX C

Amended Contract for Grant Assistance



Office of the City Manager

CONSENT CALENDAR
March 26, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
 Subject: Contract No. 32400015 Amendment: California Consulting for on-call grant writing services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400015 with California Consulting, Inc. for on-call grant writing services to increase the contract amount by \$303,000 for a new not-to-exceed amount of \$350,000 and extend the contract term to June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

This on-call contract has spent almost 95% of the currently authorized not-to-exceed amount of \$47,000. A contract amendment in the amount of \$303,000 for this on-call contract will come from the following funding sources: Reimagining Public Safety General Fund allocation (\$153,000), Fire Department Measure FF allocation (\$100,000), and a Parks Tax allocation (\$50,000).

CURRENT SITUATION AND ITS EFFECTS

On November 15, 2021, the Bipartisan Infrastructure Law (BIL) enacted the Infrastructure Investment and Jobs Act by congress, which set up a wide variety of competitive grant programs for public agencies. These grant programs will fund billions in infrastructure projects and public safety programs across the U.S. over the next several years. Examples of upcoming grant programs for the Reimagining Public Safety Initiative will include, but are not limited to Crisis Intervention programs, public safety equipment and technology, Diversity, Equity, and Inclusion programs, Gender and Domestic violence prevention programs, and Law Enforcement Mental Health and Wellness Act (LEMHWA) programs; examples of upcoming grant programs for the Berkeley Fire Department will include, but are not limited to fire prevention and safety FEMA grants, community wildfire prevention and mitigation projects, and urban and community forestry management grants; and examples of upcoming Parks infrastructure projects will include, but are not limited to hazardous soil remediation projects, parks improvement projects, and sea-level rise adaptation and habitat projects. Several City departments have a need for grant writing services to compete for these funding programs. A contract amendment with California Consulting, Inc.

will provide the City with high quality grant writing services to compete for these upcoming grant programs.

BACKGROUND

On July 27, 2023, the City executed contract no. 32400015 with California Consulting, Inc. for on-call grant writing services in an amount not to exceed \$47,000 for the period of July 20, 2023 through July 20, 2024. For over twenty-seven years, California Consulting has provided grant writing services to cities, school districts, and other public entities throughout California. In the past five years, California Consulting has provided grant-writing assistance to the City of Berkeley for thirteen (13) competitive grants. To-date, the City has received four grant awards totaling \$12.9 million, two were not awarded, and we will learn about another seven (7) grant award decisions in the next three to six months. A contract amendment with California Consulting will provide the City with the necessary capacity to submit competitive grant proposals as Notice of Funding Opportunities (NOFO's) for grant programs are announced over the next two fiscal years.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative impacts to environmental sustainability and climate change associated with the contents of this report.

RATIONALE FOR RECOMMENDATION

In the past five years, California Consulting has provided grant-writing assistance to the City of Berkeley for thirteen (13) competitive grants. To-date, the City has received four grant awards totaling \$12.9 million, two were not awarded, and we will learn about seven (7) grant award decisions in the next three to six months. California Consulting has a team of highly-qualified grant writers that will provide the City with the necessary capacity to submit competitive grant proposals as Notice of Funding Opportunities (NOFO's) for grant programs are announced over the next two fiscal years.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6700

David Sprague, Fire Chief, (510) 981-6903

Jen Louis, Police Chief, (510) 981-5900

Carianna Arredondo, Assistant to the City Manager, City Manager's Office, 510-981-7655

Attachments:

1: Resolution

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

AMENDMENT TO CONTRACT NO. 32400015 WITH CALIFORNIA CONSULTING, Inc.
FOR ON-CALL GRANT WRITING SERVICES

WHEREAS, on November 15, 2021, the Bipartisan Infrastructure Law (BIL) enacted the Infrastructure Investment and Jobs Act by congress, which set up a wide variety of competitive grant programs for public agencies. These grant programs will fund billions in infrastructure projects and public safety programs across the U.S. over the next several years; and

WHEREAS, on July 27, 2023, the City executed contract no. 32400015 with California Consulting, Inc. for on-call grant writing services in an amount not to exceed \$47,000 for the period of July 20, 2023 through July 20, 2024; and

WHEREAS, for over twenty-seven years, California Consulting has provided grant writing services to cities, school districts, and other public entities throughout California; and

WHEREAS, in the past five years, California Consulting has provided grant-writing assistance to the City of Berkeley for thirteen (13) competitive capital improvement grants. To-date, the City has received four grant awards totaling \$12.9 million, two were not awarded, and we will learn about seven (7) grant award decisions in the next three to six months.

WHEREAS, funding for this contract amendment in the amount of \$303,000 will come from the following funding sources: Reimagining Public Safety General Fund allocation (\$153,000), Fire Department Measure FF allocation (\$100,000), and a Parks Tax allocation (\$50,000).

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. 32400015 with California Consulting, Inc. for grant writing services increasing the amount by \$303,000 for a revised contract amount not-to-exceed \$350,000, and extending the contract to June 30, 2026. A record signature copy of said contract will be on file in the Office of the City Clerk.

APPENDIX D

Berkeley Police Department Annual Report



Office of the City Manager

WORKSESSION
March 12, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: 2023 Berkeley Police Department Annual Report

INTRODUCTION

At the request of City Council, the City Manager provides regular reports on crime in Berkeley. The Berkeley Police Department Annual Report details 2023 year-end crime, collision, stop data and use of force data. This annual report also serves to provide a number of status updates on Council referral items, department initiatives and legislative mandates.

CURRENT SITUATION AND ITS EFFECTS

The mission of the Berkeley Police Department is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect. The Department works in service to the community and in partnership with the community, the Office of the Director of Police Accountability and the Police Accountability Board, as well as other City Departments and our regional partners.

The Berkeley Police Department understands the importance of partnering with the community and maintaining accountability. We are committed to being transparent about our policies and actions, to sharing data and information, and welcoming suggestions on enhancing our service quality as we safeguard our community. To help achieve that goal, the Department launched our Transparency Hub. That hub gives the public an accessible platform to analyze critical data and insights related to policing activities, calls for service, crimes, traffic safety, and community engagement. It can be accessed at bit.ly/bpd-transparency and provides near-real-time, area-specific data directly to our community.

To further support our public safety efforts and collaboration with stakeholders and our commitment to transparency and accountability, the Department has expanded the annual crime report to provide a more comprehensive annual report which is attached here and will be presented to Council during the Special Meeting on March 12, 2024. This report will cover a range of topics beyond the traditional reporting on crime and collision data. It will include reporting on staffing levels, specific information on call volume, type and response, efforts related to fair and impartial policing initiatives, crime and public safety problem solving responses, as well as other important departmental efforts.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

FISCAL IMPLICATIONS

Specific fiscal implications related to items referred to within this report are addressed in the biennial budget process. Additional information of costs can be provided as needed.

CONTACT PERSON

Chief Jennifer Louis, Police Department, (510) 981-5700

Data and Policy Analyst Arlo Malmberg, Police Department (510) 981-5747

ATTACHMENT

1. 2023 Berkeley Police Department Annual Report

cc: Dee Williams-Ridley, City Manager
LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Jennifer Louis, Chief of Police
Mark Numainville, City Clerk



2023 Berkeley Police Department Annual Report

March 12, 2024

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2023 Berkeley Police Department Annual Report

Introduction

In presenting the Berkeley Police Department's annual report, we reaffirm our enduring mission, embrace our vision for the future, and recommit to our core values. These principles guide our daily operations and strategic planning, ensuring that we serve our community with the utmost integrity, respect, and dedication.

Mission: United in service, our mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

Vision: The Berkeley Police Department will be a team of leaders at every level. We will foster strong relationships with our community, inspiring trust through our service, building on our historic tradition of progressive policing, and dedicated to the safety of all.

Values: Service is our calling. As members of this community, the Berkeley Police Department team is committed to proactive law enforcement and problem solving, holding these as our core values:

- **Integrity:** We are ethical, fair, and trustworthy in all we do.
- **Safety:** We strive to keep our community and each other safe.
- **Respect:** We fulfill our duties with dignity, compassion, and empathy.
- **Diversity:** We value the strength of a diverse workplace and community. We endeavor to reflect the community we serve, promoting inclusion and fairness.
- **Professionalism:** We commit to organizational excellence through progressive training, positive attitude, and superior performance.

Command Staff began the year by strategically assessing the key challenges and opportunities facing the department. We sought to align our priorities with the needs of the community, the concerns of the Council, and the principles named above. Guided by this analysis, we focused on three priorities for 2023:

Recruitment and Retention: Our priority is attracting and retaining staff who align with our core principles. We are proud of our diverse team that shares our community's values and commitment to service.

Proactivity and Problem Solving: Crime prevention and long-term problem solving is a major focus for us. That's why we emphasize being proactive, using data to spot potential issues early and working with the community to find solutions before problems escalate.

Internal Communication: This year we recommitted ourselves to clear, consistent communication so every member of our department feels informed, understands what's expected, and has the resources they need to do their jobs well.

These priorities are reflected in the work completed in 2023 and detailed below. To that end, the value of this report is multifold. To the Council, it offers a transparent, measurable account of our stewardship of public trust and resources, while also highlighting how our strategies align

2023 Berkeley Police Department Annual Report

with and complement the work of the Office of the Director of Police Accountability and the Police Accountability Board. To the community, it underscores our unwavering commitment to public safety and service, demonstrating our efforts in connecting with and uplifting the Reimagining Public Safety initiative and Fair and Impartial Policing principles. To our department, it provides a foundation for continuous improvement and a benchmark for the pursuit of excellence as we move into 2024.

As we present this annual report we invite our community and its representatives to reflect on our shared achievements, to engage with us in addressing the challenges ahead, and to contribute to the evolution of our service to better suit the needs of all those we are privileged to serve.

2023 Berkeley Police Department Annual Report

Staffing & Workload

Despite a high workload, our department has sought to enhance efficiency and service quality. Through innovative recruitment and retention strategies, community engagement, and performance analytics, we have continued to strengthen our operational effectiveness. Our ongoing commitment to strategic analysis and accountability ensures sustained care and excellence in our service to the community.

Staffing

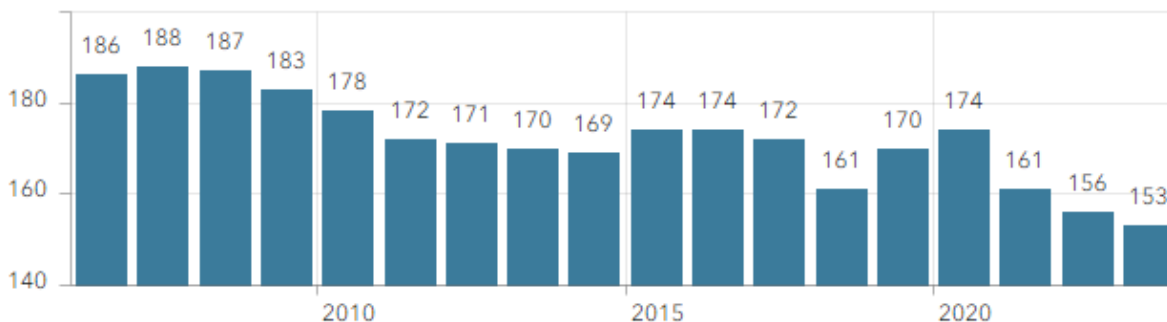
Current Levels

As of 2/7/24, we are staffed at 151 police officers, well below our current authorized staffing level of 181 sworn personnel. Two of those positions are held by recruit officers who are currently in the academy, and 5 are in field training and will not reach solo officer status until June 2024. Twenty four of the 151 officers are eligible to retire, and at least half of these 24 have stated an intent to retire over the course of 2024.

Berkeley Police Department currently is authorized 36 dispatch positions and is currently staffed with 23 dispatchers and 4 dispatch supervisors. There are currently 2 dispatchers and 0 supervisors that are eligible to retire. The Communications Center is supported by several per diem and other dispatch-qualified employees who alleviate some of the strain of understaffing.

Sworn Staff

Annual Peak Staffing Levels



We are also in the process of hiring additional Community Service Officers (CSO). We are authorized 29 CSOs and are currently staffed with 25. For the last several years we were authorized 22 CSOs but 6 CSOs and 1 CSO Supervisor were added to the Fiscal Year 2023 budget as a recommendation stemming from the reimagining public safety process. Conceptually, the additional CSOs will be trained to respond to lower priority calls and bridge the gap between sworn and professional personnel performing a variety of tasks that would have traditionally fallen to a sworn officer. Community outreach and engagement will be part of the work of CSOs as well. Staff has encountered difficulty identifying the scope of necessary training and attracting existing CSOs to this developing position since it was only funded on a limited three-

2023 Berkeley Police Department Annual Report

year term in the FY 2023 budget. The Department is committed to supporting this reimagining public safety goal and will continue work to develop this program.

Recruitment and Retention Strategies

The Berkeley Police Department prides itself on rigorous evaluation of police officer applicants, as well as hiring and training some of the profession's best officers who exemplify the department's overall mission as well as the values of our diverse and vibrant City. Beyond the expectations to successfully complete training and education requirements, the department demands that officers hold themselves to a departmental culture of integrity, respect, and professionalism. The Department continues to actively recruit and work with Human Resources to facilitate open and continuous recruitments to reach full staffing of police officers, dispatchers and other critical positions in the department.

Recruitment and Retention Team

To help address the challenges associated with hiring, in 2022 the department committed to the creation of a Recruitment and Retention Team. That team is comprised of officers and dispatchers who work with Personnel and Training on a part-time basis to attend job fairs, work on our social media outreach, respond to applicants who submit interest cards, and facilitate ride-alongs with officers and sit-alongs with dispatchers. In 2023, the Recruitment and Retention Team attended 111 events, corresponded with 2,600 potential applicants, and ultimately funneled 8 recruits into the academy and 4 Lateral officers into the Field Training Program. They also helped to hire 7 Public Safety Dispatchers.



Recruitment Incentives

In 2022, the department introduced the Recruitment and Retention Incentive Program, approved by City Council, to enhance our recruitment strategy and strengthen community ties. This initiative allowed all city employees to refer potential candidates, significantly increasing our recruiter base and ensuring that we are attracting candidates familiar with the community. In that way, this initiative supports our efforts to hire individuals who understand and embody Berkeley's deeply rooted values. The incentive program also boosted hiring bonuses for applicants, with 19 applicants qualifying for the incentive in 2023.

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Wellness

In 2023, BPD received Collaborative Reform Assistance through the COPS Office, which funded in-person financial wellness training to all employees. This also provided future virtual training for 30 new employees as they are hired. The department used funding from the BSCC Officer Wellness Grant to contract with the West Coast Post Trauma Retreat to provide confidential immersive assistance to employees to work through traumatic experiences and build resilience. We also used this funding to provide two blocks of training from The Counseling Team International. The training was called First to Respond, Last to Seek Help and Mental Health Mayday, which further assisted officers navigating vicarious trauma and negative health impacts. The BSCC grant was also used to purchase a two-year contract to provide staff with a mobile wellness application called Light House. This application provides staff with anonymous access to health and wellness resources. We renewed our Public Safety Family Counseling Group contract, which supports our Peer Support Team through training and guidance. Their clinicians are essential to assisting with our response to critical incidents, facilitation of critical incident stress debriefs, and providing individual support to employees. BPD continued our partnership with O2X staff to provide nutrition, mental health, sleep and yoga workshops to employees. Our onsite strength and conditioning coach and athletic trainer both saw improved engagement with public safety personnel. Outdated fitness equipment was replaced, a new outdoor break area was created to provide staff an area to regroup and hold meetings outdoors. The BPD Wellness and Resilience Group along with BPD leadership will continue to look for ways to provide services and opportunities to enhance the overall well-being of BPD employees.

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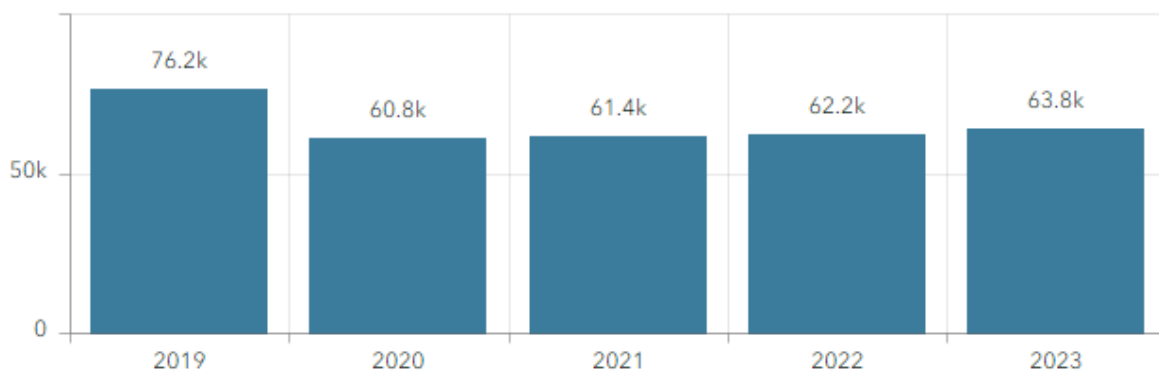
Workload / Calls for Service

The Berkeley Police Department (BPD) is committed to providing timely and effective responses to calls for service from our community. This section of the annual report provides a detailed analysis of the calls for service we receive and the strategies we have employed to manage and respond to these calls efficiently and effectively.

Yearly

In 2023, the Berkeley Police Department received a total of 63,791 calls for service (CFS). This figure gives us a sense of the community's needs and the demand for police services.

Calls for Service by Year, 2019-2023

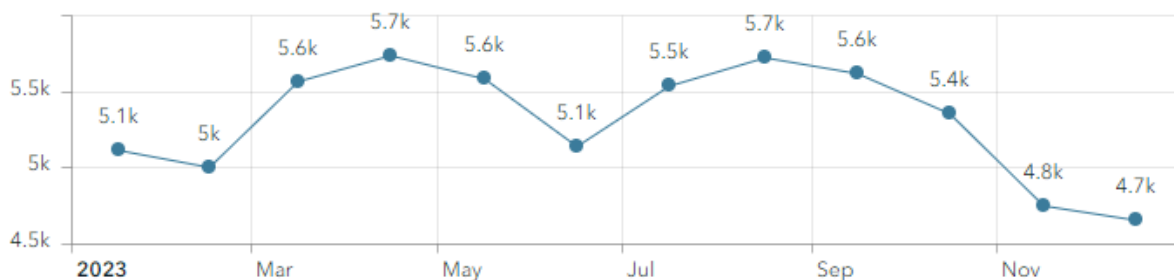


The data shows a 2.3% increase in the volume of calls compared to the previous year (62,245 total in 2022), signaling a slow increase of call volumes towards pre-pandemic levels. Over the past 5 years, BPD has managed an average of 64,868 calls for service annually.

Monthly

The average number of calls for service per month in 2023 was 5,308.

Calls for Service by Month, 2023



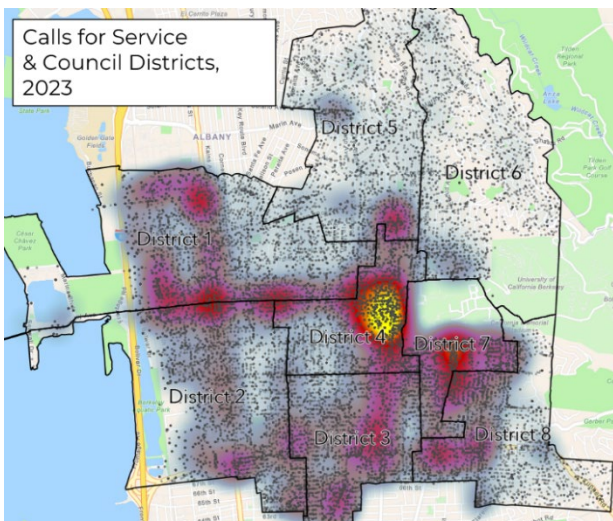
There is a discernible pattern throughout the year with peaks in May and September, reaching up to 5,737 calls. This pattern is consistent with trends observed in recent years and provides insight into seasonal variations in the frequency of calls that we may expect to see in future years.

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Geography

Geographically, the distribution of calls for service highlights areas of higher demand within the city. In 2023, City Council District 4 registered the most calls of any council district.

This geographical pattern has informed our operational strategies, leading to adjustments in police beats (more on our beat map below) and resource allocation to ensure an appropriate and timely response to community needs.



Initial Call Type

When a dispatcher receives a call for service, they determine a call type, often a penal code type, using the information immediately available from the caller. An officer may arrive on scene and determine the nature of the incident is different than that of the initial call type. Therefore, the call type data, along with priority level data (below), is useful as an indication of the information available to the call taker before an officer arrives on scene to investigate further. The most frequent non-officer-initiated call types in 2023 were:

Most Frequent Initial Call Types*	2019	2020	2021	2022	2023
Disturbance	6,833	5,578	5,493	5,450	5,378
Audible Alarm	4,207	3,405	3,671	4,007	4,231
Wireless 911	2,830	2,401	2,580	2,814	3,144
Welfare Check	3,020	2,559	2,693	2,679	2,736
Theft	2,864	2,852	2,101	2,187	2,312

*Non-officer-initiated calls; 5 most frequent in 2023

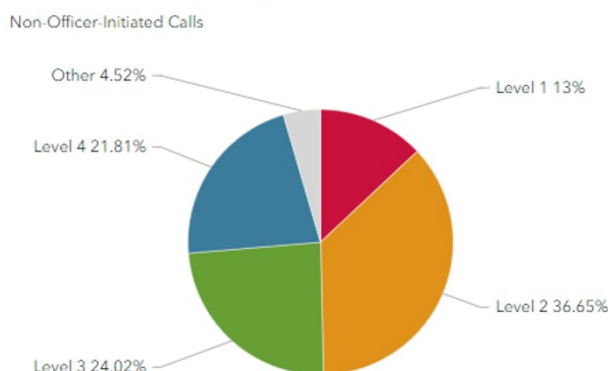
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The data for 2023 shows that the most frequent call types align with the patterns observed in recent years, offering insight into the prevalent issues and concerns within the community.

Priority Level

In 2023, nearly 50% of non-officer-initiated calls for service were classified as Priority 1 or Priority 2. These categories represent the most urgent calls, requiring immediate police response due to their potential threat to life, safety, or property.

Calls for Service by Priority Level, 2023



It is important to note that calls classified as lower priority, such as Priority 3 or Priority 4, often involve serious matters that are considered 'cold,' meaning there is no immediate danger to life or property. These calls might include reports of past incidents where the suspect is no longer on the scene or situations that, while serious, do not require an urgent police response. BPD is dedicated to investigating and resolving these matters with the same level of professionalism and thoroughness as higher priority calls, as every call represents a significant concern for the community members involved.

Dispositions

The disposition of a call for service is selected by officers and dispatch from a predefined list and marks the conclusion of the incident. Due to the complexity and dynamic nature of police responses, a single call may result in multiple dispositions.

Dispositions of Interest*	2019	2020	2021	2022	2023
Case Report	10,141	8,819	8,948	10,318	11,247
RIPA Survey	-	594*	1,489	1,379	1,118
Homeless-Related	-	-	1,275*	2,721	2,727
Mental-Health Related	1,573	1,133	1,840	2,912	3,109

*Non-officer-initiated calls; dispositions for RIPA and Homeless-Related started in 2020 and 2021, respectively.

The disposition data shows a notable increase in “Mental-Health Related” dispositions in 2022 (reflecting a change in reporting practice) and “Case Report” dispositions in 2023 (reflecting a rise in crime). “Homeless-Related” dispositions have rapidly increased since being tracked in 2021, while “RIPA Survey” dispositions (stops) have decreased since being tracked in 2020. These trends reflect evolving community needs and the changing focus of police response efforts.

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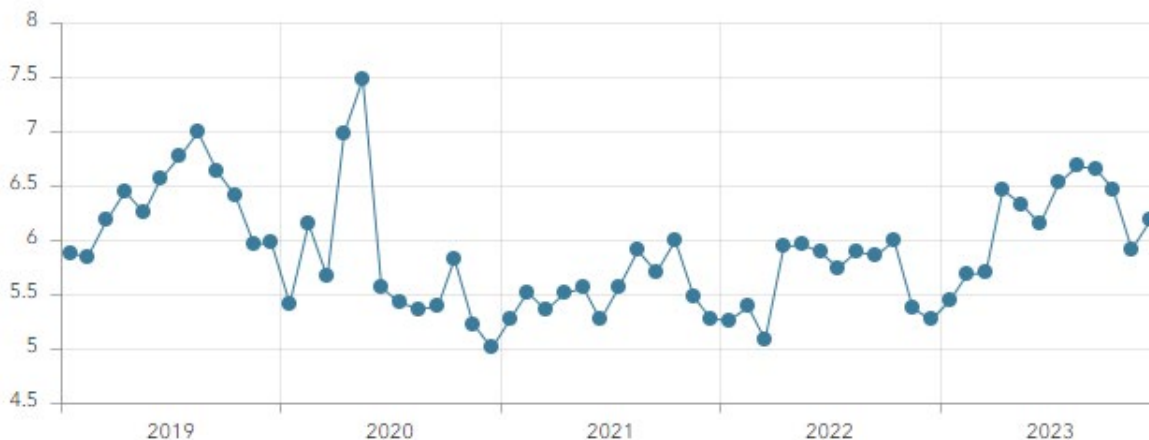
Workload Metrics

The workload metrics below offer insights into the operational challenges and demands that BPD faces. As staffing levels grow at a slow pace in comparison to the increasing volume of calls for service, it is important to assess the impact on the workload of our officers and the quality of service provided to the community.

Calls per Officer per Shift

Average Calls Handled per Officer per Shift

Non-Officer-Initiated Calls



One of the primary indicators of an officer's workload is the number of calls handled per shift. Despite efforts to manage workload through backfilling shifts with overtime, officers addressed more calls per service per shift than in any year since 2019.

This trend is an indicator of the growing demands placed on our officers, highlighting the need for strategic planning and resource allocation to maintain high service standards.

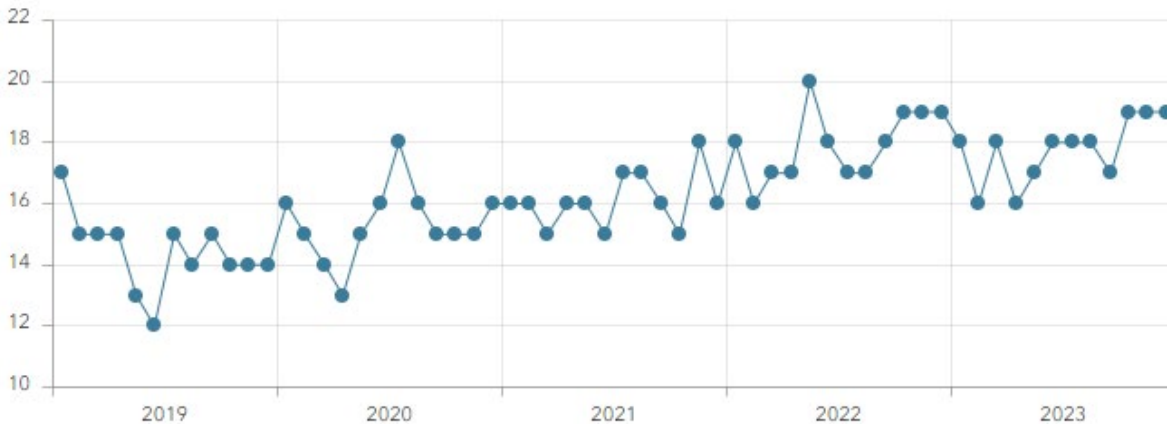
Time on Scene per Call

Another crucial aspect of an officer's workload is the time spent on scene per call. This metric is influenced by various factors, including the nature of the call and the overall activity in the city at the time of the call.

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Median Officer Time On Scene per Call

Minutes | Non-Officer-Initiated Calls



Despite the increase in calls per shift seen above, officers are dedicating more time on scene for each call. This trend reflects both the increasingly complex and demanding nature of the calls and our officers' commitment to providing thorough and quality service in response to each incident.

Department Initiatives

What We've Done

In the face of challenging staffing levels coupled with an increasing workload, the Berkeley Police Department (BPD) has proactively taken steps to prioritize our efforts and enhance organizational efficiency.

Department Priorities

In 2023, BPD identified and committed to three core priorities that guided our actions and decisions throughout the year: recruitment and retention, proactivity and problem solving, and internal communication. These priorities were carefully chosen to address the most pressing challenges and opportunities facing the department and thereby maximize the impact of our efforts

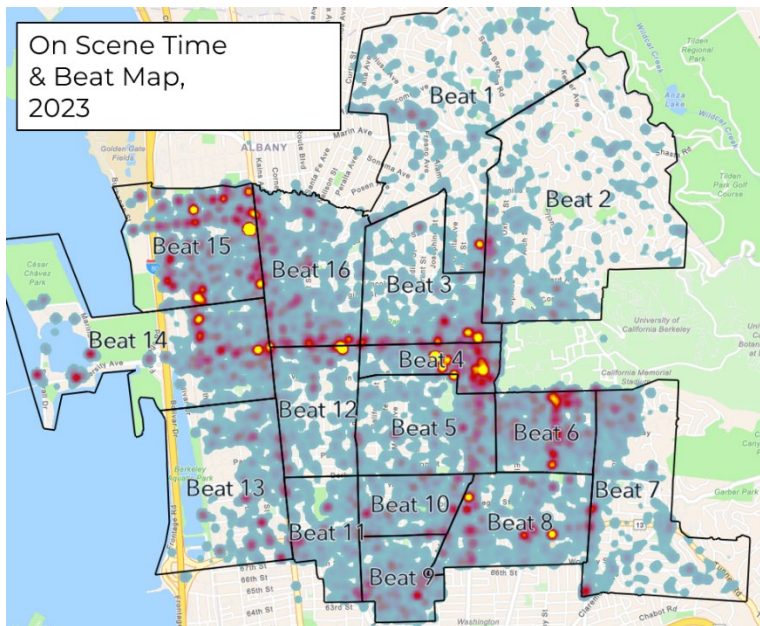
The deliberate focus on these three priorities in 2023 was instrumental in keeping the department on track amidst a myriad of challenges and decisions. By consistently revisiting and reflecting on these key areas, we strived to align critical and pivotal decisions made throughout the year with our overarching objectives and the needs of the community we serve. This strategic focus has streamlined our efforts and reinforced our commitment to excellence, innovation, and community engagement.

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Updated Beat Structure

Due to the dynamic nature of crime patterns, service demands and staffing levels, BPD recognized the necessity to re-evaluate our beat structure, which had been in place for nearly a decade. Though effective at its inception, the previous 16-beat structure placed a significant strain on our limited patrol resources and intensified a need for forced overtime.

In response to these challenges, our Strategic Analysis Team conducted a comprehensive analysis of calls for service volume, considering temporal and spatial factors. This data-driven approach culminated in the development of a more efficient 14-beat map, designed to achieve a better balance in workload distribution and service delivery across the city.



The transition to the new beat structure was implemented in April of 2023 by the Operations Division. This strategic shift not only addressed the immediate need for more manageable workloads and reduced reliance on overtime but also sets the stage for the generation of valuable data that will inform the ongoing sworn staffing study.

Early results suggest our efforts to achieve a more equitable workload distribution among officers have been successful. Nevertheless, we believe the addition of swing officers would significantly enhance the effectiveness of this new structure. This would provide the adaptability necessary to address unanticipated fluctuations in service demands.

As BPD continues to evaluate and improve its operations, we look forward to the analysis and recommendations from an impending comprehensive staffing assessment (detailed later in this report). That assessment will be invaluable as we make informed decisions about staffing levels and beat design.

Community Engagement

The limitations on officer resources puts greater emphasis on the importance of trusted relationships with our community. The Department’s community engagement efforts are of

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vital necessity to maintaining and increasing an efficient workflow. The Berkeley Police Department’s dedication to community engagement and connectedness was a primary focal point in 2023. From monthly Coffee with a Cop events, to numerous neighborhood meetings, city sponsored special events and strategic department Pop Up events, the diverse community engagement activities have initiated, deepened and expanded police department relationships with our community.

One program in particular which highlights our ongoing relationship with our community is the Law and Social Justice pathway, a two-year criminal law program at Berkeley High School. Now in its 8th year, Law & Social Justice brings professionals working within the criminal justice system into contact with juniors and seniors at Berkeley High. The BHS students are introduced to police officers, community service officers, dispatchers, prosecutors, defense lawyers, judges, probation officers, and parole officers, both in the classroom and in the field. The goal of the class is to introduce students to careers while creating a place of informed dialogue pertaining to the criminal justice system. At the completion of this school year the class will have educated more than 680 students.

How We’re Doing

In our ongoing effort to provide transparent and accountable policing, BPD closely monitors a range of performance metrics. These metrics serve as indicators of our effectiveness and



MOMENTS OF IMPACT

Among the many opportunities offered by the Law and Social Justice class at Berkeley High, ride-alongs with Berkeley PD police officers stand out for their profound impact on students. One student recounted their experience with Officer Villaroel, saying, *"The most thrilling part about the ride along was when we went code 3 with lights and sirens and we started speeding down the street... I could just feel the adrenaline going through me."* The student went on to reflect *"people either have good experiences or bad experiences with cops and depending on the experience you've had your opinion on cops might change... being on that ride alone makes me want to become a cop."* This firsthand experience not only highlights the challenges and skills involved in policing but also emphasizes the importance of understanding the diverse perspectives people have towards law enforcement.

Similarly, another student was moved by the personal story of Officer Valle, noting, *"he also told us that [he] could have never imagined he would become a police officer, because as a teenager he had multiple unpleasant experiences with law enforcement"* Officer Valle ultimately *"decide[d] that he wanted to be the change in the system which resulted in him doing some ride alongs, and then going to the academy"* Such stories are emblematic of the transformative potential of the Law and Social Justice pathway, bridging the gap between law enforcement and the community by fostering empathy, understanding, and dialogue.

Through these interactions and experiences, the Law and Social Justice pathway not only educates but also molds future leaders, thinkers, and change-makers in our society, reinforcing the connection between Berkeley PD and our community.

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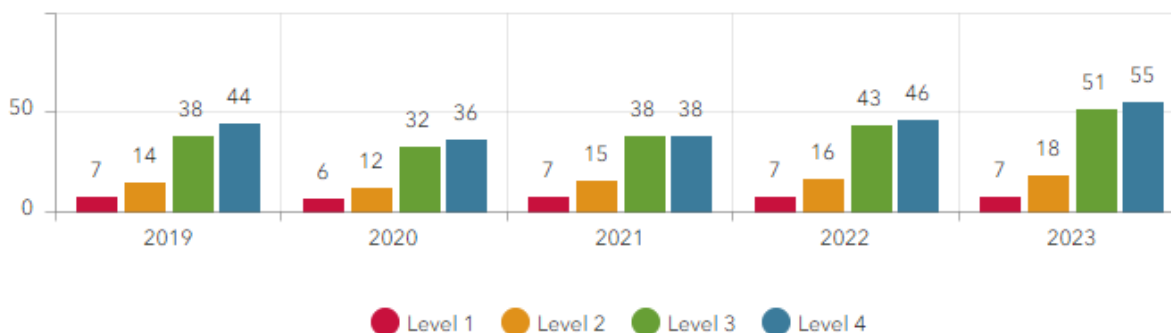
efficiency and also offer insights into areas where we can improve. This section dives into key performance indicators including response times, time on scene by call type, and officer-initiated calls.

Response Times

Response time is a critical measure of our service to our community. BPD is committed to maintaining swift response times and ensuring that community members receive timely assistance in emergencies and other situations requiring police presence.

Median Response Times

First Unit, Minutes



*Excludes Officer Initiated calls and call types: Audible Alarms and Traffic Stop

Below is a comparison of response times to agencies in the region that publish this data. Because every agency defines priority levels differently, we have included (where available) the percentage of calls that each priority level represents for the corresponding agency.

Our median response time for Priority 1 calls was 7 minutes, meeting or exceeding regional standards.

Median Response Times, 2023 (minutes)	Level 1 (% of all calls)	Level 2	Level 3	Level 4
Berkeley	7 (13%)	18 (37%)	51 (24%)	55 (22%)
San Francisco	9 (19%)	32 (30%)	105 (51%)	-
Oakland	14	184	443	-
San Jose	7 (5%)	24 (42%)	-	-

Comparison cities chosen based on data availability and region

Time on Scene by Call Type

The time our officers spend on the scene is indicative of the complexity of incidents and our commitment to thorough, community-centered policing. Below is a table of 5 types of calls for service and the resources that BPD allocated to those calls. Below the on-scene time is

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measured from the time that the primary unit- that is, the officer responsible for managing the scene and initial investigation- arrives on scene until that officer is no longer working on the incident.

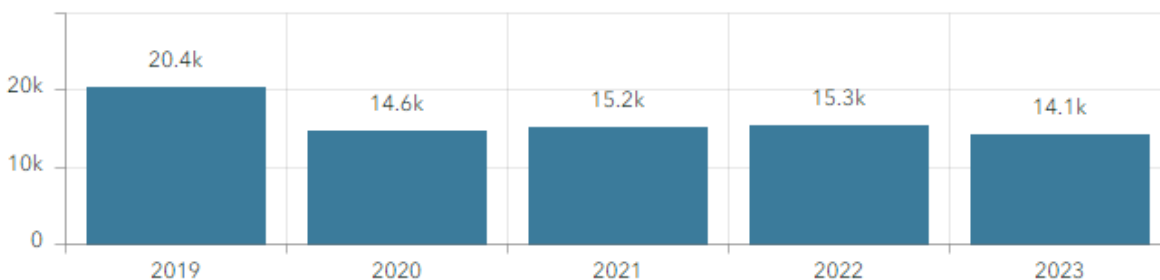
Median Time on Scene by Call Types of Interest	Median Primary Unit On-Scene Time	Avg. Units/Call
Disturbance	17 minutes	1.9
Grand Theft	62 minutes	1.8
Robbery	116 minutes	5.3
Sexual Assault	194 minutes	2.0
Shooting	285 minutes	15.9

The call types listed above represent some of our most common (Disturbance, Grand Theft) and resource intensive (Robbery, Sexual Assault, Shooting) call types. Less severe calls like disturbances required less time on scene, while more serious crimes such as shootings demanded significantly more officer time and resources. This reflects the department's adaptive resource allocation intended to ensure that more critical situations receive the attention necessary for thorough investigation and community support.

Officer-Initiated Calls

Officer-initiated calls serve as an indicator of proactive policing practices and our dedication to ensuring community safety and preventing crime (for an analysis of the impact of our proactive stops, see the “Stop Report” section below). In 2023, the number of officer-initiated calls reflected the challenges and constraints faced by the BPD, including staffing levels and prioritization of non-officer-initiated calls for service.

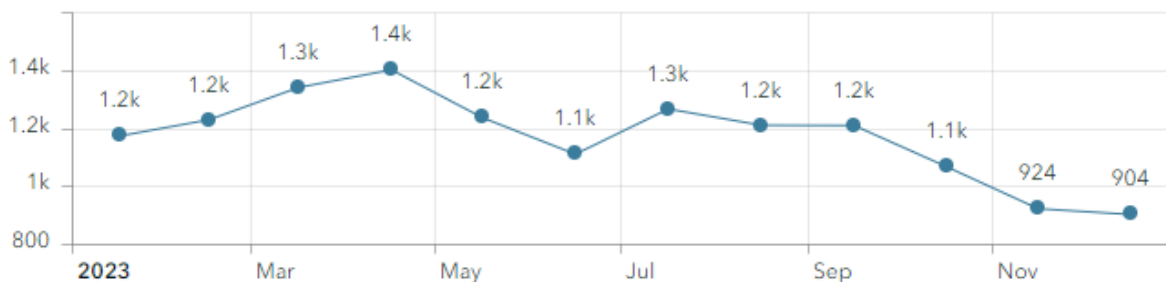
Calls for Service by Year, 2019-2023
Officer-Initiated Calls



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Calls for Service by Month, 2023

Officer-Initiated Calls



The data indicates a lower volume of officer-initiated calls, with an average of 1,173 calls per month. This trend is unsurprising given the impact of staffing levels and the distribution of workload among our officers. Despite these figures, BPD remains committed to proactive community engagement and crime prevention. We are actively exploring strategies to enhance our proactive policing efforts and ensure that our officers have the support and resources they need to effectively engage in community policing and crime prevention, alongside their responsibilities in responding to non-officer-initiated calls for service.

What’s Next

As the Berkeley Police Department (BPD) continues to evolve and adapt to the changing needs of our community and the broader landscape of public safety, we are focused on implementing strategic initiatives that enhance our operational capabilities, ensure accountability, and foster community trust. The upcoming initiatives outlined below represent our proactive approach to addressing current challenges and embracing opportunities for growth and innovation.

Sworn Staffing Study

In our continuous efforts to enhance operational efficiency and align our staffing strategy with the evolving needs of the community, BPD has partnered with Citygate Associates, a firm renowned for its expertise in public safety organizational strategies. Citygate is currently in the process of conducting a comprehensive and independent staffing analysis. This report will bring their extensive experience and specialized knowledge to bear on challenges surfaced by the department, the City Auditor’s Audit on Police Overtime and the Fair and Impartial Policing Working Group (more details on recommendations by those bodies below).

Citygate is wrapping up the information gathering phase which involves soliciting feedback from stakeholders as well as analyzing relevant data. The study is on track to be completed by the end of the fiscal year (June 30, 2024). We are optimistic that the findings and recommendations provided by Citygate Associates will be instrumental in shaping our strategic staffing decisions. Early recommendations are being incorporated into the budget process as well as the Command Team Building Workshop we are holding in March 2024. The insights gained from this study will guide our department through this phase of rebuilding staffing levels

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and make sure that future deployment of police services in Berkeley is both effective and aligned with the principles of the Reimagining Public Safety initiative.

Strategic Analysis and Accountability

In a step toward institutionalizing data-driven decision-making and enhancing accountability, the department is focusing analytical efforts on strategic planning and accountability. This approach builds upon the foundational work of the Strategic Analysis Team and aims to drive the implementation of equitable, fair, and effective public safety strategies that are deeply rooted in the principles articulated by the City's Reimagining Public Safety initiative.

This organizational focus will deepen collaboration with key partners including the Police Accountability Board by providing essential data and insights that support comprehensive police accountability and oversight. Key initiatives will include the enhancement and management of our Early Intervention Systems (EIS, more information in the "Audits and Oversight" section) and the overall risk management framework, demonstrating a commitment to operational excellence and innovation in public safety. This shift represents a proactive effort to meet the emerging needs of the department and community and embodies a vision of a more accountable, transparent, and community-aligned approach to public safety.

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Crime & Investigations

Amid increasing crime rates, our department employs creative, problem-oriented solutions. Our robust clearance rates, competitive on a regional scale, reflect our commitment to delivering first-class police work from start to finish.

Crime Data

Understanding the distinctions between calls for service, case reports, and confirmed crimes is crucial for clarity when reviewing crime data. Calls for service are the initial contacts made by the public with our department, ranging from reports of suspicious activities to requests for emergency assistance. These calls often prompt further investigation.

Following an investigation, if there is reason to believe a crime has occurred, an officer writes a case report. These case reports document the investigation's details, including any evidence collected, witness statements, and the officer's observations and conclusions at that stage.

The determination of whether prosecution will be pursued falls to the District Attorney (DA). The DA reviews the case report and decides whether they can prove beyond a reasonable doubt that a crime occurred.

This higher standard—beyond a reasonable doubt—is the legal benchmark used in criminal trials to determine the guilt of the accused before any criminal penalty is imposed.

The statistics presented below are derived from case reports. These reports form the backbone of our crime data analysis as they provide a comprehensive overview of our department's investigative activities and outcomes.



It is important to note that the data below utilizes the Uniform Crime Reporting (UCR) Summary Reporting System (SRS) methodology. The SRS is a national reporting standard that facilitates a summarized account of major crime categories, thereby allowing comparisons over time and across jurisdictions. In 2024 we transitioned to the National Incident-Based Reporting System (NIBRS), which is an updated national reporting standard that promises a more detailed and nuanced approach to crime data collection and analysis.

NIBRS provides several key advantages over the UCR SRS. Unlike UCR SRS, which focuses on a limited number of "Part One" crimes, NIBRS includes a broader range of crime categories, offering a more comprehensive view of crime in the community. NIBRS captures detailed

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information about each criminal incident, including the types of offenses committed, characteristics of the victims and offenders, types of property involved, and the relationship between the victim and the offender. The detailed data collected through NIBRS supports more sophisticated and nuanced analysis, enabling law enforcement agencies, policymakers, and researchers to identify trends, patterns, and correlations in crime data more effectively across jurisdictions nationwide.

Part One Crimes

Part One Crimes, as classified by the UCR, are comprised of both violent and property crimes, reflecting the most serious offenses. Part Two Crimes include a range of other offenses, providing a broader scope of the crime landscape.

Part One Crimes by Year

In 2023, there was a 10.5% overall increase in total Part One Crime in Berkeley compared to 2022. Specifically, Part One Violent Crimes saw an increase of 100 cases, while Part One Property Crimes rose by 759 cases.

Part One Crimes by Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	% Change 2022-2023
Homicide	3	1	2	1	1	0	5	0	3	1	-66.7%
Sexual Assault	35	44	54	83	65	74	47	57	89	97	+9.0%
Robbery	263	330	361	364	353	369	274	265	292	386	+32.2%
Aggravated Assault	130	155	185	218	167	175	210	210	282	282	+0.0%
Total Violent Crimes	431	530	602	666	586	618	536	532	666	766	+15.0%
Burglary	932	1090	805	843	829	771	797	803	1036	1228	+18.5%
Larceny	3615	4099	3965	4556	4004	4993	3933	3736	4611	4532	-1.7%
Auto Theft	555	717	650	621	548	492	805	1098	836	1350	+61.5%
Total Property Crimes	5102	5906	5420	6020	5381	6256	5535	5637	6483	7110	+9.7%
Arson	15	22	24	30	31	17	52	72	52	84	+61.5%
Total Part One Crimes	5548	6458	6046	6716	5998	6891	6123	6241	7201	7960	+10.5%

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The most significant percentage increases in Part One Crimes were observed in Auto Theft (61.48%), Arson (61.54%), and Burglary (18.53%). Conversely, decreases were recorded in Homicide (-66.7%) and Larceny (-1.71%).

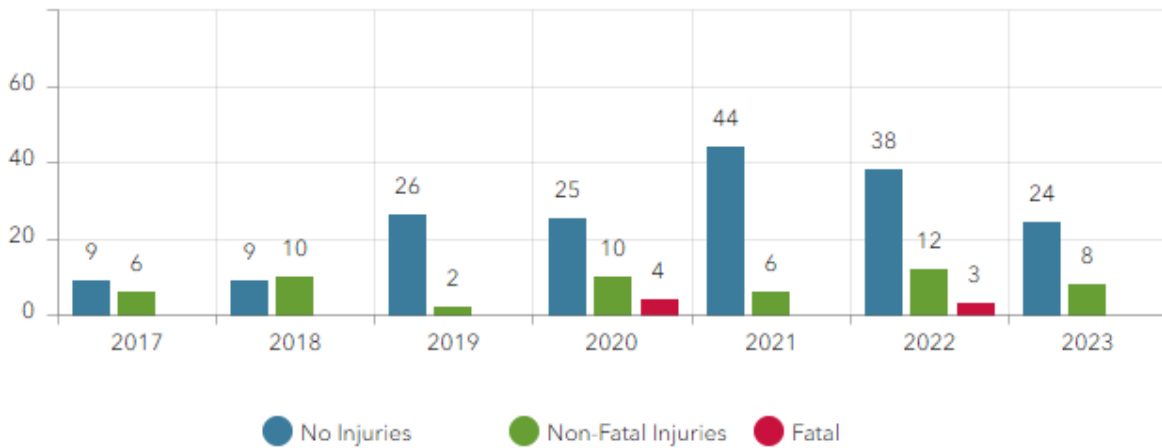
Crime Categories of Interest

In 2023, we observed notable trends in specific crime categories, each presenting unique challenges and requiring tailored approaches for effective management and prevention.

Shootings

2023 marked a significant decrease in shooting incidents within Berkeley, with a total of 31 confirmed incidents compared to 53 in 2022. Confirmed shooting incidents encompass both witnessed events and instances where evidence of gunfire, such as shell casings, was discovered.

Shootings by Type



While the decline in shootings in 2023 is encouraging, the data presented in the chart above shows that the number of incidents remains substantially higher than the 15 reported in 2017. The data further indicates that the decrease in 2023 primarily stems from a reduction in 'No Injury' events, where a firearm was discharged but no individuals were struck; however, the persistent occurrence of both 'Fatal' and 'Non-Fatal Injury' shootings highlights the need for ongoing interventions to combat gun violence. For more on our efforts to recover guns and our collaboration with the City of Berkeley's Gun Violence Intervention & Prevention program see below.

Robbery

Robberies are crimes involving the unlawful taking of property from a person or their immediate presence, through the use of force or threat of force. This definition encompasses a range of scenarios, from physical confrontations where a victim is threatened or harmed to secure their belongings, to intimidation tactics where the threat of violence compels a victim to surrender their property. Robberies can occur in various settings, including but not limited to,

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public streets (pedestrian robberies), commercial establishments (commercial robberies), residences (home invasions), banks (bank robberies), and incidents involving vehicles (carjackings). The key elements that define an act as robbery include the intent to permanently deprive the owner of their property, the use or threat of force, and the direct interaction with the victim.

Robberies	2018	2019	2020	2021	2022	2023
Pedestrian	229	247	131	119	148	205
Commercial	108	97	117	118	117	135
Home Invasion	5	4	8	8	8	5
Bank	3	2	5	6	4	2
Carjacking	10	14	13	14	15	39
Total	355	364	274	265	292	386
By Gun (% of total)	82 (23%)	74 (20%)	46 (17%)	74 (28%)	69 (24%)	111 (29%)

The data for 2023 indicates a noticeable increase in robbery incidents, particularly in the pedestrian and carjacking categories. This uptick brings the total number of robberies to 386, marking a 32% rise from the 292 cases in 2022.

Hate Crimes

Hate crimes are crimes motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability. Hate crimes in Berkeley continue to be a critical concern. The majority of hate crime reports in 2023 were characterized as crimes of intimidation, involving slurs or graffiti, rather than physical violence.

Hate incidents are acts of prejudice that are not crimes and do not involve violence, threats, or property damage. We take hate incident reports because these incidents perpetuate prejudice and intolerance, creating an environment of fear and alienation for the targeted individuals and communities, even in the absence of criminal activity.

Hate Crimes	2018	2019	2020	2021	2022	2023
Race/Ethnicity/National Origin	11	5	7	29	24	27
Religion	3	1	2	11	3	9
Sexual Orientation	3	2	1	2	11	9
Gender	1	0	2	0	0	0
Disability	0	0	0	0	0	1
Total	18	8	12	42	38	46

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Hate Incidents	2021	2022	2023
Race/Ethnicity/National Origin	16	22	24
Religion	1	5	19
Sexual Orientation	4	4	7
Gender	0	0	0
Disability	1	0	0
Total	22	31	50

Prior to October 7th, there were 29 hate crimes, 24 of which were tied to race or religion, including 5 anti-Jewish and 1 anti-Arab or anti-Muslim hate crimes. There were 31 hate incidents before this date, with 24 of these being race or religion-related, including 5 anti-Jewish and 4 anti-Arab or anti-Muslim incidents. Since October 7th, we recorded 17 hate crimes, of which 12 were directly related to race or religion, including 5 anti-Jewish hate crimes and a single hate crime targeting Arab or Muslim individuals. In the same period, hate incidents rose to 19, all related to race or religion, with a notable increase to 13 anti-Jewish hate incidents, while no anti-Arab or anti-Muslim hate incidents were reported.

Sexual Assault

The number of sexual assault cases remained at a high level in 2023, mirroring the figures from 2022. This persistent trend emphasizes the importance of providing support services, raising awareness, and implementing preventive measures to address and reduce instances of sexual assault within the community. The Department continues to take reports where the full elements of the penal code are not met, when a survivor requests a report for catharsis and in other non-investigatory situations. For a significant number of cases the survivors choose not to follow through with an investigation. There are a number of reasons for this, but it inflates our reported numbers compared to other agencies and leads to lower clearance rates. It also reflects our total commitment to providing support to survivors. Additionally, these cases are typically closed as “Suspend” not “Closed” as an added safeguard to protect information on these sensitive cases from being released; this practice directly lowers our clearance rate for sexual assaults.

Sexual Assault	2018	2019	2020	2021	2022	2023
Felony	65	74	47	57	89	97
Misdemeanor	31	64	38	50	81	62
Total	96	138	85	107	170	159

In 2023, there were 97 felony and 62 misdemeanor sexual assault cases reported, totaling 159 cases, including an increase in the number of felony cases, and a slight decrease from the previous year's total of 170 cases.

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Property Crimes

2023 saw a notable increase in certain property crimes, specifically retail thefts and vehicle thefts, while catalytic converter thefts declined significantly.

Property Crimes of Interest	2018	2019	2020	2021	2022	2023
Commercial Burglaries	275	307	324	316	435	574
Vehicle Thefts	548	492	805	1098	836	1350
Catalytic Converter Thefts	35	186	586	573	847	457

The Department works in collaboration with regional loss prevention agents to identify organized retail theft offenders. Additionally, the department has been working with the San Francisco Police Department Organized Retail Crime and Fencing units, the Oakland Police Department CRT, the CHP Organized Retail Crime Unit, the Emeryville Police Department, the Palo Alto Police Department, the Walnut Creek Police Department, and the Central Marin Police Authority. We share suspect information, including surveillance photos/videos, suspect vehicles, and suspect MO to link cases committed by the same groups of suspects throughout the Bay Area.

Department Initiatives

What We’ve Done

Firearm Recoveries

In 2023, a total of 69 firearms were recovered, marking a decrease of 42% from the previous year.

Firearm Recovery Methods	2019	2020	2021	2022	2023
Patrol calls for service	33	36	51	64	41
Patrol proactive traffic stops	25	17	24	12	11
Detective Follow-up investigation	29	32	43	43	17
Total	87	85	118	119	69

All firearms recovered are processed through the National Integrated Ballistic Information Network (NIBIN). This database is a nationwide collaboration coordinated by the Bureau of Alcohol, Tobacco and Firearms (ATF). The Department enters ballistic information for each firearm recovered and the database makes connections with evidence recovered from shooting scenes, provides information about persons who have owned and or purchased the firearm.

BPD routinely processes recovered firearms for DNA and fingerprints. This work is key to helping determine who shooters or illegal firearms possessors are.

Gun Violence Intervention & Prevention

To further address the issue of gun violence, the City of Berkeley has developed a Gun Violence Intervention & Prevention program framework as a key component of its Reimagining Public

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Safety initiative. This comprehensive program aims to significantly reduce gun violence incidents through a multifaceted approach. The strategy combines place-based interventions in critical areas, direct engagement with individuals at risk, street outreach, and the provision of robust social services. This collaborative effort, involving multiple city departments, community-based organizations and field experts, is grounded in empirical evidence and best practices. It represents Berkeley's holistic and proactive approach to fostering a safer community by addressing the proximate causes of gun violence and supporting those most at risk.

Tailored Response and Proactivity to Hate Crimes

In response to hate crimes, the Berkeley Police Department emphasizes customized and effective strategies. Each incident is carefully evaluated based on its specific details, including the people involved and the context, ensuring the response is accurately tailored.

Area Coordinators from the Community Services Bureau work closely with community leaders from the areas impacted, offering targeted safety advice. This includes specific strategies for Crime Prevention Through Environmental Design (CPTED) and personal safety, all adapted to fit the unique needs of each situation.

The department also proactively keeps an eye out for potential threats to stay ahead of any issues. To further enhance safety, patrols are increased around places of worship and sensitive locations during important events, providing extra security when it matters most.

Additionally, the Hate Crime Awareness Week campaign plays a crucial role in raising awareness about hate crimes, encouraging community resilience, and urging people to report incidents. Through these focused and anticipatory actions, the Berkeley Police Department commits to maintaining a safe and welcoming environment for everyone.

Automated Security Checks

BPD, with insights from our Strategic Analysis Team, has started using data to guide our patrols through automated security checks. These checks send officers to specific places at times where their presence can help prevent crime. By using detailed crime data to decide where and when officers should go, we are more effectively deterring crime. This careful planning of patrols is part of our larger goal to make our policing strategies smarter and more data-driven. This way, we can ensure our crime prevention efforts are not only successful but also adapt to the changing needs of our community.

Engravings

To combat a rise in catalytic converter thefts, the BPD invested in an engraving tool, marking 82 catalytic converters with unique identifiers. This initiative is meant to deter thieves by making stolen parts more identifiable and thus harder to sell.

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Through these initiatives, the Berkeley Police Department has demonstrated its resolve in adopting a forward-thinking and community-centric approach to law enforcement. Our efforts in 2023 have sought to address immediate concerns as well as lay a strong foundation for sustainable safety and security in our community.

How We're Doing

As we navigate the complexities of crime and law enforcement, the Berkeley Police Department (BPD) remains steadfast in its commitment to transparency and accountability. Our performance metrics for 2023, including Part One Crimes per capita and clearance rates, provide valuable insights into our effectiveness and our ongoing efforts to enhance public safety in our community.

Part One Crimes per Capita:

With a population of approximately 118,950 (as of July 2022), there were 669 part one crimes overall per 10,000 residents in Berkeley. There were **64 violent crimes** per 10,000 residents and **598 property crimes** per 10,000 residents in 2023. In 2022, there were 57 violent crimes per 10,000 residents and 555 property crimes per 10,000 residents.

Based on the latest data from the Department of Justice available to the public, the following crime statistics were reported in 2022 for cities selected for their proximity to Berkeley and similar population sizes:

- In Santa Clara, population 126,930, there were **31 violent crimes** (395

MOMENTS OF IMPACT

On 1/21/2023 officers responded to an assault between multiple subjects. The offender had threatened the 14-year-old survivor with a knife, twisted her wrist, causing pain and stole various items from her.

The survivor explained she had been living on the street and she had met the offender three weeks prior. The survivor had begun living with the offender and she was sexually and physically assaulted by the offender during this time. The offender also threatened to kill the survivor and prevented her from leaving the apartment. The survivor disclosed that the offender furnished and injected methamphetamine into the victim's hand. The offender was arrested at the scene.

Through extensive conversations and follow up, Detective Martinez and the survivor built trust and established a close connection. The victim disclosed that she was a victim of human trafficking in other cities prior to her arrival in Berkeley. Detective Martinez connected her with a shelter specializing in homeless and trafficked youth. Ultimately the Alameda County District Attorney's Office charged the offender with multiple sexual crimes, robbery, burglary and drug possession.

In the department's continued commitment to the survivor, Detective Martinez worked with her family to find the right family member for her to live with long term and we matched her with a social worker specializing in trafficked youth. This social worker helped get the survivor back into school, into therapy and helped obtain other resources for the survivor and her family. Throughout the department's contact with the survivor she expressed how she felt seen and heard by the department and her appreciation for the work that was done on her case.

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incidents in total) and **360 property crimes** (4,564 incidents in total) reported per 10,000 residents.

- San Leandro, population 86,762, reported **58 violent crimes** (499 incidents in total) and **490 property crimes** (4,254 incidents in total) per 10,000 residents.
- Richmond, population 114,301, reported **88 violent crimes** (1,006 incidents in total) and **272 property crimes** (3,117 incidents in total) per 10,000 residents.

Clearance Rates

Forensic and electronic evidence, diligent and detailed investigative efforts, as well as community willingness to share information are critical to developing leads and chargeable cases. The following table summarizes our clearance rates of crimes in UCR categories alongside clearance rates for Santa Clara PD (SCPD), San Leandro PD (SLPD) and Richmond PD (RPD) . A note about clearance rates: the numbers reported for BPD in the second table below only cover cases closed within one year of being reported; however, many investigations occur over an extended period and these cases will be closed after this reporting period.

Part One Crimes Clearance Rates* by Year – DOJ	2020 SCPD	2020 SLPD	2020 RPD	2020 BPD	2021 SCPD	2021 SLPD	2021 RPD	2021 BPD	2022 SCPD	2022 SLPD	2022 RPD	2022 BPD
Homicide	100%	14%	25%	33%	-	100%	25%	100%	0.0%	0.0%	35%	67%
Sexual Assault	23%	27%	9.1%	6.4%	15%	17%	67%	5.3%	27%	0.0%	17%	7.9%
Robbery	39%	20%	19%	21%	35%	19%	26%	26%	24%	12%	10%	31%
Aggravated Assault	57%	32%	27%	37%	65%	38%	44%	44%	64%	41%	34%	43%
Burglary	7.6%	5.0%	7.6%	11%	6.4%	4.7%	17%	16%	10%	5.2%	11%	15%
Larceny	5.5%	4.1%	2.6%	6.8%	4.0%	4.2%	1.5%	4.8%	8.5%	4.1%	1.1%	5.4%
Auto Theft	4.3%	2.7%	11%	3.7%	3.7%	2.7%	7.4%	4.3%	6.7%	2.4%	2.5%	6.1%
Arson	20%	20%	6.1%	15%	47%	4.5%	17%	19%	29%	8.3%	17%	15%

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Part One Crimes Clearance Rates* by Year – 1-Year	2020 BPD	2021 BPD	2022 BPD
Homicide	100%	100%	100%
Sexual Assault	22%	10%	15%
Robbery	30%	29%	32%
Aggravated Assault	57%	61%	46%
Burglary	12%	15%	10%
Larceny	7.3%	7.0%	6.6%
Auto Theft	9.3%	8.2%	11%
Arson	25%	32%	27%

**Here we are reporting both a DOJ-calculated clearance rate and a 1-year clearance rate for BPD cases. The DOJ rates are calculated by dividing the number of cases reported by the number of cases closed in the same calendar year. A 1-year clearance rate is the percentage of cases that were closed within a year of being reported.*

Looking at the 1-year clearance rates, BPD consistently achieved a 100% clearance rate for homicides across all three years. For sexual assault, BPD's clearance rates ranged from 22% in 2020 to 15% in 2022. Robbery and aggravated assault rates for BPD were generally high, with robbery clearance peaking at 32% in 2022 and aggravated assault at 61% in 2021. Burglary, larceny, and auto theft clearance rates remained relatively low across all jurisdictions, with BPD maintaining consistent rates over the past 3 years.

In 2023, the Property Crimes Bureau was staffed with 3 detectives out of 5 allocated positions, the Youth Services Detail was staffed with 2 detectives of 3 allocated positions, while the Robbery, Homicide and Sex Crimes units were fully staffed.

What's Next

Gun Violence Restraining Orders

The Department recently began using a newly created tool called the Gun Violence Retraining Order (GVRO). This restraining order allows for the seizure of firearms from a person who “poses an immediate and present danger of causing personal injury to self or another by custody or control, owning, purchasing, receiving or having access to a firearm or ammunition.” Thus far this tool has been used in response to calls for service where gun violence or self-harm could be an issue. Going forward we will leverage this powerful tool to proactively take guns from individuals who pose an immediate and present danger.

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Automated License Plate Readers & External Fixed Surveillance Cameras

As directed by City Council, in 2023 the Berkeley Police Department (BPD) took additional steps forward in acquiring fixed Automated License Plate Readers (ALPR) and External Fixed Video Surveillance Cameras. Since ALPRs and video surveillance cameras are clearly defined as surveillance technology by the City of Berkeley Surveillance Technology Ordinance (#7,592), we spent months completing the steps outlined in the ordinance to acquire these technologies, including: drafting Surveillance Use Policies; presenting those policies for recommendations to the Police Accountability Board; and receiving City Council Approval of the policies.

Fixed ALPR: After receiving Council approval of the policies (422 and 1305), Berkeley Police Department secured a contract with the preferred vendor, Flock Safety, for the acquisition and installation of 52 cameras on a two-year trial basis from the time of activation. BPD is currently working with Flock Safety and Berkeley Public Works (PW) Department to determine placement of the cameras.

External Fixed Video Surveillance Cameras: San Pablo Park, Berkeley Marina and the PW Transfer Station have had fixed cameras in place for several years. In 2021 BPD was given approval by Council to install additional cameras at ten locations. Those locations are listed in the BPD policies related to Fixed Cameras, 351 and 1304. In 2023, Public Works installed the first camera approved in Policy 351 at 6th and University Avenue and the Berkeley Police Department established procedures for tracking access that will permit an audit to be conducted annually.

Throughout 2023, BPD fielded many inquiries from the Berkeley community expressing a strong interest and support for ALPR and fixed surveillance cameras. In 2024 we will continue on our path to installing and utilizing these technologies for combatting crime with careful consideration of cost, equity, privacy and efficacy guiding us every step of the way.

Regional Collaboration

In January 2024, Berkeley PD participated in a regional convening on crime and public safety hosted by Mayor Arreguín. In attendance were law enforcement leaders and elected officials from across the Bay Area. We discussed the regional efforts underway to address crime and safety concerns as criminals have become more sophisticated and brazen. We identified opportunities for strengthened partnerships across jurisdictional lines and will continue our collaboration in this space to more efficiently and effectively use our resources to solve crimes. There is a lot to be gained from improving our regional approach to data collection and analysis. Investing in both real-time crime analysis for tactical purposes and to inform strategic analysis and long-term planning can enhance our efforts significantly. By sharing data and insights, we can develop more effective strategies to combat crime and ensure public safety. In 2024, we will continue this partnership further at a regional level, exploring innovative solutions and fostering a more collaborative environment for tackling these challenges together.

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Road Safety & Collisions

Leveraging detailed collision data and community insights, our department has strategically enhanced traffic safety through targeted initiatives and enforcement. As we move forward, our partnership with Vision Zero promises to further deepen our dedication to efficient and effective traffic safety solutions.

Collision Data

In 2023, there were a total of 873 collisions. They included 514 injury and 359 non-injury collisions. Total collisions increased by 23, or 2.6% from 2022. Non-injury collisions increased by 3.6% and fatal collisions decreased to 0. Injury collisions decreased by 6.2% and DUI collisions increased by 3.7%.

Collisions	2019	2020	2021	2022	2023
Fatal collisions	4	2	7	2	0
Injury collisions	520	316	431	548	514
Non-injury collisions	405	271	351	346	359
Total	929	589	789	896	873

The most common causes of injury collisions (the primary collision factor or PCF) were 22350 VC, 21800-21804 VC, 21950(a)VC, and 22107 VC. Bicyclists (107) and pedestrians (97) accounted for 39.7% of the injury collisions. Bicyclists were found at fault in 60 of the collisions and pedestrians in 22 of the collisions. A closer examination of the 60 at fault injury collisions involving a bicycle revealed 19 involved a solo bicyclist falling or hitting an object.

In 2023, 81 collisions (26 injury / 55 non-injury) involved a DUI driver (an increase from 53 in 2022) which resulted in 39 injured people.

2023 was the first year with no fatal collisions since 2011.

The three intersections which accounted for the highest number of collisions were University Ave/ Acton St, Ashby Ave / San Pablo Ave, and Ashby Ave / Shattuck Ave. The top twelve intersections where collisions occurred were:

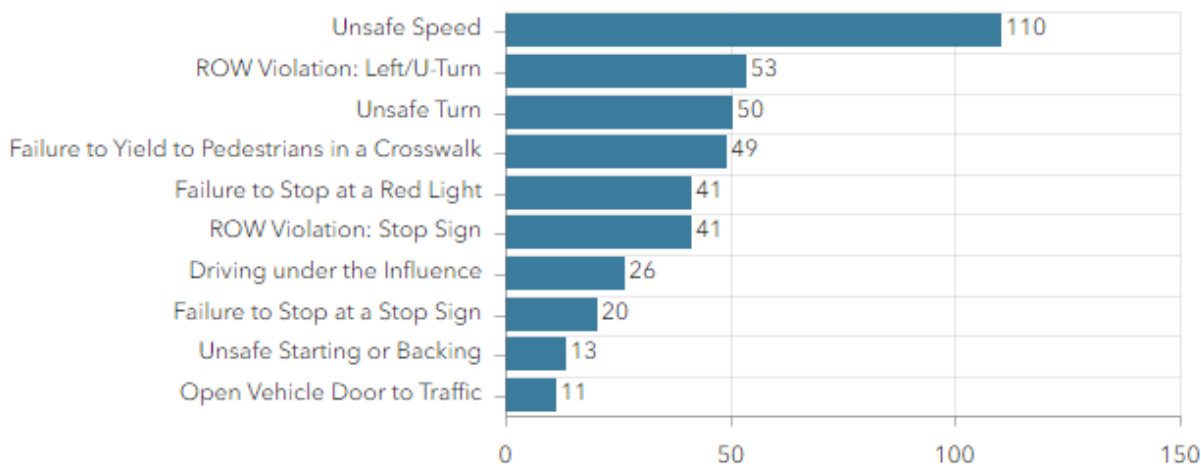
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High Collision Intersections, 2023	Total Collisions	Injury Collisions	# of People Injured	Suspected Serious Injury*
University Ave / Acton St	11	9	14	2
Ashby Ave / San Pablo Ave	11	7	11	0
Ashby Ave / Shattuck Ave	11	4	5	0
Ashby Ave / College Ave	10	6	7	1
University Ave / San Pablo Ave	9	4	8	1
University Ave / MLK Jr Way	9	5	5	0
Ashby Ave / MLK Jr Way	8	7	12	4
San Pablo Ave / Gilman St	8	7	10	0
Shattuck Ave / Channing Way	7	4	4	0
Shattuck Ave / University Ave	7	4	4	0
MLK Jr Way / Blake St	6	6	9	0
Sacramento St / Alcatraz Ave	6	5	9	0

*Suspected serious injury is any injury other than a fatality that results in significant injury as defined in the CHP Collision Investigation Manual (CHP, 2017, p. 5-5)

Primary Collision Factors, 2023

Injury Collisions



As previously stated, bicycles were involved in 107 of the injury collisions and pedestrians were involved in 97. Of the 97 injury collisions involving a pedestrian, 22 found the pedestrian to be at fault, 74 found the driver of a vehicle to be at fault and 1 found a bicyclist to be at fault. Of the 107 injury collisions involving a bicyclist, 60 found the bicyclist at fault, 34 found the driver of a vehicle at fault, 2 found a pedestrian at fault and the remainder were either unable to

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determine fault or a person other than a driver, caused the collision. The biggest factor for this is an occupant in a parked vehicle opening a car door before it is safe/ not yielding to bicyclist in violation of 22517 VC (PCF for 10 bicycle injury collisions in Berkeley in 2023.)

Department Initiatives

What We've Done

In 2022, BPD reprioritized traffic enforcement efforts around a three-prong approach that focuses on primary collision factors, community member reports and observations reported to the BPD and community caretaking. Community caretaking functions consider safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions. BPD will continue to collect and analyze collision data to understand and guide needs and shape future resource allocation decisions.

Primary Collision Factors

Automated Security Checks – Calls for service are automatically generated based on collision data, and time and location of occurrence to focus officer discretionary enforcement time on collision prone locations.

Community Reports

Community members are able to submit traffic safety concerns via the Transparency Hub. The submission is triaged and added to the traffic unit's enforcement requests. After launching this feature in April 2023, the traffic unit received 53 traffic concern submissions.

Community Caretaking

BPD Traffic Unit uses OTS funds to hold DUI checkpoints and DUI saturation patrols. The checkpoints are set up at strategic locations based on the DUI collision and arrest data. DUI checkpoints and saturation patrols use highly trained officers to identify and apprehend impaired drivers and educate the motoring public.

BPD Traffic Bureau just completed a full year of offering a free presentation to senior drivers focusing on the importance of roadway safety for older drivers. The unit has been using education funds from the Office of Traffic Safety (OTS) Grant to teach the program called, "Drive Safer, Drive Longer". This material was developed by the Training, Research and Education for Driving Safety (TREDS) Program at the University of California San Diego School of Medicine. The classes are held once a quarter at the north and south Berkeley Senior Centers and is designed to increase awareness of the dangers older drivers encounter and to offer strategies to keep them safe and mobile.

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In 2023, BPD applied for and was awarded grant funding that supports our efforts to reduce traffic collisions and impaired driving in Berkeley. Grant sources include the Office of Traffic Safety (Selective Traffic Enforcement Program / STEP Grant) and the California Highway Patrol Cannabis Tax Fund Grant to provide additional enforcement, education and traffic safety programs. The funding allows us

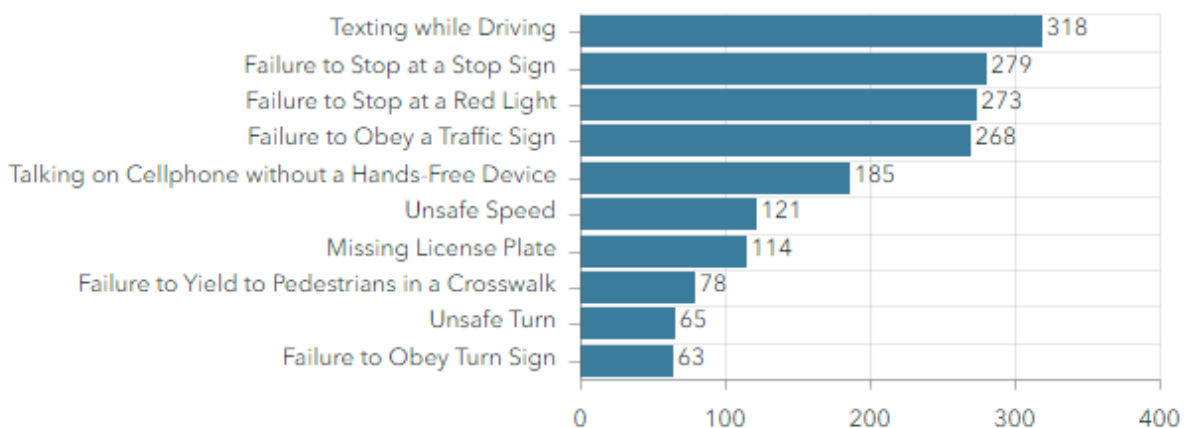


to conduct DUI checkpoints, DUI saturation patrols and provide enforcement in locations identified as high collision areas targeting dangerous driving behavior. Grant funding allows officers to attend training to become proficient in field sobriety testing to detect both alcohol and drug impairment. In partnership with OTS and other law enforcement agencies throughout the state BPD participates in national campaigns such as pedestrian safety month, winter DUI mobilization, distracted driving awareness, bicycle safety, motorcycle safety, walk to school day and click it or ticket enforcement.

How We're Doing

Moving Violations and Primary Collision Factors

Most frequent vehicle violations, 2023

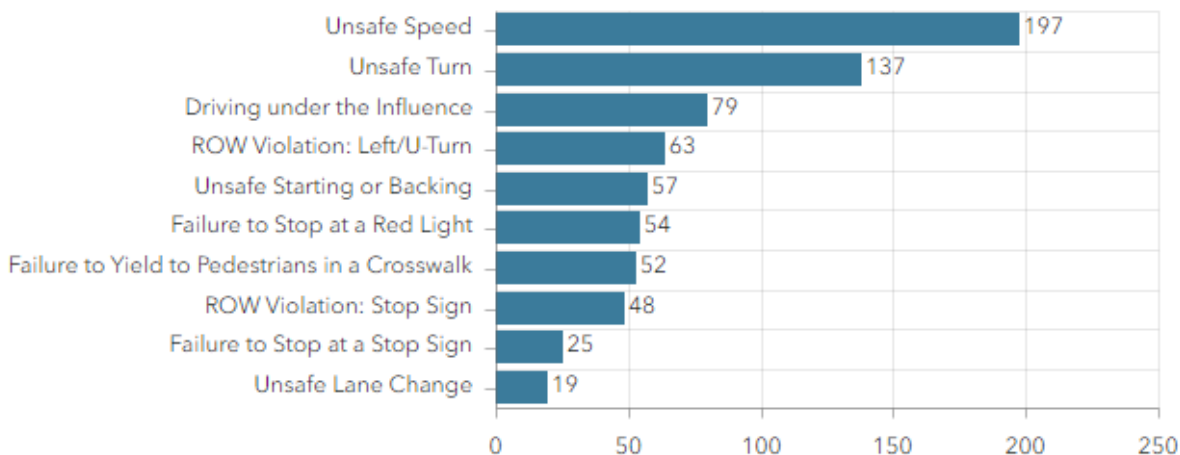


*Excludes stops made in response to calls for service and information-based stops

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Primary Collision Factors, 2023

All Collisions



The tables above outline the moving violations associated with our vehicle stops as well as the primary collision factors for all stops. The violations related to this year’s stop data correlate closely with primary collision factors as well as other serious traffic safety violations geared toward community caretaking.

Transparency Hub Survey Responses

After a community member submits a traffic safety concern via the Transparency Hub and enforcement or education is conducted at the location by the traffic unit, the submission is updated by traffic unit staff indicating the concern had been addressed. In 2023, the traffic bureau conducted 10 traffic safety interventions in response to community concern submissions.

What’s Next

In 2024, BPD will continue to use Office of Traffic Safety grant funding to support traffic safety measures to enhance our enforcement and education efforts. Through grant funding, we intend to increase the number of Drive Safer, Drive Longer classes for aging drivers, increase the number of DUI checkpoints, and continue to use the Traffic Safety Transparency Hub and collision data to guide our traffic enforcement strategies. As we look for other ways to improve our strategies, we are committed to deepening our Vision Zero collaboration with key stakeholders to identify high-risk locations, analyze the causes and contributing factors of collisions, and develop meaningful interventions. Our continued partnership with Vision Zero stakeholders will allow BPD leadership to identify strategies that inform decision making around the way and areas we prioritize traffic safety, guided by our three-pronged approach for traffic enforcement.

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Accountability: Stops & Use of Force

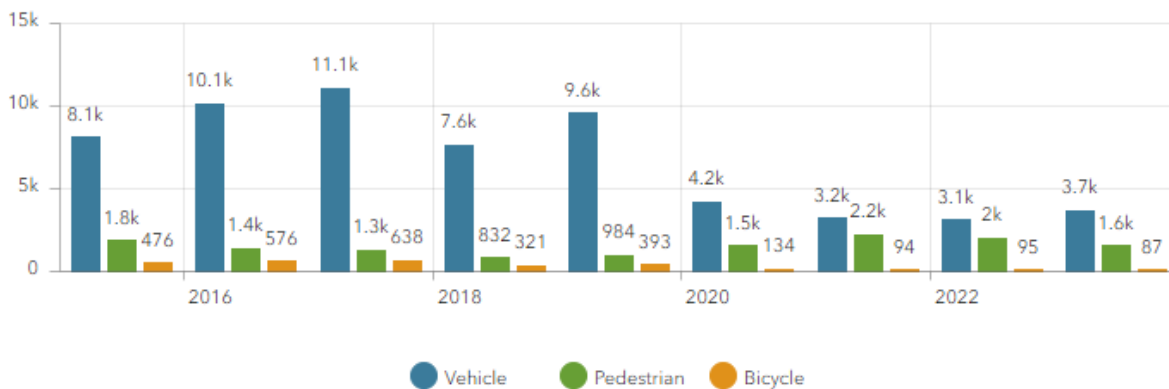
Our department's thorough review of stop data and use of force incidents underscores our commitment to moving forward efforts supporting Fair and Impartial Policing. Performance metrics and tests for bias help ensure our practices don't perpetuate societal inequities. With ongoing enhancements in our Early Intervention System (for more, see the "Audits & Oversight" section below), we are steadfast in our mission to deliver public safety equitably to our community.

Stop Data Report

In October 2020, the Berkeley Police Department began tracking and ultimately supplying the State of California with our stop data pursuant to the Racial Identity Profiling Act (RIPA). BPD began this data collection a full two and a half years before agencies our size were required to comply with RIPA. Berkeley began this process early as part of the department's efforts to better capture, understand and share the data associated with our stops.

During 2023, BPD averaged 442 total stops including 305 vehicle stops, 129 pedestrian stops, and 7 bicycle stops per month for a yearly count of 5,306 total stops, 3,665 vehicle stops, 1,554 pedestrian stops, and 87 bicycle stops.

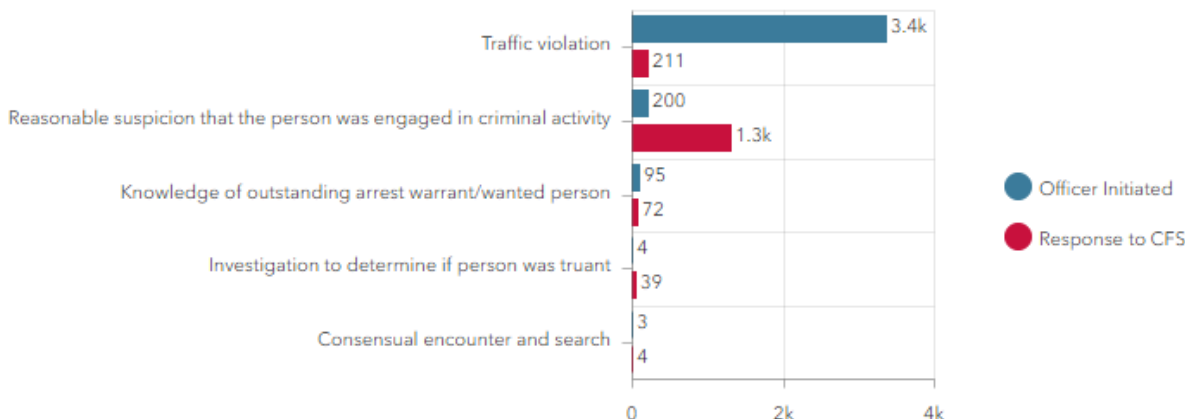
Stops by Year and Type



69.08% of all stops were officer-initiated, primarily focusing on traffic violations, while the remaining stops were in response to calls for service. This data, along with the breakdown of reasons for the stops, is depicted in the following graph.

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Reason for Stop, 2023



Yields

880 stops resulted in at least 1 arrest, 2,100 stops resulted in a citation and 1,661 resulted in a warning. 471 stops resulted in no enforcement action.

According to data published by the RIPA board in 2024, Berkeley's yield rate was higher than 92% of all agencies in California in 2022.

In 2023 BPD's search rate for all stops was 14% and had an overall contraband yield rate of 42%. Those searches resulted in 82 seizures of one or more weapons, including 15 recoveries of one or more firearms. The yield rate for all discretionary searches (searches not incident to arrest, a search warrant, vehicle inventory for towing, or exigent circumstances/emergency) was 48%.

Tests for Bias

BPD is deeply committed to ensuring fairness and impartiality in all aspects of law enforcement. To uphold these values, we rigorously examine our practices for any potential biases, employing a series of analytical methods to evaluate the objectivity of our policing. This section details our approach to testing for bias. From analyzing at-fault collision demographics to employing methods like yield rate analysis and the veil of darkness test, our approach is multifaceted and data-driven, aiming to foster a culture of transparency, accountability, and equitable policing.

At the core of our analytical approach is an emphasis on discretionary decision making. Research in this field posits that moments of discretion are when implicit bias is most likely to manifest itself. For that reason, in the analyses below we focus on stops where officers were not responding to a call for service nor relying on additional information (for example, a description of a wanted vehicle) when making the decision to stop. This filtering allows us to key in on moments of maximum discretion where we would most clearly see the effects of implicit bias if such bias were to play a role in officer decision making.

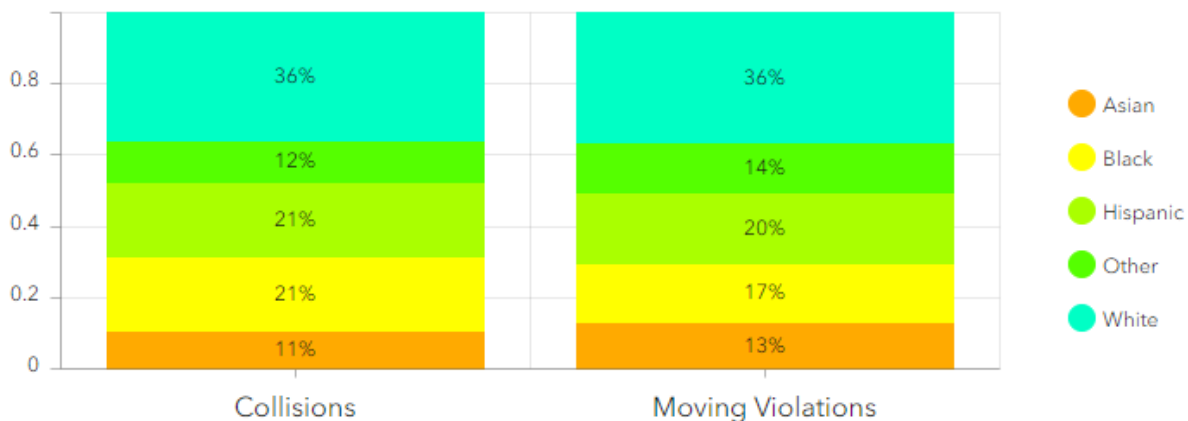
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At-Fault Collision Demographics

A key component of this approach is the comparison of at-fault collision demographics with the demographics of individuals stopped for moving violations. This comparison helps us assess whether traffic stops are being conducted based on objective, race-neutral criteria. This test is particularly important because moving violations made up 81% of all discretionary stops in 2023.

Collision data gives us representative sample of who is driving in Berkeley. This information is useful because it gives us a baseline of the population that officers encounter when they make a stop. Looking at drivers who were determined to be the at-fault party in a collision further refines that baseline to give us a sample of who is driving dangerously in Berkeley. Because we expect our traffic enforcement to focus on dangerous drivers, if our traffic enforcement is unbiased, we would expect a close alignment between the demographics of those involved in at-fault collisions and those stopped for moving violations. Close alignment of those demographics would indicate that stops are influenced by driving behavior rather than implicit biases.

At-Fault Collision & Discretionary Moving Violation Demographics, 2023



An analysis of 2023 data indicates a close alignment between these two demographic groups. This is the finding we would expect if officers are using race-neutral factors when making a discretionary stop for a moving violation.

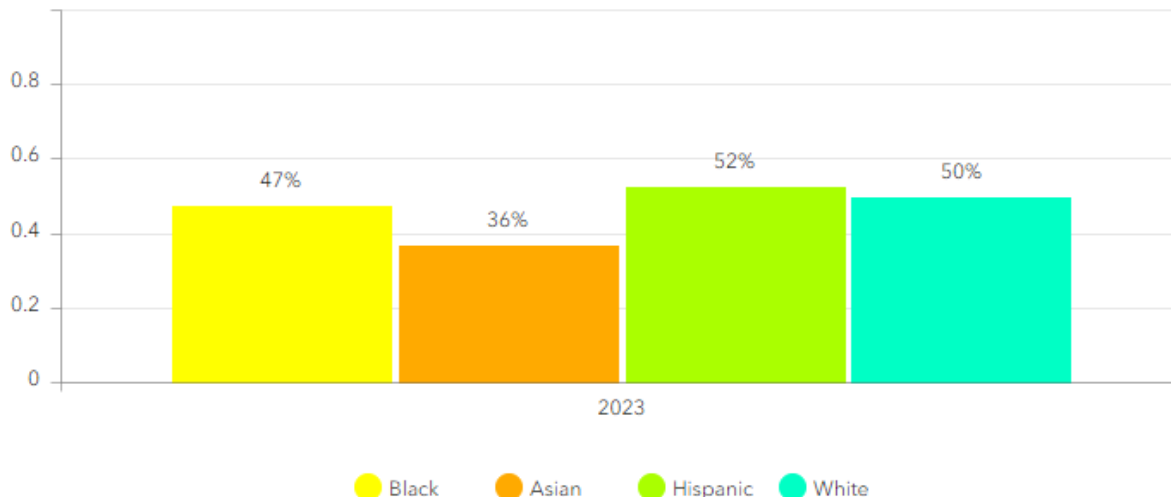
Yield Rate Analysis

Another method of determining whether officer discretion is influenced by implicit racial bias is to measure whether the officer’s decision to search is subject to a lower threshold of suspicion for Black and Brown people as compared to for White people. Often called yield rate analysis, the method assumes that race-neutral indicators observable by an officer will accurately predict the probability that a search will uncover contraband. The logic follows that a search triggered by a given level of suspicion based on race-neutral factors will ‘yield’ contraband at the same rate across racial groups. Conversely, a higher yield rate for searches of White people

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as compared to searches of Black people would indicate that officers are deciding to search White people when they have a higher confidence of finding contraband.

Discretionary Search Yield Rate by Race, 2023



The nearly equivalent search yield rates between Black and White individuals are in line with what we would expect to see if searches conducted by officers were based on factors that do not involve race. A regression analysis conducted by the RIPA board in 2024, which examined data from 2022, found that race—specifically being Black or Hispanic as opposed to White—did not have a statistically significant effect on the likelihood of a Berkeley PD search yielding contraband. This is the result we would expect to see from search decisions being carried out without bias.

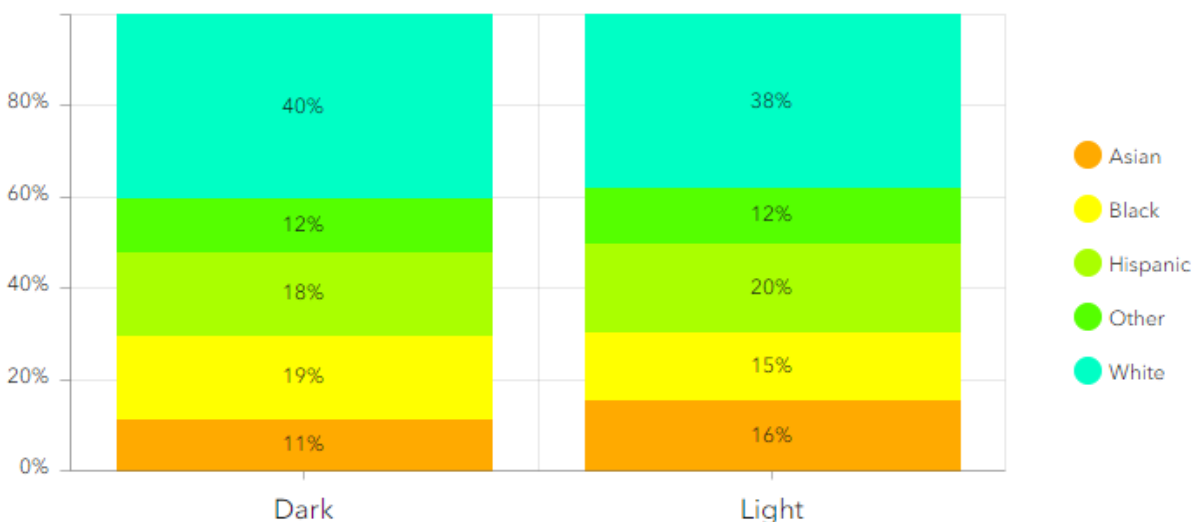
Veil of Darkness

The "veil of darkness" analysis is a test of implicit bias at the decision to stop. The analysis looks at the proportion of stops that are of a racial group when it is light outside versus when it is dark outside. If Black people are stopped more often in the light than in the dark, it could indicate that the visibility of race is playing a role in the decision to stop. The test takes advantage of daylight savings time and seasonal changes in day length by looking at times of the day (say, 6:30pm) where for part of the year it is dark outside and part of the year it is light out. Those times can be called the "inter-twilight period." In that way the test can control for any changes in the distribution of who is on the street throughout the day (as opposed to just doing day vs. night) while observing the difference in stop patterns when race is more visible or less visible to an officer.

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The graph below is a visual representation of this comparison. The test relies on the assumption that race is more apparent to the officer in the light than in the dark, and to the extent that the assumption is violated by the presence of streetlights or racially correlated characteristics of the car or neighborhood, the validity of the test is undermined. Nevertheless, as long as the assumption holds on average, the test can indicate the presence of the effect; that is, a result

Discretionary Stop Demographics during Inter-twilight Period, 2023



concluding a statistically significant result would be evidence of the presence of bias, while a null result would not necessarily prove the absence of bias.

The close alignment of demographic groups for discretionary stops in the dark and in the light during the “inter-twilight period” seen above is what we would expect to see if those stops were being made based on race-neutral factors.

Use of Force Report

Berkeley Police Department takes pride in our ability to accomplish our work with minimal reliance on force through approaches that include de-escalation techniques, as well as an awareness of mental health crisis issues and appropriate responses. The department reinforces these skills and strategies through regular training.

In February 2021, BPD transitioned to a new Use of Force Policy that had several substantial changes, that included a de-escalation requirement and an expanded use of force reporting standard. Under this policy, reportable force is delineated into the following four categories:

Level 1 – Involves grabs, control holds, the use of leverage, or body weight with no injury or complaint of pain.

Level 2 – Applies when an officer points or deploys a firearm while interacting with someone. It also applies to a Level 1 force that involves more than momentary discomfort but does not have an injury or complaint of pain.

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Level 3 – Parallels our old Use of Force reporting standard and involves the use of a weapon, subject injury, or complaint of pain. This category also applies to specific circumstances when an officer does not activate their body-worn camera.

Level 4 – Applies when an officer uses a firearm or when there is an in-custody death.

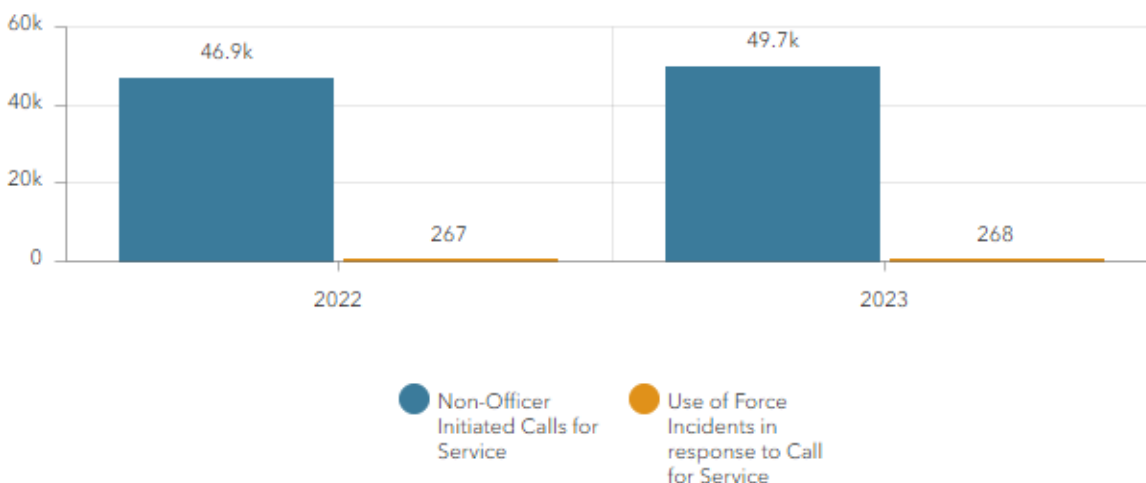
The department use of force policy requires officers to report uses of force to their sergeant, who documents these incidents in a formal report. A lieutenant and captain review each report, including associated body worn camera (BWC) footage, before forwarding it to Internal Affairs. In a given incident, more than one technique or type of force may be used to bring a resistant or combative individual into custody, and more than one officer may use force during the incident.

In 2023 there were 346 incidents that involved 1,214 uses of force. 68 % of all uses were Level 1 uses of force, and 28% were level two. These two categories accounted for 96% of all uses.

While the department has consistently evaluated individual use of force incidents, our expanded data collection and analysis tools allow us to understand and evaluate our use of force trends and share them with the community.

Of the 49,703 non-officer-initiated calls for service that BPD received in 2023, 0.54% (268 incidents) resulted in a use of force incident, and 0.06% (29) resulted in a use of force that produced more than a minor complaint of pain or where a weapon was used (Level 3 and 4). 77.46% of our use of force incidents occurred when officers responded to calls for service from the community, and trends show that calls for service account for a larger percentage of cases

Calls for Service and Use of Force Incidents



where force was used this year than in previous years: 77.46% versus 75.85% in 2022 and 68.5% in 2021.

The chart below illustrates that while carrying out arrests, the likelihood of use of force incidents occurring during arrests is relatively similar across racial groups. Specifically, the use

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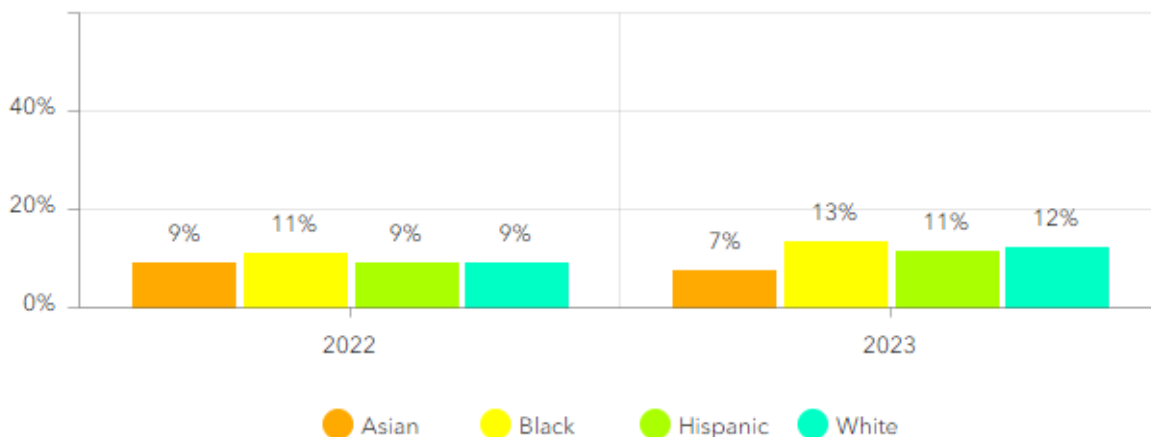
of force was involved in 7% of arrests for Asian subjects, 13% for African American subjects, 11% for Hispanic subjects, and 12% for White subjects. These closely aligned rates are what we would expect if the decision to use of force is being determined by factors other than race.

Utilizing the number of arrested subjects as a baseline for comparing use of force rates is a valuable approach because it reflects the most common scenario in which force is applied. By evaluating use of force as a percentage of arrests, we can more accurately assess the frequency and circumstances in which force is used. This method helps to isolate the act of arrest as a variable and allows for a direct comparison of use of force incidents relative to that variable across different racial groups.

The close percentages across racial groups is what we would expect to observe if use of force is

Arrest Use of Force Rates

All Use of Force Levels



more closely associated with the dynamics of the arrest situation itself rather than the race of the individuals involved.

The department also tracks use of force complaints. While our use of force cases are always reviewed by a Lieutenant and Captain, those associated with a personnel complaint are also subject to an Internal Affairs Bureau (IAB) investigation. The results of the investigation (including BWC footage) are given to a Board of Review that evaluates the case and makes a recommendation to the Chief.

In 2023 the department received a total of 12 complaints associated with use of force incidents. To date, 7 of those investigations have been completed while 5 are still being evaluated. Additionally, 6 out of those 12 cases were also independently assessed by the Office of the Director of Police Accountability and Police Accountability Board. Of the 7 completed cases reviewed by the department or the ODP/A/PAB, 0 resulted in sustained findings of misconduct.

The department will continue to collect, evaluate, and assess our use of force data and use it to inform our policies and training with a focus on achieving positive outcomes.

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Audits & Oversight

In 2023, the Berkeley Police Department significantly advanced towards fulfilling oversight directives, completing key reports, audits, and policy reviews, while actively engaging in training and collaborative efforts to ensure fair and impartial policing.

In 2023 we completed a number of reports and audits including:

- The 2022 Annual Complaint Statistics from the Internal Affairs Bureau
- The 2022 Police Equipment and Community Safety Ordinance Annual Report
- The 2022 Police Department Annual Report
- Biannual Automated License Plate Reader audits
- Quarterly Early warning system audits
- Quarterly Fair and Impartial Policing updates
- City Auditor open audit updates
- Contracted for a department-wide staffing and resources assessment with Citygate consulting

The department also actively participated in a number of subcommittees and collaborative conversations with the PAB including reviews of the policies for Body Worn Cameras, Off Duty Officer Conduct, Early Intervention System, and Departmental budget development.

Our personnel also completed annual refresher training to satisfy our policies and state requirements for continuing education.

The work mentioned here is just a portion of the 2023 efforts within the department, which also included contributions to the city's Gun Violence Intervention & Prevention program and the assessment of 911 dispatch services, alongside collaborations with Health, Housing, and Community Services on reimagining public safety projects. Much of this administrative work falls to sergeants and lieutenants, who are also responsible for the supervision and leadership of their teams.

MOMENTS OF IMPACT

One of the duties of the Police Accountability Board (PAB) is to recognize officers who demonstrate exceptional service. An illustrative example of this is the commendation awarded to Officers Gasper and Ludovico for their skilled and empathetic handling of a critical incident on April 6th.

Facing a situation where a person in crisis threatened to jump from a third-story window, the commendation highlights,

“Both [Ofc. Gasper] and Ofc. Ludovico know many of the people encountered in the west area of Berkeley and have established working relationships with many of those people which has allowed them to gain both trust and compliance in critical incidents. April 6th was one of those days where that trust mattered the most.”

Their ability to deescalate the situation and secure medical and mental health support for the individual underscores the importance of community trust and engagement in policing.

This act of recognition by the PAB not only celebrates the officers' dedication but also emphasizes the board's commitment to acknowledging the positive impact of law enforcement personnel who vividly illustrate BPD's commitment to service.

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Below are updates on our progress towards completing the recent City Auditor report recommendations and our quarterly update on our implementation of the Fair and Impartial Policing Working Group recommendations.

City Auditor Reports

There were three open audits in 2023. Working with Auditor Wong and her staff, two have been fully completed. The remaining open audit contains 12 recommendations. Of these, 10 are complete leaving only 2 open recommendations. Both of these items are related to staffing and involve our in-progress work with an outside consultant (Citygate). Both are actively being worked on;

- 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale (Complete)
- Data Analysis of Berkeley's Police Response (Complete)
- Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities (Open/In Progress)

The Department will be submitting our next audit update to City Council in May 2024 regarding the two remaining open audit items. We look forward to continuing to work with Auditor Wong's office to accomplish all of the recommendations in this budget related audit.

Fair and Impartial Policing Recommendations

BPD has worked hard to fully implement the Fair and Impartial Policing (FIP) Working Group recommendations, and efforts in this area are ongoing and live well beyond the specific recommendations of Council. A prime example of this is the analysis presented in the "Accountability" section above, where we track key measures of fair and impartial policing outcome. The FIP Working Group recommendations have provided invaluable guidelines as we enhance our policies and protocols to ensure the highest standards of policing and are deeply aligned with our departmental values. The department will continue ensuring our personnel, policies and actions support fair, impartial and equitable treatment of all those we serve. The department is also committed to maintaining transparency and accountability in our reporting on these efforts to the community and Council. To ensure this, we will continue providing information both via our Transparency Hub as well as our annual department report.

FIP Working Group Recommendations Progress Report: March 2024

We have made significant progress in implementing the recommendations set forth for the department, with actions taken in nearly all areas specified. The final piece, an extensive staffing assessment conducted by Citygate Associates, is underway and its completion will mark the fulfillment of the last recommendation.

To date, implementation of the recommendations has led to the amendment of departmental policies and the establishment of new protocols. Some major accomplishments included a departmental policy focusing traffic stops on safety and preventing collisions, using evidence-

2023 Berkeley Police Department Annual Report

based models and strong data analysis to guide enforcement actions, and our current work to strengthen and expand our Early Intervention System

The additional FIP training funds allocated as part of the reimagining process have allowed us to continue to move this important work forward. We have created a training focus on courses strengthening responses that are Constitutional, Humane, Impartial, Neighborhood and Community Oriented and DEI-Centered. We refer to this as “KIND” training.

We are also bringing Active Bystander for Law Enforcement (ABLE) training to our agency. ABLE is a nationally recognized program with the aim of creating a police culture in which officers routinely intervene and accept interventions from their peers as necessary to: prevent misconduct, avoid police mistakes, and promote officer health and wellness. ABLE guides agencies and communities on the concrete measures that must be in place to create and sustain a culture of peer intervention leading to the benefit of the community and department. The department was honored to receive letters of support and partnership for this program from community-based organizations in our city such as Dorothy Day House and the Center for Food, Faith and Justice

With this progress, we're turning our attention to further enhancing our practices. Central to this is the development of our Early Intervention System (EIS). We recognize the power of an EIS to promote transparency, proactive intervention, and a supportive environment for officer development. We have taken pride in having an EIS protocol since 2004, reflecting our long-held commitment to accountability. In 2023, guided by the recommendations of the FIP Working Group, we updated our policy, significantly broadening the scope and depth of our audits to include the incorporation of RIPA-mandated stop data. Also in 2023, after collaboration with the Police Accountability Board, the department added audits of body-worn camera footage to our quarterly audit procedure.

To accelerate the expansion of our EIS, we've recently released an RFP for design support in building a cutting-edge, real-time system. This system will give us a comprehensive overview of officer and team performance, helping us identify potential areas where proactive support would be beneficial.

Our EIS work has benefited from ongoing collaboration with the Police Accountability Board (PAB), and we understand they are preparing a comprehensive report on the subject. We look forward to continuing our engagement with the PAB on EIS implementation and improvement.

The Berkeley Police Department remains committed to equitable and unbiased policing and we are proud to have implemented almost all of the FIP recommendations. A Special Order (policy) has been released to ensure that current and future members of the Berkeley Police Department carry forward and build upon this important foundational work initiated by the FIP Working Group. Once the final recommendation of the referral is completed, the department will continue efforts related to fair and impartial policing and provide annual updates and progress in this report.

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APPENDIX E

Gun Violence Intervention and Prevention Program RFP

Internal



Finance Department
General Services Division

REQUEST FOR PROPOSALS (RFP)
Specification No. #24-11659-C
FOR
Gun Violence Intervention and Prevention Program
PROPOSALS WILL NOT BE OPENED AND READ PUBLICLY

Dear Proposer:

The City of Berkeley is soliciting written proposals from qualified firms or individuals to work with the City of Berkeley to establish and implement a Gun Violence Intervention and Prevention Program. As a Request for Proposal (RFP) this is not an invitation to bid and although price is very important, other factors will be taken into consideration.

The project scope, content of proposal, and vendor selection process are summarized in the RFP (attached). **Proposals must be received no later than 2:00 pm on Thursday April 16, 2024**. Proposals are to be sent via email with the “**Specification No. #24-11659-C** and “**Gun Violence Intervention and Prevention Program**” clearly indicated in the subject line of the email. Please submit one (1) PDF of the technical Proposal with the filename saved as, “**Proposal Vendor Name - #24-11659-C “Gun Violence Intervention and Prevention Program**” Corresponding pricing proposal shall be submitted as a separate document with the filename saved as, “**Pricing Vendor Name - - #24-11659-C “Gun Violence Intervention and Prevention Program.**”

Email Proposals to:

City of Berkeley
Finance Department/General Services Division
purchasing@berkeleyca.gov

Proposals will not be accepted after the date and time stated above. Incomplete proposal or proposals that do not conform to the requirements specified herein will not be considered. Issuance of the RFP does not obligate the City to award a contract, nor is the City liable for any costs incurred by the proposer in the preparation and submittal of proposals for the subject work. The City retains the right to award all or parts of this contract to several bidders, to not select any bidders, and/or to re-solicit proposals. The act of submitting a proposal is a declaration that the proposer has read the RFP and understands all the requirements and conditions.

For questions concerning the anticipated work, or scope of the project, please **contact Carianna “Cari” Arredondo (Project Manager)**, Assistant to the City Manager, via email at carredondo@berkeleyca.gov no later than **Monday, April 8th, 2024**. Answers to questions will **not** be provided by telephone or email. Answers to all questions or any addenda will be **posted** on the City of Berkeley’s site at [Bid & Proposal Opportunities | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/Bid-Proposal-Opportunities). It is the vendor’s responsibility to check this site. For general questions concerning the submittal process, contact purchasing at 510-981-7320.

We look forward to receiving and reviewing your proposal.

Sincerely,
Darryl Sweet, General Services Manager

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903
E-mail: purchasing@berkeleyca.gov Website: [cityofberkeley.info/finance/](https://www.cityofberkeley.info/finance/)

I. SUMMARY

In response to the growing gun violence crisis, Berkeley has introduced the Gun Violence Intervention and Prevention Program within its larger "Reimagining Public Safety" framework. Aiming for a comprehensive reduction in gun violence incidents, this initiative blends community engagement, strategic collaboration between internal city departments and external organizations, field experts, and methods based on empirical evidence.

With a \$2M budget for a two-year pilot (Not to exceed \$1M per fiscal year), the Gun Violence Intervention and Prevention program aims to employ a four-pronged strategy that includes:

- **Place-based interventions** at critical areas with increased shootings,
- Direct engagement with individuals at risk via **custom notifications**,
- **Street outreach**, and
- Provision of robust **social services**.

The program, which is overseen by the City Manager's Office, is seeking proposals for the design and implementation of the *custom notifications* and *street outreach* components, as detailed below. It is crucial to understand that custom notifications require collaboration with law enforcement, whereas street outreach involves a one-way communication channel from the police to outreach workers.

Proposals may address *either* one or *both* components. **While proposals may involve collaboration among multiple Community-Based Organizations (CBOs), prospective bidders must identify a lead organization and may include partner organizations in their submissions.**

- **Custom Notifications:** Custom notifications in Berkeley are a collaborative strategy by *law enforcement* and *community-based organizations* to mitigate gun violence and target high-risk individuals with simultaneous "hard" and "soft" messaging. The "hard" message, delivered by police, outlines specific legal consequences for future violent acts, emphasizing immediate legal risks. Concurrently, a "soft" message from a community-based organization (CBO) conveys support and care, offering access to social services and assistance. This approach combines clear warnings about the consequences of violence with offers of help, aiming to deter violence through awareness of the repercussions and provision of alternatives. Custom notifications leverage social network analysis (SNA) to identify those at risk and employ focused deterrence to reduce gun violence, making it clear that violence is intolerable while also providing pathways to support and change.
- **Street Outreach:** A critical aspect of their operation is the unidirectional flow of information from police to outreach workers, keeping them informed about recent incidents without compromising their neutrality and community trust. Street outreach, conducted by Violence Interrupters, is a public health strategy aimed at curbing the spread of violence as a social contagion in communities. These workers, often with personal experiences of incarceration or violence, use their credibility and understanding of street culture to mediate conflicts and prevent violence escalation. They act as crucial connectors between individuals engaged in violence and broader gun violence intervention programs, enhancing law enforcement efforts with their community trust. Their role includes real-time violence identification and interruption, mentoring high-risk individuals, facilitating workshops and peaceful demonstrations. This partnership allows them to effectively prevent retaliation and support individuals at risk, by reinforcing community norms against violence and fostering a safer environment.

The purpose of this RFP is to solicit proposals from community-based organizations and service providers that have the expertise and ability to quickly meet the City's need to create a successful pilot program for the Gun Violence Intervention and Prevention Program in the City of Berkeley. The selected applicant(s) will be required to comply with all applicable requirements for such funds and will be required to report to the City regularly on the use of funds and services beneficiaries.

II. SCOPE OF SERVICES

Applicants are encouraged to thoroughly review the report and recommendations, as outlined in *Attachments 1 to 4*. The selected provider(s) must demonstrate a collaborative approach, involving a wide range of internal and external organizations, community stakeholders and show expertise in gun violence intervention and prevention programming; evidenced by a strong commitment to data-driven evaluation, ability to remain within budget limits, foster effective cross-functional collaboration is crucial for the successful implementation and achieve a measurable decrease in gun violence incidents. The City is looking for detailed proposals for its Gun Violence Intervention and Prevention program, specifically focusing on designing and implementing *street outreach* and *custom notification* initiatives in alignment with the criteria provided. The sections below serve as a detailed outline and guide for the City's expectations for submissions regarding the program narrative:

A. STRATEGIC PROGRAM DEVELOPMENT

Proposals must incorporate advanced strategies based on criminological and public health research and detail methodologies and approaches for engaging the target population, including identification methods, intervention strategies, and case-management coordination and follow-up.

- **Comprehensive Strategy Development**
 - **Intervention Methodology:** Define a collaborative methodology for engaging in-risk individuals, specifying criteria and tools used. Include intervention techniques, frequency, duration, format, and risk assessment protocols.
 - **Custom Notifications:** Given a subset of individuals identified by law enforcement partners, design a methodology and/or framework for coordinating relevant stakeholders to create unified custom notifications and delivery methods to the individual.
 - **Street Outreach:** Describe a strategic plan for managing a team of street outreach workers including day-to-day functions and special activities.
 - **Effectiveness Indicators:** Provide measurable indicators and success metrics for each component (street outreach and custom notifications), including crime rate reduction, improved community trust, and other social impact metrics.
- **Documentation and Reporting**
 - **Operational Protocols:** Outline clear protocols for escalating interventions and response to emerging situations.
 - **Community Engagement Plan:** Formulate a strategy for sustained engagement with diverse community members and stakeholders. Identify relationships with field experts.
- **Budget and Effectiveness Monitoring**
 - **Budget Monitoring:** Provide a detailed breakdown and justification for each budget item. Describe the financial monitoring system, including checks and balances, audit schedules, and reporting formats.
 - **Effectiveness Monitoring:** Identify specific tools and methods for monitoring reductions in gun violence, such as statistical analysis, community surveys, etc., and explain the process for making program adjustments based on effectiveness data, including decision-making criteria and implementation timelines.
- **Data Management and Evaluation**
 - **Data Collection Tools:** Specify tools and software for data collection and analysis.
 - **Continuous Improvement Plan:** Outline a plan for regular program review and refinement based on data insights.

B. IMPLEMENTATION AND COMPLIANCE MONITORING

Detailed implementation plans are required, including staffing qualifications, resource allocation, operational timelines, and a scalable framework for program expansion. Proposals should address integrating innovative and culturally sensitive practices, considering the diverse needs of the community.

- **Implementation Planning**
 - **Operational Framework:** Outline the operational framework, staffing roles, qualifications, and resource allocation for the program. Focus on the logistical aspects of implementing the proposed strategies.
 - **Resource Allocation:** Present a comprehensive budget with allocations for each program element and justifications, focused on the direct support of proposed strategies.
- **Collaboration and Community Engagement**
 - **Collaboration Framework:** Provide a detailed organizational chart showing each entity's specific responsibilities and points of contact. Describe how the collaboration with *various entities* will enhance the program's effectiveness.
 - **Community and Stakeholder Engagement:** Detail specific engagement activities, their frequency, and expected outcomes, along with strategies to sustain and deepen relationships with stakeholders, including regular community meetings, feedback mechanisms, etc. Identify continued partnership with local and national field experts and collaboration with city departments.

C. OPERATIONAL TIMELINE & LOCATION

Applicants are expected to outline the expectations for the operational timeline and spatial needs of the program, detailing the specific period post-contract award and providing timelines for each critical phase of the program.

- **Timeline Expectations:** Outline a realistic and flexible timeline for the program's operational rollout, including milestones and benchmarks for the design, implementation, monitoring, and evaluation phases of the program.
- **Location Considerations:** While the City of Berkeley will not provide a location due to the fieldwork nature of this program, we are open to exploring possible city space for operational needs, if necessary. Applicants should detail their plan for location needs, how they intend to address fieldwork requirements, and any potential city space utilization if applicable.

D. ORGANIZATIONAL CAPACITY AND EXPERTISE

Applicants must demonstrate extensive experience and expertise in gun violence intervention and prevention, showcasing a deep understanding of the dynamics of gun violence and the ability to implement effective programs.

- **Organizational Experience**
 - **Case Study Details:** Include data from past programs, specifying the number of individuals reached, the reduction in violent incidents, and other relevant metrics.
 - **Insight Application:** Describe how previous lessons will be applied in the Berkeley context, with modifications or enhancements specific to local needs.
- **Training and Development**
 - **Curriculum Specifics:** Provide a detailed training schedule, including topics covered and qualifications of trainers.
 - **Training Evaluation:** Outline methods for assessing the effectiveness of training, such as pre- and post-assessment, staff feedback, and performance metrics.

This RFP is designed to facilitate the selection of a comprehensive, collaborative, and innovative approach to reduce gun violence in our community through targeted, data-driven interventions and strategic collaborations.

III. SUBMISSION REQUIREMENTS

All proposals shall include the following information, organized as separate sections of the proposal. The proposal should be concise and to the point.

1. Contractor Identification:

Provide the name of the firm, the firm's principal place of business (see section VII, F. – Local Vendor Preference), the name and telephone number of the contact person and company tax identification number.

2. Client References:

Provide a minimum of 3 client references. References should be California cities or other large public sector entities. Provide the designated person's name, title, organization, address, telephone number, and the project(s) that were completed under that client's direction.

3. Price Proposal:

The proposal must provide detailed pricing for all services, ensuring all program work does not surpass \$1M (per fiscal year) for the broader two-year \$2M pilot program. Pricing shall be all inclusive unless indicated otherwise. Pricing proposals shall be a separate document. The Proposal shall itemize all services, including hourly rates for all professional, technical and support personnel, and all other charges related to completion of the work. Evaluation of price proposals are subject to the local vendor business preference (see section VII.F.)

Please complete the [Program Budget Template](#) (See Attachment 4).

Note: The City of Berkeley intends to use this two-year pilot program as a foundation for developing a comprehensive approach to gun violence intervention and prevention. The focus will be on employing effective street outreach methods and custom notifications as principal strategies, as outlined in the attached report and recommendations.

4. Contract Terminations:

If your organization has had a contract terminated in the last five (5) years, describe such incident. Termination for default is defined as notice to stop performance due to the vendor's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the vendor, or (b) litigated and such litigation determined that the vendor was in default.

Submit full details of the terms for default including the other party's name, address, and phone number. Present the vendor's position on the matter. The City will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience.

If the firm has not experienced any such termination for default or early termination in the past five (5) years, so indicate.

5. Program Narrative:

Proposals should include a detailed narrative addressing the approach to each of the following criteria as outlined in Section II. SCOPE OF SERVICES:

- A. **Strategic Program Development:** Proposals must incorporate advanced strategies based on criminological and public health research and detail methodologies and approaches for engaging the target population, including identification methods, intervention strategies, and case-management coordination and follow-up.
- B. **Implementation and Compliance Monitoring:** Present a detailed plan for operationalizing the proposed strategies, including staffing, resource allocation, and program expansion. Describe how compliance will be ensured and how culturally sensitive practices will be integrated.
- C. **Operational Timeline & Location:** Outline a realistic timeline for the program's operational rollout and provide details on spatial needs, addressing how fieldwork and potential city space utilization will be managed.
- D. **Organizational Capacity and Expertise:** Demonstrate experience and expertise in the relevant field. Include case studies, application of insights, training specifics, and methods for evaluating training effectiveness.

IV. SELECTION CRITERIA

The following criteria will be considered, although not exclusively, in determining which firm(s) is hired. A selection panel comprising staff members with expertise in Gun Violence Intervention and Prevention (GVI/P), community engagement, racial equity, financial management, and relevant local knowledge will evaluate and score submissions. The panel will use a standardized scoring rubric to ensure a fair and comprehensive assessment of each proposal.

<u>Category</u>	<u>Criteria</u>	<u>Points</u>
Project Approach	<p><i>Approach to Custom Notifications:</i> Strategy for a custom notifications program that includes:</p> <ul style="list-style-type: none"> • Identification: Collaborating with law enforcement partners to identify a specific subset of individuals deemed at-risk. • Coordination: Designing a framework for coordinating with relevant stakeholders, including local authorities, community organizations, and social service providers, to create a unified approach for the development and delivery of custom notifications. • Delivery: Outlining the process for the personalized delivery of these notifications to the identified individuals, ensuring the approach is respectful, privacy-conscious, and tailored to address the specific needs and risks associated with each individual. 	30
	<p><i>Approach to Street Outreach:</i> Strategy for a street outreach program that includes:</p> <ul style="list-style-type: none"> • Team Management: Describing the management of a team of street outreach workers, focusing on their day-to-day functions, roles, and responsibilities to ensure a proactive and effective outreach effort. • Special Activities: Planning and implementing special activities aimed at engaging target populations, enhancing the outreach program's reach and impact. • Coordination: Ensuring the street outreach efforts are well-coordinated with community groups, law enforcement, and other stakeholders to provide seamless support to the target populations. • Training and Support: Detailing the training, supervision, and ongoing support mechanisms for outreach workers, preparing them to address the complexities of their roles and adapt to the dynamic needs of the communities they serve. 	
Expertise & References	<p><i>Comprehensive Experience:</i> Overview of the organization's background in GVP initiatives, with a special focus on custom notifications and street outreach. Submissions should highlight key staff qualifications, local collaborations, and the ability to manage federal funds effectively.</p>	30
Experience Serving Diverse Populations	<p><i>Inclusive Engagement Strategies:</i> Presentation of approaches for engaging diverse communities through custom notifications and street outreach, including evidence of past successes and accessibility measures.</p>	15

Presentation of Materials	<i>Alignment with Project Goals and Tailored Approach to Berkeley:</i> Evaluation of how the proposal aligns with the defined services and outcomes for the GVI/P project. Proposals must reference specific recommendations or findings in the attached documents and demonstrate a tailored approach to meet Berkeley's unique needs.	15
Costs	<i>Budget and Financial Oversight:</i> Detailed budget breakdown for custom notifications and street outreach, including justifications for cost efficiency and procedures for financial accountability.	10

* Effective 1/1/2022. Local Vendor Preference. For the purposes of comparing pricing as part of this competitive RFP for goods up to \$100,000 or non-professional services up to \$250,000, 5% shall be deducted from the bid price proposal from any local Berkeley vendor.

A selection panel will be convened of staff to evaluate and score submittals.

V. PAYMENT

Invoices: Invoices must be fully itemized and provide sufficient information for approving payment and audit. Invoices must be accompanied by receipt for services in order for payment to be processed. **Email invoices to Accounts Payable and cc' carredondo@berkeleyca.gov;** (List on invoice, Attn: Carianna Arredondo, City Manager's Office) and reference the contract number.

City of Berkeley
Accounts Payable
P.O. Box 700
Berkeley, CA 94710-700
Email: AccountsPayable@berkeleyca.gov
Phone: 510-981-7310

Payments: The City will make payment to the vendor within 30 days of receipt of a correct, approved and complete invoice.

VI. CITY REQUIREMENTS

(Do not modify any part of this section except: Living Wage would not apply if commodities are being purchased and Equal Benefits would not apply if the contract amount will be less than \$25,000. If this is the case, do not delete the section just note next to it “Does Not Apply to this Request for Proposal”)

A. Non-Discrimination Requirements:

Ordinance No. 5876-N.S. codified in B.M.C. Chapter 13.26 states that, for contracts worth more than \$3,000 bids for supplies or bids or proposals for services shall include a completed Workforce Composition Form. Businesses with fewer than five employees are exempt from submitting this form. (See B.M.C. 13.26.030)

Under B.M.C. section 13.26.060, the City may require any bidder or vendor it believes may have discriminated to submit a Non-Discrimination Program. The Contract Compliance Officer will make this determination. This applies to all contracts and all consultants (contractors). Berkeley Municipal Code section 13.26.070 requires that all contracts with the City contain a non-discrimination clause, in which the contractor agrees not to discriminate and allows the City access to records necessary to monitor compliance. This section also applies to all contracts and all consultants.

Bidders must submit the attached Non-Discrimination Disclosure Form with their proposal.

B. Nuclear Free Berkeley Disclosure Form:

Berkeley Municipal Code section 12.90.070 prohibits the City from granting contracts to companies that knowingly engage in work for nuclear weapons. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that engages in nuclear weapons work. If your company engages in work for nuclear weapons, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Nuclear Free Disclosure Form with their proposal.**

C. Oppressive States:

The City of Berkeley prohibits granting of contracts to firms that knowingly provide personal services to specified Countries. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that is covered by City Council Resolution Nos. 59,853-N.S., 60,382-N.S., and 70,606-N.S. If your company or any subsidiary is covered, explain on the Disclosure Form the nature of such work.

Bidders must submit the attached Oppressive States Disclosure Form with their proposal.

D. Sanctuary City Contracting Ordinance:

Chapter 13.105 of the Berkeley Municipal Code prohibits the City from granting and or retaining contracts with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security (“ICE”).

Bidders must submit the attached Sanctuary City Compliance Statement with their proposal.

E. Conflict of Interest:

In the sole judgment of the City, any and all proposals are subject to disqualification on the basis of a conflict of interest. The City may not contract with a vendor if the vendor or an employee, officer or director of the proposer's firm, or any immediate family member of the preceding, has served as an elected official, employee, board or commission member of the City who influences the making of the contract or has a direct or indirect interest in the contract.

Furthermore, the City may not contract with any vendor whose income, investment, or real property interest may be affected by the contract. The City, at its sole option, may disqualify any proposal on the basis of such a conflict of interest. **Please identify any person associated with the firm that has a potential conflict of interest.**

F. Berkeley Living Wage Ordinance:

Chapter 13.27 of the Berkeley Municipal Code requires that contractors offer all eligible employees with City mandated minimum compensation during the term of any contract that may be awarded by the City. If the Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with the City within a one-year period may subject Contractor to the requirements under B.M.C. Chapter 13.27. A certification of compliance with this ordinance will be required upon execution of a contract. The current Living Wage rate can be found here: [Information for Vendors | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/Information-for-Vendors). The Living Wage rate is adjusted automatically effective June 30th of each year commensurate with the corresponding increase in the Consumer Price Index published in April of each year. If the Living Wage rate is adjusted during the term of your agreement, you must pay the new adjusted rate to all eligible employees, regardless of what the rate was when the contract was executed.

G. Berkeley Equal Benefits Ordinance:

Chapter 13.29 of the Berkeley Municipal Code requires that contractors offer domestic partners the same access to benefits that are available to spouses. A certification of compliance with this ordinance will be required upon execution of a contract.

H. Statement of Economic Interest:

The City's Conflict of Interest Code designates "consultants" as a category of persons who must complete Form 700, Statement of Economic Interest, at the beginning of the contract period and again at the termination of the contract. The selected contractor will be required to complete the Form 700 before work may begin.

VII. OTHER REQUIREMENTS

A. Insurance

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$2,000,000, automobile liability insurance in the minimum amount of \$1,000,000 and a professional liability insurance policy in the amount of \$2,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance must name the City, its officers, agents, volunteers and employees as additional insured.

Insurance not Necessary: If the services are such that the risk of exposure to liability is very low, insurance may not be required. An example of such a service is an individual using his/her computer at home to lay out a newsletter for the City.

***** This determination must be made by the Risk Manager in writing before the RFP is issued. *****

Insurance Waiver: A situation in which insurance is not necessary is different from a case in which insurance may be waived. An insurance waiver is appropriate where insurance would usually be necessary but when, as a policy matter, the City is willing to take the risk of allowing an uninsured or under-insured individual or business to perform the work (usually when the risk of liability is low). An insurance waiver may be granted only by the Risk Manager in writing with the approval of the City Manager. If a potential bidder expresses an inability to meet the insurance requirement, he or she should be encouraged to contact the Project Manager & Risk Manager for assistance in obtaining insurance.)

B. Worker's Compensation Insurance:

A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.

C. Business License

Virtually every contractor that does business with the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. Warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305). Persons who, by reason of physical infirmity, unavoidable misfortune, or unavoidable poverty, may be granted an exemption of one annual free license at the discretion of the Director of Finance. (See B.M.C. sections 9.04.290).

Vendor must apply for a City business license and show proof of application to Purchasing Manager within seven days of being selected as intended contractor.

The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

D. Recycled Paper

Any printed reports for the City required during the performance of the work shall be on 100% recycled paper, and shall be *printed on both sides of the page* whenever practical.

E. State Prevailing Wage:

Certain labor categories under this project may be subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et seq. These labor categories, when employed for any "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," constitute a "Public Work" within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages.

Wage information is available through the California Division of Industrial Relations web site at:
http://www.dir.ca.gov/OPRL/statistics_and_databases.html

F. Local Vendor Preference

City of Berkeley applies a local vendor preference for comparing pricing submittals in RFP responses (City Council Resolution No. 69,890-N.S.)

A **local business** is defined as "a business firm with fixed offices or distribution points located within the City of Berkeley boundaries and listed in the Permits and License Tax paid file, with a Berkeley business street address."

Competing for non-professional services

For the purposes of comparing pricing as part of this competitive RFP for non-professional services up to \$250,000, 5% shall be deducted from the bid price proposal from any local Berkeley vendor in order to assign evaluation points to the pricing section.

VIII. SCHEDULE (Dates are subject to change)

- | | |
|--|----------------------------------|
| <input type="checkbox"/> Issue RFP to Potential Bidders | Friday, March 20, 2024 |
| <input type="checkbox"/> Bidders Conference | Friday, April 5, 2024 |
| <input type="checkbox"/> Questions Due | Monday, April 8, 2024 |
| <input type="checkbox"/> Answers Posted | Wednesday, April 10, 2024 |
| <input type="checkbox"/> Proposals Due from Potential Bidders | Tuesday, April 16, 2024 |
| <input type="checkbox"/> Reference Checks | <i>Week of April 22-26, 2024</i> |
| <input type="checkbox"/> Panel Interviews | Friday April 26, 2024 |
| <input type="checkbox"/> Completion of Section Process | Tuesday, April 30, 2024 |
| <input type="checkbox"/> Notification and Contract Negotiations | <i>Week of April 30, 2024</i> |
| <input type="checkbox"/> Council Approval of Contract (over \$50k) | Tuesday, June 4, 2024 |
| <input type="checkbox"/> Award of Contract | Wednesday, June 5, 2024 |
| <input type="checkbox"/> Sign and Process Contract | Tuesday, June 25, 2024 |
| <input type="checkbox"/> Notice to Proceed | Wednesday, June 26, 2024 |

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your proposal.

Attachments:

- | | |
|---|--------------|
| ● Gun Violence Prevention Report | Attachment 1 |
| ● D2 Advisory Recommendations | Attachment 2 |
| ● January 23, 2024 City Council Meeting | Attachment 3 |
| ● Program Budget Template | Attachment 4 |
| ● Check List of Required items for Submittal | Attachment A |
| ● Non-Discrimination/Workforce Composition Form | Attachment B |
| ● Nuclear Free Disclosure Form | Attachment C |
| ● Oppressive States Form | Attachment D |
| ● Sanctuary City Compliance Statement | Attachment E |
| ● Living Wage Form | Attachment F |
| ● Equal Benefits Certification of Compliance | Attachment G |
| ● Right to Audit Form | Attachment H |
| ● Insurance Endorsement | Attachment I |

ATTACHMENT A

CHECKLIST

- Proposal describing service (one (1) PDF of proposal)
- Contractor Identification and Company Information
- Client References
- Costs proposal by task, type of service & personnel (as a separate document from the proposal)
- Completed Program Narrative and Budget Template
- The following forms, completed and **signed in blue ink** (attached):
 - Non-Discrimination/Workforce Composition Form Attachment B
 - Nuclear Free Disclosure Form Attachment C
 - Oppressive States Form Attachment D
 - Sanctuary City Compliance Statement Attachment E
 - Living Wage Form (*may be optional*) Attachment F
 - Equal Benefits Certification (EBO-1) (*may be optional*) Attachment G

ADDITIONAL SUBMITTALS REQUIRED FROM SELECTED VENDOR AFTER COUNCIL APPROVAL TO AWARD CONTRACT.

- Provide **original-signed in blue ink** Evidence of Insurance
 - Auto
 - Liability
 - Worker's Compensation
- Right to Audit Form Attachment H
- Commercial General & Automobile Liability Endorsement Form Attachment I
- Berkeley Business License (Current Year Certificate)

For informational purposes only: Sample of Personal Services Contract can be found on the City's website on the current bid and proposal page at the top of the page.

City of Berkeley
Specification No. #24-11659-C
Gun Violence Intervention and Prevention Program

NON-DISCRIMINATION/WORKFORCE COMPOSITION FORM FOR NON-CONSTRUCTION CONTRACTS

To assist the City of Berkeley in implementing its Non-Discrimination policy, it is requested that you furnish information regarding your personnel as requested below and return it to the City Department handling your contract:

Organization: _____

Address: _____

Business Lic. #: _____

Occupational Category: (See reverse side for explanation of terms)	Total Employees		White Employees		Black Employees		Asian Employees		Hispanic Employees		Other Employees	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Official/Administrators												
Professionals												
Technicians												
Protective Service Workers												
Para-Professionals												
Office/Clerical												
Skilled Craft Workers												
Service/Maintenance												
Other (specify)												
Totals:												

Is your business MBE/WBE/DBE certified? Yes: _____ No: _____ If yes, by what agency? _____

If yes, please specify: Male: _____ Female: _____ Indicate ethnic identifications: _____

Do you have a Non-Discrimination policy? Yes: _____ No: _____

Signed: _____ Date: _____

Verified by: _____ Date: _____

City of Berkeley Contract Compliance Officer

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**

Attachment B (page 1)

Occupational Categories

Officials and Administrators - Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy superintendents, unit supervisors and kindred workers.

Professionals - Occupations that require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training that provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, and kindred workers.

Technicians - Occupations that require a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences) and kindred workers.

Protective Service Workers - Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police officers, fire fighters, guards, sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, and kindred workers.

Para-Professionals - Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of a staff development and promotion under a "New Transporters" concept. Includes: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker aides, home health aides, and kindred workers.

Office and Clerical - Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearings reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.

Skilled Craft Workers - Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairpersons, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, and kindred workers.

Service/Maintenance - Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry-cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, and construction laborers.

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**

Attachment B (page 2)

CITY OF BERKELEY
Nuclear Free Zone Disclosure Form

I (we) certify that:

1. I am (we are) fully cognizant of any and all contracts held, products made or otherwise handled by this business entity, and of any such that are anticipated to be entered into, produced or handled for the duration of its contract(s) with the City of Berkeley. (To this end, more than one individual may sign this disclosure form, if a description of which type of contracts each individual is cognizant is attached.)
2. I (we) understand that Section 12.90.070 of the Nuclear Free Berkeley Act (Berkeley Municipal Code Ch. 12.90; Ordinance No. 5784-N.S.) prohibits the City of Berkeley from contracting with any person or business that knowingly engages in work for nuclear weapons.
3. I (we) understand the meaning of the following terms as set forth in Berkeley Municipal Code Section 12.90.130:

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management or administration of such work.

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

4. Neither this business entity nor its parent nor any of its subsidiaries engages in work for nuclear weapons or anticipates entering into such work for the duration of its contract(s) with the City of Berkeley.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Business Entity: _____

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**

Attachment C

CITY OF BERKELEY
Oppressive States Compliance Statement

The undersigned, an authorized agent of _____ (hereafter "Vendor"), has had an opportunity to review the requirements of Berkeley City Council Resolution Nos. 59,853-N.S., 60,382-N.S., and 70,606-N.S., (hereafter "Resolutions"). Vendor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with those Business Entities which maintain business relationships with morally repugnant regimes. Vendor understands the meaning of the following terms used in the Resolution:

"Business Entity" means "any individual, firm, partnership, corporation, association or any other commercial organization, including parent-entities and wholly owned subsidiaries" (to the extent that their operations are related to the purpose of the contract with the City).

"Oppressive State" means: **Tibet Autonomous Region and the Provinces of Aho, Kham and U-Tsang; and Burma (Myanmar)**

"Personal Services" means "the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship."

Contractor understands that it is not eligible to receive or retain a City contract if at the time the contract is executed, or at any time during the term of the contract it provides Personal Services to:

- a. The governing regime in any Oppressive State.
- b. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- c. Any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

Vendor further understands and agrees that Vendor's failure to comply with the Resolution shall constitute a default of the contract and the City Manager may terminate the contract and bar Vendor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

The undersigned is familiar with or has made a reasonable effort to become familiar with, Vendor's business structure and the geographic extent of its operations. By executing the Statement, Vendor certifies that it complies with the requirements of the Resolution and that if any time during the term of the contract it ceases to comply, Vendor will promptly notify the City Manager in writing.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Business Entity: _____

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**

I am unable to execute this Statement; however, Vendor is exempt under Section VII of the Resolution. I have attached a separate statement explaining the reason(s) Vendor cannot comply and the basis for any requested exemption.

Signature: _____ Date: _____

Attachment D

CITY OF BERKELEY
Sanctuary City Compliance Statement

The undersigned, an authorized agent of _____ (hereafter "Contractor"), has had an opportunity to review the requirements of Berkeley Code Chapter 13.105 (hereafter "Sanctuary City Contracting Ordinance" or "SCCO"). Contractor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE"). Contractor understands the meaning of the following terms used in the SCCO:

- a. "Data Broker" means either of the following:
 - i. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies.
 - ii. The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services." Extreme Vetting does not include:
 - i. The City's computer-network health and performance tools.
 - ii. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer-based activity.

Contractor understands that it is not eligible to receive or retain a City contract if at the time the Contract is executed, or at any time during the term of the Contract, it provides Data Broker or Extreme Vetting services to ICE.

Contractor further understands and agrees that Contractor's failure to comply with the SCCO shall constitute a material default of the Contract and the City Manager may terminate the Contract and bar Contractor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

By executing this Statement, Contractor certifies that it complies with the requirements of the SCCO and that if any time during the term of the Contract it ceases to comply, Contractor will promptly notify the City Manager in writing. Any person or entity who knowingly or willingly supplies false information in violation of the SCCO shall be guilty of a misdemeanor and up to a \$1,000 fine.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this _____ day of _____, 20__, at _____, California.

Printed Name: _____ Title: _____

Signed: _____ Date: _____

Business Entity: _____

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**
SCCO CompStmt (10/2019)

Attachment E

CITY OF BERKELEY
Living Wage Certification for Providers of Services

TO BE COMPLETED BY ALL PERSONS OR ENTITIES ENGAGING IN A CONTRACT FOR PERSONAL SERVICES WITH THE CITY OF BERKELEY.

The Berkeley Municipal Code Chapter 13.27, Berkeley's Living Wage Ordinance (LWO), provides that contractors who engage in a specified amount of business with the City (except where specifically exempted) under contracts which furnish services to or for the City in any twelve (12) month period of time shall comply with all provisions of this Ordinance. The LWO requires a City contractor to provide City mandated minimum compensation to all eligible employees, as defined in the Ordinance. In order to determine whether this contract is subject to the terms of the LWO, please respond to the questions below. Please note that the LWO applies to those contracts where the contractor has achieved a cumulative dollar contracting amount with the City. Therefore, even if the LWO is inapplicable to this contract, subsequent contracts may be subject to compliance with the LWO. Furthermore, the contract may become subject to the LWO if the status of the Contractor's employees' changes (i.e. additional employees are hired) so that Contractor falls within the scope of the Ordinance.

Section I.

1. IF YOU ARE A FOR-PROFIT BUSINESS, PLEASE ANSWER THE FOLLOWING QUESTIONS

a. During the previous twelve (12) months, have you entered into contracts, **including the present contract**, bid, or proposal, with the City of Berkeley for a **cumulative amount of \$25,000.00 or more?**

YES _____ NO _____

If **no**, this contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question **1(b)**.

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES _____ NO _____

If you have answered, "YES" to questions 1(a) and 1(b) this contract IS subject to the LWO. If you responded "NO" to 1(b) this contract IS NOT subject to the LWO. **Please continue to Section II.**

2. IF YOU ARE A NON-PROFIT BUSINESS, AS DEFINED BY SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1954, PLEASE ANSWER THE FOLLOWING QUESTIONS.

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid or proposal, with the City of Berkeley for a cumulative amount of \$100,000.00 or more?

YES _____ NO _____

If **no**, this Contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question 2(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES _____ NO _____

If you have answered, "YES" to questions 2(a) and 2(b) this contract IS subject to the LWO. If you responded "NO" to 2(b) this contract IS NOT subject to the LWO. **Please continue to Section II.**

Section II

Please read, complete, and sign the following:

THIS CONTRACT **IS** SUBJECT TO THE LIVING WAGE ORDINANCE.

THIS CONTRACT **IS NOT** SUBJECT TO THE LIVING WAGE ORDINANCE.

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**

Attachment F (page 1)

City of Berkeley

Specification No. #24-11659-C

Gun Violence Intervention and Prevention Program

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Berkeley's Living Wage Ordinance, and the applicability of the Living Wage Ordinance, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all of the terms of the Living Wage Ordinance, as mandated in the Berkeley Municipal Code, Chapter 13.27. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the City Manager in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract and the City Manager may terminate the contract and bar Contractor from future contracts with the City for five (5) years from the effective date of the Contract termination. If the contractor is a for-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 25% or more of their compensated time engaged in work directly related to the contract with the City. If the contractor is a non-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 50% or more of their compensated time engaged in work directly related to the contract with the City.

These statements are made under penalty of perjury under the laws of the state of California.

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Business Entity: _____

Section III

-
- **** FOR ADMINISTRATIVE USE ONLY -- PLEASE PRINT CLEARLY ****

I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

Department Name

Department Representative

To be completed by
Contractor/Vendor



Form EBO-1
CITY OF BERKELEY

CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE

If you are a **contractor**, return this form to the originating department/project manager. If you are a **vendor** (supplier of goods), return this form to the Purchasing Division of the Finance Dept.

SECTION 1. CONTRACTOR/VENDOR INFORMATION

Name:		Vendor No.:	
Address:	City:	State:	ZIP:
Contact Person:		Telephone:	
E-mail Address:		Fax No.:	

SECTION 2. COMPLIANCE QUESTIONS

- A. The EBO is inapplicable to this contract because the contractor/vendor has no employees.
 Yes No (If "Yes," proceed to Section 5; if "No", continue to the next question.)
- B. Does your company provide (or make available at the employees' expense) any employee benefits?
 Yes No
If "Yes," continue to Question C.
If "No," proceed to Section 5. (The EBO is not applicable to you.)
- C. Does your company provide (or make available at the employees' expense) any benefits to the spouse of an employee? Yes No
- D. Does your company provide (or make available at the employees' expense) any benefits to the domestic partner of an employee? Yes No

If you answered "No" to both Questions C and D, proceed to Section 5. (The EBO is not applicable to this contract.) If you answered "Yes" to both Questions C and D, please continue to Question E.
If you answered "Yes" to Question C and "No" to Question D, please continue to Section 3.

- E. Are the benefits that are available to the spouse of an employee identical to the benefits that are available to the domestic partner of the employee? Yes No

If you answered "Yes," proceed to Section 4. (You are in compliance with the EBO.)
If you answered "No," continue to Section 3.

SECTION 3. PROVISIONAL COMPLIANCE

- A. Contractor/vendor is not in compliance with the EBO now but will comply by the following date:
 - By the first effective date after the first open enrollment process following the contract start date, not to exceed two years, if the Contractor submits evidence of taking reasonable measures to comply with the EBO; or
 - At such time that administrative steps can be taken to incorporate nondiscrimination in benefits in the Contractor's infrastructure, not to exceed three months; or
 - Upon expiration of the contractor's current collective bargaining agreement(s).

City of Berkeley

Specification No. #24-11659-C

Gun Violence Intervention and Prevention Program

B. If you have taken all reasonable measures to comply with the EBO but are unable to do so, do you agree to provide employees with a cash equivalent? * Yes No

* The cash equivalent is the amount of money your company pays for spousal benefits that are unavailable for domestic partners.

SECTION 4. REQUIRED DOCUMENTATION

At time of issuance of purchase order or contract award, you may be required by the City to provide documentation (copy of employee handbook, eligibility statement from your plans, insurance provider statements, etc.) to verify that you do not discriminate in the provision of benefits.

SECTION 5. CERTIFICATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to bind this entity contractually. By signing this certification, I further agree to comply with all additional obligations of the Equal Benefits Ordinance that are set forth in the Berkeley Municipal Code and in the terms of the contract or purchase order with the City.

Executed this _____ day of _____, in the year _____, at _____, _____
(City) (State)

Name (please print)

Signature

Title

Federal ID or Social Security Number

FOR CITY OF BERKELEY USE ONLY

- Non-Compliant (The City may not do business with this contractor/vendor)
- One-Person Contractor/Vendor Full Compliance Reasonable Measures
- Provisional Compliance Category, Full Compliance by Date: _____
- Staff Name (*Sign and Print*): _____ Date: _____

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**

Attachment G (page 2)

CITY OF BERKELEY
Right to Audit Form

The contractor agrees that pursuant to Section 61 of the Berkeley City Charter, the City Auditor’s office may conduct an audit of Contractor’s financial, performance and compliance records maintained in connection with the operations and services performed under this contract.

In the event of such audit, Contractor agrees to provide the Auditor with reasonable access to Contractor’s employees and make all such financial, performance and compliance records available to the Auditor’s office. City agrees to provide Contractor an opportunity to discuss and respond to/any findings before a final audit report is filed.

Signed: _____ Date: _____

Print Name & Title: _____

Company: _____

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**

Please direct questions regarding this form to the Auditor's Office, at (510) 981-6750.

Attachment H

CITY OF BERKELEY
Commercial General and Automobile Liability Endorsement

The attached Certificates of Insurance are hereby certified to be a part of the following policies having the following expiration dates:

Policy No.	Company Providing Policy	Expir. Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The scope of the insurance afforded by the policies designated in the attached certificates is not less than that which is afforded by the Insurance Service Organization's or other "Standard Provisions" forms in use by the insurance company in the territory in which coverage is afforded.

Such Policies provide for or are hereby amended to provide for the following:

1. The named insured is _____.
2. CITY OF BERKELEY ("City") is hereby included as an additional insured with respect to liability arising out of the hazards or operations under or in connection with the following agreement:
_____.

The insurance provided applies as though separate policies are in effect for both the named insured and City but does not increase the limits of liability set forth in said policies.

3. The limits of liability under the policies are not less than those shown on the certificate to which this endorsement is attached.
4. Cancellation or material reduction of this coverage will not be effective until thirty (30) days following written notice to _____, Department of _____, Berkeley, CA.
5. This insurance is primary and insurer is not entitled to any contribution from insurance in effect for City.

The term "City" includes successors and assigns of City and the officers, employees, agents and volunteers.

Insurance Company

Date: _____

By: _____
Signature of Underwriter's
Authorized Representative

Contract Description/Specification No: **Gun Violence Intervention and Prevention Program/24-11659-C**

Attachment I

APPENDIX F

Commission on the Status of Women Public Safety/Crime Prevention for Women Referral



Commission on the Status of Women

CONSENT CALENDAR

February 13, 2024

To: Mayor and Members of the Berkeley City Council

From: Commission on the Status of Women

Submitted by: Carole Marasovic, Chair, Commission on the Status of Women

Subject: Recommendation on Public Safety/Crime Prevention for Women

RECOMMENDATION:

That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address the current rising crime against women, particularly older women. These plans should include a budget referral to the Council Budget and Finance Committee for consideration in the June budget process.

These plans should include:

1. Developing a plan of safety escorts modeled on the Respect-BART Escorts Program passed by Council in 2003 to address the rash of muggings on Berkeley BART paths (North Berkeley and Ashby). As in that plan, where \$40,500 was approved by Council, the Council Public Safety Policy Committee should identify the current amount of monies needed for funding for this newly developed 2024 plan and Council refer to the June budget process. These safety escorts should be available throughout the entire community of Berkeley upon request. The Council Public Safety Committee should also identify if a RFP need be issued for this purpose;
2. Develop a plan to engage Berkeley community ambassadors working under the Downtown Berkeley Association, Telegraph Business Improvement District and any similar ambassador programs to provide safety escort services upon request through the business districts they serve and nearby residences that can be reached by foot;
3. Explore if the City ride-share funded program, Go-Go Grandparent, should be expanded and in what form to provide ride shares for women concerned about their safety. Consider cost share, if necessary, for some women and working with the ride-share companies to ensure that they watch for the woman to safely reach her door before leaving; Consider the feasibility of lifting age or disability requirements. Identify a budgetary recommendation to be directed to the Council Budget and Finance Committee.

4. Develop a City-wide community forum targeted towards women with a special emphasis on safety and crime prevention for older, vulnerable women. This meeting should be led by the Berkeley Police Department with participation by other safety-related community resources and moderated by an official proposed by the Council Public Safety Committee. The Committee shall recommend that the forum be hybrid, both Zoom and in person. The Committee shall also discuss how City-wide promotion of this public safety crime prevention forum shall be conducted.

5. Consult with the Berkeley Police Department to provide data and other information identifying geographic locations which are high priority for safety escorts. Consult with Berkeley Police Department to secure other information as to where women are most at safety risk and what hours safety escorts, and other recommendations as stated above, be best utilized. The Berkeley Police Department shall provide this information at a Council Public Safety Committee meeting.

CURRENT SITUATION AND ITS EFFECTS:

In recent years, crime has risen including crime during broad daylight. Women have been frequently targeted, many of which have been older women. Women need to feel safe in our community. Safety escorts will reduce crime. The Commission Chair has consulted with former Councilmember Linda Maio, who sponsored the 2003 item, who confirmed that muggings greatly diminished under the 2003 BART Escorts Program following implementation.

A City-wide community forum will make Berkeley residents more aware of the crime and precautions that need to be taken.

FISCAL IMPACTS OF RECOMMENDATION

Fiscal impacts shall be identified by the Council Public Safety Committee. The figure of \$40,500 earlier budgeted is obviously outdated as it is a figure from 20 years ago. In addition, that \$40,500 exclusively covered safety escorts down BART paths and during limited hours. This recommendation broadens safety escorts coverage to a City-wide basis. Substantial funding is needed to fully implement these plans. However, the safety of our Berkeley residents is critical.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

BACKGROUND

On November 15, 2023, the Commission on the Status of Women voted as follows:

That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address rising crime against women, particularly older women as stated in this recommendation in the

aforementioned 5 points. That Council refer plans developed based on the proposed recommendations for the safety of women, particularly older women, to the June budget process.

M/S/C: Marasovic, Arora

Ayes: Marasovic, Simon, Posey, Ortiz-Cedeno, Arora, Oliver

Noes: None.

Abstain:

Absent: Boyd

LOA: Seshagiri, Goodwin

RATIONALE FOR RECOMMENDATION

Safety is critical to our community. The crime landscape has changed where crime victims are targeted in broad daylight more commonly than in the past. Women have been frequently targeted with many victims older and more vulnerable. These safety issues require awareness, education and implementation of crime prevention models beyond police response after the fact.

ALTERNATIVE ACTIONS CONSIDERED

To leave the situation as is and not provide needed crime prevention protections for women.

CITY MANAGER

The City Manager takes no position on this recommendation.

CONTACT PERSON

Okeya Vance-Dozier, Community Services Specialist II, Office of the City Manager
(510) 981-7239

Carole Marasovic, Chair, Commission on the Status of Women, (510) 225-5060

Attachments:

1. BART RESPECT Escorts program contract (2003)
2. BART RESPECT Escorts program contract (2006)
3. Resolution No. 57,737-N.S.
4. City Council Meeting Minutes, November 1, 1994
5. Resolution No. 57,832-N.S.
6. Resolution No. 58,160-N.S.

Recommendation on Public Safety/Crime Prevention for Women

Consent Calendar
February 13, 2024

7. Resolution No. 58,636-N.S.
8. Resolution No. 59,012-N.S.
9. Resolution No. 62,124-N.S.
10. Resolution No. 63,166-N.S.

CONTRACT STATUS FORM	CONTRACT NUMBER:		6085	
	CMS ID CODE:		CZTTS	
	CONTRACT TYPE:		Community Agency	
	CONTRACT AMOUNT:		\$40,500	
VENDOR:	Berkeley Boosters Association			
ADDRESS:	1642 University Avenue			
	Berkeley, CA 94703			
PROJECT MANAGER:	Douglas Hambleton	DEPT:	POLICE	
KEYWORDS:	BART Safety Escort, winter months, commute hours, Ashby station, North Berkeley station, RESPECT Team, 10/27/2003, 03/05/2004, FY03-04			
COUNCIL AUTHORIZATION:	Resolution No:	Ordinance No:	Check One:	
	62,124		<input type="checkbox"/> A.R. 3.14 <input type="checkbox"/> BMC 7.12.030	
DATES:	06/24/03	Council Authorization		
	07/01/03	Contract Start		
	06/30/04	Contract Expiration		
	08/19/03	Received from Auditor		
	08/20/03	Vendor's Copy sealed and Mailed		
COMMENTS:				
RETENTION		CHECKLIST		
✓	CON 1	8/20	Clerk's Index	700 Form
	CON 2	8/20	CMS Log In	Promissory Note
DATE	6/30/09	8/20	CMS Log Out	
	Indefinite			
REVIEWED BY:	Danielle K. Muller		DATE: 08/20/03	

EXPENDITURE CONTRACT REVIEW FORM
 "NEW CONTRACTS"

CMS No.: CZTTS
 (To be filled in by department)

Contract No.: 6095
 (To be filled in by auditor)

CONTRACTOR NAME: BERKELEY BOOSTER ASSOCIATION - BERKELEY ESCORT

This contract package contains: Three Original (Department, Vital Record and Vendor) contracts in Folders		Attached	Waiver Attached	Not Required
*The Vital Record contract MUST be in a folder. *Optional: In lieu of folders, the Department and Vendor copies may be assembled with an Acco-fastener.				
1	Scope of Services	X	///	///
2	Payment Provisions	X	///	///
3	Evidence of Competitive Solicitation or CM Waiver	<input type="checkbox"/>	<input type="checkbox"/>	X
4	Workforce Composition (businesses with 5 or more employees)	X	<input type="checkbox"/>	<input type="checkbox"/>
5	Nuclear Free Berkeley Disclosure	X	///	<input type="checkbox"/>
6	Oppressive States Disclosure (Exception: Community-based, non-profit organizations)	X	<input type="checkbox"/>	<input type="checkbox"/>
7	Living Wage Certification (Exception: Construction contracts)**LWO form revised 8/02	X	<input type="checkbox"/>	<input type="checkbox"/>
8	Certification of Compliance with Equal Benefits Ordinance **EBO form revised 7/02	X	<input type="checkbox"/>	<input type="checkbox"/>
9	Certificate(s) of Insurance or Waiver (originals, not copies)	X	<input type="checkbox"/>	<input type="checkbox"/>
10	Insurance Endorsement	X	<input type="checkbox"/>	<input type="checkbox"/>
11	Council Resolution No.: 62,124 N.S.	X	///	<input type="checkbox"/>
12	Form 700, Statement of Economic Interests (consultant contracts only)	<input type="checkbox"/>	///	<input type="checkbox"/>

Requisition No.: 84856 80477 (Hard copy attached) Contract amount: \$ 40,500
 Was there an advance payment made? Yes No If so, Purchase Order No.: 47095 P

Routing and signatures:
 I certify that the contract package is complete and accurate.

1. D. H. Witt Police 981-5800 8/11/03
 Project Manager Department Phone No. Date

2. Ann Thomas 981-5976 8/11/03
 Mgr. of Engineering (PW construction contracts only) Date

3. Ann Thomas 981-5700 8/11/03
 Dept. Admin. Officer/Accounting Date

4. [Signature] 8/12/03
 Department Head Date

5. [Signature] 8/12/03
 Employee Relations Officer Date

6. _____ Date
 Contract Compliance Officer (for construction contracts only)

Routing continues to the following persons, who sign directly on the contract:

7. City Manager (Will not sign the contract unless all signatures and dates appear above.)
 8. City Auditor (Initials [Signature])
 9. City Clerk (Initials _____)

RECEIVED
 AUG 15 2003
 City Auditor

COMMUNITY AGENCY CONTRACT

This contract is executed on July 1, 2003 and effective on July 1, 2003, between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California, ("CITY"), and Berkeley Boosters Association, a non-profit corporation under the laws of the State of California, doing business at 1642 University Ave, Berkeley, CA. ("CONTRACTOR").

WHEREAS, the City has entered into a grant contract with the United States Department of Housing and Urban Development (HUD), for a Community Development Block Grant under the Housing and Community Development Act of 1974, as amended (CDBG) and/or United States Department of Housing and Urban Development (HUD) for an Emergency Shelter Grant (ESG) under the Stewart B. McKinney Homeless Assistance Act of 1988, as amended and/or Government Code Section 12725 et. seq., as amended, and 42 United States Code (USC) 9901 et. seq., as amended, the Community Services Block Grant Act as amended (CSBG), and/or a Shelter Plus Care Grant (S+C) under the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and under said grant contract(s) and/or through the use of its General Funds including Measure O Homeless Funds, the City is undertaking certain activities; and

WHEREAS, the City desires to engage Contractor to render certain assistance for such undertaking.

NOW, THEREFORE, the City and Contractor mutually agree as follows:

ARTICLE 1, SCOPE OF SERVICES

A. Contractor agrees to perform all those services described in Exhibit A attached hereto and made a part hereof, in accordance with the terms and conditions stated therein.

B. Contractor shall provide all necessary supplies, equipment, materials, clerical and all other services required for satisfactory performance of this contract as described in Exhibit(s) A attached hereto and made a part hereof, in accordance with the terms and conditions stated therein.

ARTICLE 2, TIME PERIOD OF CONTRACT

Contractor shall begin performance under this contract on July 1, 2003, and shall continue until June 30, 2004, unless earlier terminated as provided in Article 37 below.

ARTICLE 3, PAYMENT

A. This contract is utilized in connection with programs which receive funding from any one or combination of federal and local sources, including but not limited to, CDBG, ESG, CSBG, Shelter Plus Care, and/or the City of Berkeley General Fund.

B. City agrees to pay Contractor its expenses incurred in the performance of this agreement, not to exceed \$40,500 in accordance with the Budget and Method of Payment attached hereto as Exhibit B, and made a part hereof, in accordance with the terms and conditions stated therein. Payment by City shall be subject to receipt of Contractor's invoice(s) and supporting documentation of expenditures. At the beginning of the contract period, City will inform Contractor of necessary procedures for billing and required documentation.

C. Fiscal Year 2004: Contractor acknowledges and agrees that the obligation of the City to pay the contract sum above is contingent upon the provision of funds from the State of California to the City's General Fund for the Fiscal Year 2004 which begins in July 2003 and extends through June 2004. Contractor acknowledges and agrees that if the

July 2003

State of California provides less monies to the City than was provided in Fiscal Year 2002, the City's General Funds will be adversely impacted and thus the City's ability to continue paying the above sums will be adversely impacted. In this event, the total not to exceed amount of this contract may be reduced unilaterally in the sole discretion of the City at any time during Fiscal Year 2004. The City may, but is not required to, allow the Human Welfare and Community Action Commission, the Homeless Commission, or other appropriate review body to consider the size of this reduction and make recommendations to the City Council for final approval.

D. Fiscal Year 2005: Continued payment to the eligible contractors for Fiscal Year 2005 which begins in July 2004 and extends through June 2005, the second year of the contract term, is subject to the contingencies set forth below:

- 1) Berkeley General Fund Category: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004, unless such sum is reduced pursuant to the terms provided for in subsection C. Payment of the same or reduced sum in the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from the State of California as it received in Fiscal Year 2004; b) satisfactory performance of the Contractor's duties under this contract during the prior year; and c) in the Fiscal Year 2005 budget, the City Council appropriates the same or greater amount of money from the General Fund as it did in Fiscal Year 2004 for the purpose of funding this contract. Contractor acknowledges and agrees that if the State of California provides less funds to the City in Fiscal Year 2005 than was provided in Fiscal Year 2004, the contract amount the City will pay Contractor may be reduced pursuant to the terms described in subsection C of this Article.
- 2) CDBG Public Services Category Funding: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004. Payment of the same sum under the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from HUD as it received in Fiscal Year 2004, and b) satisfactory performance of the Contractor's duties under this contract during the prior year. Contractor acknowledges and agrees that if City receives less funding from HUD in Fiscal Year 2005, the amount City will pay Contractor will be reduced accordingly in the sole discretion of the City, with the reduction being prorated across all agencies receiving contracts under this same funding category.
- 3) All Other CDBG Categories, S+C and ESG: Contract terms greater than one year are not authorized; therefore, the Contractor must reapply for funding.
- 4) CSBG and City of Berkeley General Funds: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004, unless such sum is reduced pursuant to the terms provided for in subsection C. In addition, payment of the same or reduced sum the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from HUD as it received in Fiscal Year 2004; b) City receives the same or greater level of funding from the State of California as it received in Fiscal Year 2004; c) in the Fiscal Year 2005 budget, the City Council appropriates the same amount of money from the General Fund as it did in Fiscal Year 2004 for the purpose of funding this contract; and D) Contractor satisfactorily performs duties under this contract during the prior year. Contractor acknowledges and agrees that if City receives less funding from the State of California and/or from HUD in Fiscal Year 2005, the amount the City will pay Contractor may be reduced. Contractor further acknowledges and agrees that if funding from the State of California or HUD to the City is reduced, the reduced contract sum for this contract will be reconsidered by the Human Welfare and Community Action Commission, the Homeless Commission, or other appropriate review body which will make recommendations to the City Council for final approval.

ARTICLE 4, BUDGET MODIFICATION

July 2003

A. A 10% variation among budget line item categories will be allowed, provided the total expenditure under all line items does not exceed the total contract amount.

B. A variation among budget line items exceeding 10% will be allowed at Contractor's discretion, provided written approval is granted by the Manager of Program Planning, Management and Budget (PPMB) Division or his/her designee prior to submission of Contractor's invoice, and provided that the contract total is not exceeded.

C. Expenditures covered by unauthorized budget modifications will be subject to disallowance by City and repayment by Contractor.

ARTICLE 5, METHOD OF PAYMENT MODIFICATION

A. Modifications in the Method of Payment requested by Contractor will be allowed provided the total contract amount is not exceeded and provided prior written approval is granted by the Manager of PPMB or his/her designee.

B. Modifications in the Method of Payment that exceed the total contract amount will require City Council approval.

ARTICLE 6, RECORDS

A. Contractor agrees to keep all necessary books and records, including property, personnel, and financial records, in connection with the operations and services performed under this agreement, in accordance with 24 CFR Part 570 and OMB Circular A-110.

- 1) Records of nonexpendable property shall be maintained in accordance with the procedures set forth in Attachment N of Office of Management and Budget Circular A-102, and shall contain any additional information which may be required by City.
- 2) Financial records of contract funds shall be kept separately and not co-mingled with records of other funds.
- 3) Solely for the purpose of verifying compliance with the terms of this Contract, Contractor shall maintain the following types of records:
 - a) job description, minimum qualifications, and compensation for all positions funded under this contract;
 - b) time sheets or comparable documentation for all personnel compensated with contract funds (such records shall clearly shows the time spent on contract activities).
- 4) Contractor assures that for contracts exceeding one hundred thousand dollars (\$100,000), to the best of its knowledge, it is fully complying with the earning assignment orders of all employees, and is providing the names of all new employees to the New Hire Registry maintained by the Employment Development Department as set forth in the Child Support Compliance Act of 1998, subdivision (1) Public Contract Code 7110.

B. Contractor agrees to maintain racial, gender, head of household, age, income, family size, and neighborhood residence data, as may be required under the law, showing the extent to which these categories of persons have participated in, or benefited from the contract activities.

C. Contractor agrees to maintain employee and applicant records in a confidential manner to assure compliance with the Information Practices Act of 1977, as amended, and the Federal Privacy Act of 1974, as amended.

July 2003

D. Contractor agrees to maintain and preserve such records during the period from start of contract performance until three (3) years from the submission of the final performance report or until the audit, referred to in Article 39, is conducted and Contractor receives City notification that said audit has been accepted, whichever is later, except as follows:

- 1) Records that are subject of audit findings shall be retained for five years after such findings have been resolved.
- 2) Records for non-expendable property which was acquired with contract funds shall be retained for three years after its final disposition.
- 3) Records for any person displaced as a result of contract activities shall be retained for three years after the contract activities have been completed or the person has received his/her final relocation payment, whichever is later.
- 4) Records pertaining to each real property acquisition shall be retained for five years after settlement of the acquisition, or until disposition of the applicable relocation records in accordance with paragraph (3) of this section, whichever is later.

E. The Secretary of HUD, the Comptroller General of the United States, the State Department of Economic Development, the City, or any of their duly authorized representatives shall have access to and right to examine such records related to this contract during this period.

ARTICLE 7, REPORTS AND ON-SITE REVIEWING

A. Reports: Contractor agrees to submit periodic program status and financial reports to City in a timely manner, and other reports and information as City determines are necessary to carry out its responsibilities in accordance with 24 CFR 570 and OMB Circular A-110.

B. On-Site Performance Review: Authorized representatives of HUD, the State of California, and the City shall have the opportunity to review Contractor's performance under this contract at the sites where such performance is being conducted. This review shall be in accordance with 24 CFR Part 570 and OMB Circular A-110. Such review is solely for the purpose of verifying that the Contractor is providing the quality and quantity of services specified in this contract and includes:

- 1) Observation of service delivery and training, as agreed upon by Contractor, and administrative activities in support of this contract.
- 2) Interview with Contractor personnel and staff currently involved in project operations.
- 3) Inspection of construction work in progress and upon completion.
- 4) Validation of source data used in the preparation of reports to the City, provided this does not result in any breach of client confidentiality and is mutually agreed upon.
- 5) Interviews with clients, when such interviews will not result in a breach of client confidentiality and are mutually agreed upon.
- 6) Inventory of personal property acquired with contract funds.

Refusal or failure by Contractor to provide reviewing opportunities as described herein within ten (10) working days after notice from the City constitutes a violation of this contract and is cause for contract termination.

ARTICLE 8, FINANCIAL MANAGEMENT

The Contractor shall maintain a financial management system in accordance with OMB Circulars A-87, A-110 and A-122, which provide for:

- A. Records that identify adequately the source and application of funds for contract activities.
- B. Effective control over and accountability for all funds, property, and other assets. Contractor shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
- C. Comparison of actual outlays with budgeted amounts for contract funds.
- D. Procedures to minimize the time elapsing between the transfer of funds from the City and disbursement by the Contractor, whenever funds are advanced by the City. CDBG funds shall be placed in an interest bearing account, where appropriate.
- E. Procedures for determining the reasonableness, allowability, and allocability of costs.
- F. Accounting records that are supported by source documentation.
- G. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

ARTICLE 9, REAL PROPERTY

A. Definition: Real property refers to land including improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

B. Use and Disposition: Use and disposition of real property acquired or improved, partly or wholly with contract funds in excess of \$25,000, shall be governed by requirements prescribed by HUD or its successor, and City, including the following:

- 1) Title to real property shall vest in Contractor subject to the condition that Contractor shall use the real property for the authorized purpose of this contract until (5) five years after the expiration of this contract or such period of time as determined by the City and stated in Exhibit A.
- 2) Contractor shall obtain approval from the City for use of the real property for activities other than those authorized by this contract when Contractor determines that the property is no longer needed for such purpose. Use for other activities shall be limited to those carried out under other federal grant programs, or under programs that have purposes consistent with those authorized for support by City.
- 3) If disposed of in a manner resulting in the Contractor being reimbursed in the amount of the current fair market value of the property, the Contractor shall reimburse the City in the amount of the current fair market value less any portion acquired or improved with non-CDBG funds. Such reimbursement is not required after the period of time specified in B (1) above.

ARTICLE 10, TANGIBLE PERSONAL PROPERTY

All procurement transactions funded under this contract for tangible personal property shall be conducted in a
July 2003

manner consistent with HUD regulations in OMB Circular A-110, Attachment N.

A. Definitions

- 1) Personal Property: Personal property refers to all property, except real property, which is acquired with contract funds. Tangible property has physical existence. Intangible property has no physical existence.
- 2) Non-expendable Personal Property: Non-expendable personal property means tangible personal property, acquired with contract funds, having a useful life of more than one year and an acquisition cost of \$300 or more per unit.
- 3) Expendable Personal Property: Expendable personal property refers to all tangible personal property acquired with contract funds other than non-expendable property.

B. Acquisition

- 1) Purchase of personal property exceeding \$300 per item and not delineated in Exhibit B shall require prior approval from the City.
- 2) Contractor shall submit documentation to City for each item of non-expendable property at the time such property is acquired. Documentation shall demonstrate proof of purchase and indicate date of acquisition, cost, and description of the item, and any other information which may be required by the City.

C. Identification, Inventory, and Maintenance

- 1) Contractor shall conduct annual inventories to verify the existence, condition, current utilization, and future need for non-expendable property. Contractor shall submit a written report on each inventory conducted by Contractor to the City. Such report shall account for any differences between Contractor's property records and the inventory findings.
- 2) Contractor shall ensure adequate safeguards to prevent loss, damage, and theft of property. In case such property is stolen or lost, Contractor shall immediately notify the Police Department, obtain a written police report, and notify the City within three (3) working days of discovering stolen or lost property.

D. Use and Disposition

- 1) Non-Expendable Property
 - a. Title to non-expendable personal property having a unit acquisition cost of less than \$1,000 shall vest in the Contractor. For non-expendable personal property having a unit acquisition price of \$1,000 or more, HUD/State/ City reserves the right to transfer the title to HUD/ State/City or to a third party when such third party is otherwise eligible under existing statutes.
 - b. Contractor shall use the property for the project or program for which it is acquired as long as needed, whether or not the project or program continues to be supported by Government funds. When no longer needed for the original project/program, Contractor shall use the property in connection with other Government sponsored activities in the following order of priority:

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- (1) Activities sponsored by HUD/State/City.
- (2) Activities sponsored by other Government agencies
- c. During the time the property is held for use on the project or program for which it was acquired, Contractor may make the property available for use on other projects or program if such other use does not interfere with the work on the project or programs for which it was originally acquired.
- d. When Contractor no longer needs the property as provided in (b) above, the property may be used for other activities as follows:
 - (1) Non-expendable property with a unit acquisition price of less than \$1,000 may be used by Contractor for other activities without reimbursement to the Government, or may be sold and the proceeds retained by the Contractor.
 - (2) Non-expendable property with a unit acquisition price of \$1,000 or more may be retained by Contractor for other uses provided compensation is made to HUD/State/City or its successor(s). If Contractor has no further need for the property and the property has further use value, Contractor shall request and follow disposition instructions from the City.

2) Expendable Property

- a. Title to expendable personal property shall vest in the Contractor upon acquisition. Upon termination of the contract, Contractor shall conduct an inventory to determine the amount of unused expendable personal property on hand which was acquired with contract funds. If there is a residual inventory of such property exceeding \$1,000 in total aggregate fair market value, upon termination or completion of the contract activities and if the property is not needed for any other Government sponsored project or program, the Contractor shall retain the property for use on non Government sponsored activities or sell it, but in either case, compensate the Government for its share.

ARTICLE 11. INTANGIBLE PROPERTY

A. Invention and Patents: Any discovery or invention arising out of or developed in the course of work aided by this contract shall be promptly and fully reported to the City. Contractor shall request City to determine whether patent protection on such invention or discovery should be sought, and to determine how the rights in the invention or discovery, including rights under the patent thereon, shall be allocated and administered to protect the public interest.

B. Copyrights: Except as otherwise provided in this contract, Contractor is free to copyright any books, publications, or other copyrightable materials arising out of or developed during the course of work aided by contract funds, but the City, State and HUD reserve a royalty-free, non- exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.

C. Publications: Books, publications, and other printed materials resulting from and developed in the course of work aided by this contract, whether copyrighted or not, shall acknowledge the support of HUD/State/City funds by the City. Five (5) copies of each such publication are to be furnished to the City as the City may reasonably require.

D. Publicity: Any publicity generated by Contractor for the project funded pursuant to this contract, during the term of this contract or for one year thereafter, will make reference to the contribution of the City in making the project possible. The words "City of Berkeley " and the specific funding source will be explicitly stated in any and all pieces of publicity, including but not limited to fliers, press releases, posters, brochures, public service announcements, interviews, and newspaper articles.

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The City's staff will be available whenever possible at the request of Contractor to assist Contractor in generating publicity for the project funded pursuant to this contract. Contractor further agrees to cooperate with authorized City officials and staff in any City-generated publicity or promotional activities undertaken with respect to this project.

ARTICLE 12, PROCUREMENT STANDARDS

A. All procurement transactions funded under this contract shall be conducted in a manner that provides, to the maximum extent practical, open and free competition consistent with HUD Regulations at 24 CFR Part 570, OMB Circular A-110 Attachment O, and Executive Orders 11625, 12138, 12432.

B. Contractor shall make positive efforts to use small business and minority and women-owned business sources of supplies and services (see also Article 19) and business concerns located in Berkeley or owned in substantial part by Berkeley residents (see also Article 17).

C. For procurement of services, supplies, or other property, Contractor shall use one of the following procurement methods:

- 1) \$1 to \$999. Prices may be solicited by phone and selection determined by Contractor.
- 2) \$1,000 to \$5,000. Three or more prices may be solicited by phone and selection determined by Contractor.
- 3) \$5,000 to \$14,000. Three quotations must be received by phone, FAX or letter and documented. Selection is determined by Contractor.
- 4) \$15,000 to \$25,000. Three or more written bids must be requested with a specific due date. Award is made to the lowest responsible bidder.
- 5) \$25,000 and Over.

- a). Competitive Sealed Bids - In competitive bids (formal advertising), sealed bids are publicly solicited and a firm fixed-price contract (lump sum on unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.
- b). Competitive Negotiation - In competitive negotiation, proposals are requested from a number of sources and the Request for Proposal is publicized, negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiations may be used if conditions are not appropriate for the use of formal advertising.

D. Contractor shall maintain records sufficient to detail the significant history of a procurement costing \$15,000 or more (\$10,000 or more for CDBG). These records shall include, but are not necessarily limited to, information pertinent to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection and the basis for the cost or price.

ARTICLE 13, RELEASE, INDEMNIFICATION AND INSURANCE

A. Release: Contractor, upon final payment of amount due under this contract, less any credits, refunds, or rebates due to City, releases and discharges City from all liabilities, obligations and claims arising from this contract.

B. Indemnification: Contractor, for itself, and its heirs, successors, and assigns, agrees to release, indemnify, hold harmless, and defend City, its officers, agents, volunteers, and employees, from and against any and all claims, demands, liability, economic loss of any type, damages, lawsuits, or other actions for damage or injury to persons or property arising out of or in any way connected with the Contractor's operations under this contract, or the performance

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of this contract by Contractor or its officers, employees, partners, directors, subcontractors, or agents.

C. Insurance:

1) The Contractor shall maintain at all times during the performance of this contract, a commercial general liability insurance policy with a minimum occurrence coverage in the amount of \$1,000,000; an automobile liability insurance policy (if applicable) in the minimum amount of \$1,000,000; and, if any licensed professional performs services under this contract, a professional liability insurance policy in the minimum amount of \$1,000,000 to cover any claims arising out of Contractor's performance of services under this contract. Said insurance, except professional liability, shall name the City, its officers, agents, volunteers, and employees as additional insureds and shall provide primary coverage with respect to the City. All said insurance policies shall provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said policies except upon thirty (30) days prior written notice to the City; shall be evidenced by the original Certificate of Insurance. If Contractor is to perform construction work under this contract, Contractor shall also provide an endorsement in the form of the City's form Endorsement, or the insurance carrier's standard form Endorsements evidencing the required coverage; and shall be approved as to form and sufficiency by the Employee Relations Officer.

2) If the commercial general liability insurance referred to above is written on a Claims Made Form, then, following termination of this Agreement, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this contract.

3) If Contractor employs any person, it shall carry workers compensation and employers liability insurance and shall provide a certificate of insurance to the City. The workers compensation insurance shall provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the City; shall provide for a waiver of any right of subrogation against City to the extent permitted by law; and shall be approved as to form and sufficiency by the City's Employee Relations Officer.

4) Contractor shall forward all insurance documents to City of Berkeley contract monitor.

5) Construction Contracts Only: If the budgeted costs of construction activities funded by this contract, as delineated in Exhibit B, exceed \$100,000, Contractor shall comply with HUD's bonding policies and requirements as set forth in OMB Circular A 110 Attachment B.

6) Contractor shall not store hazardous materials or hazardous waste within the City of Berkeley without the proper permit from the City. If a release of hazardous materials or hazardous waste that cannot be controlled occurs in connection with the performance of this contract, contractor shall immediately notify the Berkeley Police Department and the City's Health Protection Office.

ARTICLE 14, CONFORMITY WITH LAW AND SAFETY

A. Contractor shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services or any part thereof, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal, and local safety regulations. All services performed by Contractor must be in accordance with these laws, ordinances, codes, and regulations. Contractor shall release, defend, indemnify, and hold City, its officers, agents, volunteers, and employees harmless from any and all damages, liability, fines, penalties, and consequences from any noncompliance or violation of such laws, ordinances, codes and regulations.

B. If a death, serious personal injury, or substantial property damage occurs in connection with the performance

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of this Agreement, Contractor shall immediately notify the City's Employee Relations Officer by telephone. Contractor shall promptly submit to City a written report, in such form as may be required by City, of all accidents which occur in connection with this contract. This report shall include the following information: (1) name and address of the injured or deceased person(s), (2) name and address of Contractor's subcontractor, if any, (3) name and address of Contractor's liability insurance carrier, and (4) a detailed description of the accident and whether any of City's equipment, tools, or materials were involved.

ARTICLE 15, CONFLICT OF INTEREST PROHIBITED

A. In accordance with Government Code section 1090, BMC 3.64, and Berkeley City Charter section 36, neither Contractor nor any person who is an employee, officer, director, partner, or member of contractor, or immediate family member of any of the preceding shall have served as either an elected officer, an employee, or a Board, Committee, or Commission Member of the City of Berkeley, who has formally or informally influenced the making of this contract.

B. In accordance with Government Code section 1090 and the Political Reform Act, Government Code sections 87100 et seq., no person who is a director, officer, partner, trustee, employee, or consultant of the Contractor or immediate family member of any of the preceding shall make or participate in a decision made by the City of Berkeley or a board or commission thereof, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment, or interest in real property of that person or Contractor.

C. Interpretation of this section shall be governed by the definitions and provisions used in the Political Reform Act, Government Code sections 87100 et seq., and the regulations manuals, and codes adopted thereunder, Government Code section 1090, BMC 3.64, and section 36 of the City of Berkeley Charter.

ARTICLE 16, CONSULTANTS TO SUBMIT STATEMENTS OF ECONOMIC INTEREST

The City's Conflict of Interest Code, Resolution No. 59,372-N.S., as amended, requires every consultant to disclose conflicts of interest by filing a Statement of Economic Interest (Form 730). Consultants agree to file such statements with the City Clerk at the beginning of the contract period and upon termination of the Contractor's service.

ARTICLE 17, ECONOMIC OPPORTUNITIES FOR LOCAL BUSINESSES AND LOW INCOME RESIDENTS

To the greatest extent feasible, Contractor shall offer opportunities for training and employment to lower income Berkeley residents, and patronize and award contracts for work in connection with this contract to business concerns which are located in Berkeley or owned in substantial part by Berkeley residents. Such economic opportunities shall be provided for in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations issued at 24 CFR Part 135.

ARTICLE 18, PROGRAM INCOME

A. Service Fees: Income earned from fees charged for services provided under this contract shall be considered additional revenue to be expended by Contractor during this contract period for additional services rendered as a result of such revenue. Should Contractor be unable to expend all fee-related revenue during the contract period, such revenue shall be considered carryover funds available for the successive CDBG year.

B. Facility Use Fees: Receipts derived from the operation of a public work or facility, the construction of which was assisted with contract funds, do not constitute program income.

C. Interest on Advances: Interest earned in excess of \$100 per fiscal year on advance of contract funds shall be remitted to the City.

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D. Proceeds from Sale of Personal Property: Proceeds from the sale of personal property acquired with contract funds shall be subject to the requirements set forth in Attachment N of the Office of Management and Budget Circular A-110, "Property Management Standards." See also Article 10.D.

E. Real Property: Proceeds from the lease of real property acquired or improved, in whole or in part, with CDBG funds in excess of \$25,000 shall be determined by the City. See Article 9.B.

ARTICLE 19, DISCRIMINATION PROHIBITED

Contractor hereby agrees to comply with the provisions of City Ordinance No. 5876-N.S., as amended from time to time, attached hereto as Exhibit C, and made a part hereof. In the performance of this agreement, Contractor agrees as follows:

A. Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40) sex, pregnancy, marital status, disability, sexual orientation, or AIDS. This requirement shall apply to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

B. No person shall, on the grounds of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation, or AIDS, be excluded from participation in the performance of this contract.

C. In the sale, lease or other transfer of land acquired, leased or improved with assistance provided under this contract, the deed or lease for such transfer shall contain a covenant prohibiting discrimination upon the basis of race, color, religion, sex, national origin, sexual preference, age or disability, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon.

D. In the performance of this contract, Contractor agrees to comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Contractor shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations that prohibit discrimination against individuals with disabilities or require that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the City.

If Contractor is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Contractor shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Contractor. All Contractor's activities must be in accordance with these laws, ordinances, codes, and regulations, and Contractor shall be solely responsible for complying therewith.

E. Contractor shall permit City access to records of employment, employment advertisement, application forms, EEO-1 forms, and any other documents which, in the opinion of City are necessary to monitor compliance with the non-discrimination provisions, and will, in addition, fill-out in a timely fashion, forms supplied by City to monitor these non-discrimination provisions, to the extent required by HUD Regulations at 24 CFR Part 570.

F. For Construction Contracts Only

If the budgeted cost of construction activities funded by this contract exceeds \$10,000, as detailed in Exhibit B, Contractor shall comply with all requirements of Executive Order 11246, Equal Employment Opportunity, as amended

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by Executive Orders 11375 and 12086 attached hereto as Exhibit D, and made a part hereof.

ARTICLE 20, LOBBYING PROHIBITION

Contractor shall comply with Section 1352, Title 31, U.S. Code stipulating that no Government funds shall be spent for lobbying and agrees to disclose names of persons and amounts paid with non-Government funds to influence decisions by Congress or Executive Branch agencies.

ARTICLE 21, DRUG-FREE WORKPLACE

Contractor shall provide a drug-free workplace and establish a drug-free awareness program in compliance with the Drug-Free Workplace Act of 1988 and the required certification.

ARTICLE 22, NUCLEAR FREE BERKELEY

Contractor agrees to comply with BMC 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

ARTICLE 23, BERKELEY LIVING WAGE ORDINANCE

A. Contractor hereby agrees to comply with the provisions of the Berkeley Living Wage Ordinance, B.M.C. Chapter 13.27. If Contractor is currently subject to the Berkeley Living Wage Ordinance, as indicated by the Living Wage Certification form, attached hereto, Contractor will be required to provide all eligible employees with City mandated minimum compensation during the term of this Contract, as defined in Chapter 13.27, as well as comply with the terms enumerated herein. Contractor expressly acknowledges that, even if Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts, grants or other monies received by the City may subject Contractor to the requirements under B.M.C. Chapter 13.27 in subsequent contracts.

B. If Contractor is currently subject to the Berkeley Living Wage Ordinance, Contractor shall be required to maintain monthly records of those employees providing service under the Contract. These records shall include the total number of hours worked, the number of hours spent providing service under this Contract, the hourly rate paid, and the amount paid by Contractor for health benefits, if any, for each of its employees providing services under the Contract. These records are expressly subject to the auditing terms described in Article 39.

C. If Contractor is currently subject to the Berkeley Living Wage Ordinance, Contractor shall include the requirements thereof, as defined in B.M.C. Chapter 13.27, in any and all subcontracts in which Contractor engages to execute its responsibilities under this Contract. All contractor employees who spend 50% or more of their compensated time engaged in work directly related to this Contract shall be entitled to a living wage, as described in B.M.C. Chapter 13.27 and herein. All subcontractor employees who spend 25% or more of their compensated time engaged in work directly related to this Contract shall be entitled to a living wage, as described in B.M.C. Chapter 13.27 and herein.

D. Contractor's failure to comply with this Section shall subject Contractor to termination of this Contract pursuant to Article 36.

ARTICLE 24, BERKELEY EQUAL BENEFITS ORDINANCE

A. Contractor hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29.

B. If Contractor is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Contractor agrees to provide the City with any records the City deems necessary to determine compliance with this provision.

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These records are expressly subject to the auditing terms described in Article 39 of this contract.

C. Contractor's failure to comply with this Section shall subject Contractor to termination of this Contract pursuant to Article 37.

ARTICLE 25, RELIGIOUS ACTIVITY PROHIBITED

There shall be no religious worship, instruction or proselytization as part of or in connection with the performance of this contract.

ARTICLE 26, POLITICAL ACTIVITY PROHIBITED

None of the funds, materials, property or services contributed by the City under this contract shall be used in the performance of this contract to further the election or defeat of any candidate for public office, to support or defeat any ballot measure, for any partisan political activity, or for the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code.

ARTICLE 27, COVENANT AGAINST CONTINGENT FEES

Contractor warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant, the City shall have the right to annul this contract without liability or, in its discretion, to deduct from the compensation, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fees.

ARTICLE 28, LABOR STANDARDS (Construction Contracts Only)

A. Except as herein provided, all laborers and mechanics employed by Contractor or by Contractor's subcontractors in the construction, alteration or repair, including painting and decorating of projects, building, and work which is assisted with contract funds, shall be paid at rates not less than those currently determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), and the Contractor and subcontractors shall comply with all regulations issued pursuant to these Acts and with other applicable federal laws and regulations pertaining to labor standards to the extent required by HUD Regulations at 24 CFR Part 570. Any additional contract provisions required by federal statutes to be inserted herein, are attached hereto as Exhibit E and made a part hereof.

B. This provision does not apply to:

- 1) The rehabilitation of residential property with less than eight dwelling units.
- 2) Projects where the total budgeted cost of construction activities is less than \$2,000.
- 3) Emergency Shelter Grant Funds

ARTICLE 29, FLOOD DISASTER PROTECTION

Use of contract funds for acquisition or construction in an area identified as having special flood hazards shall be subject to the requirements of the Flood Disaster Protection Act of 1973 (P.L. 93-234), including the mandatory purchase of flood insurance in accordance with the requirements of Section 102(a) of said Act.

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ARTICLE 30, CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

Contractor shall comply with the provisions of the Clean Air Act as amended (42 U.S.C. 1957 et seq.), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), and the regulations thereunder (40 CFR Part 15 and 40 CFR Part 61).

ARTICLE 31, LEAD-BASED PAINT

Contractor shall comply with the lead-based paint requirement of 24 CFR Part 5 Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.). Such requirements prohibit the use of lead-based paint for construction, rehabilitation, or modernization of residential structures; mandate the elimination of immediate lead-based paint hazards in residential structures assisted with CDBG funds; and require the notification of the hazards of lead-based paint poisoning to purchasers and tenants of residential structures constructed prior to 1950 and assisted with CDBG funds.

ARTICLE 32, ARCHITECTURAL BARRIERS ACT OF 1968

Any building or facility, excluding privately owned residential structures, designed, constructed, or altered with contract funds shall comply with the requirements of the "American Standards Specifications for Making Building and Facilities Accessible to, and Usable by the Physically Handicapped," Number A-117, I-R 1971, subject to the exceptions contained in 41 CFR Subpart 101-19.604, issued pursuant to the Architectural Barriers Act of 1968, 42 CFR U.S.C. 4151, as amended.

ARTICLE 33, ENVIRONMENTAL REVIEW RECORD (ERR)

The City will work with the Contractor to prepare the ERR. The ERR will cover areas such as historic preservation, floodplain management, endangered species, air quality, toxic chemicals, noise control, among others, in compliance with HUD Regulations at 24 CFR Part 58. These regulations cover all CDBG-funded projects. No funds will be disbursed under this contract until the ERR has been accepted and approved by HUD.

ARTICLE 34, RELOCATION

A. Contractors engaging in acquisition/rehabilitation activities must comply with the Uniform Relocation Act (URA), as amended, and applicable guidelines at 49 CFR Part 24 and 24 CFR Part 511, as well as the State of California Government Code 7265.3, as amended, and City policies.

B. Any person displaced by rehabilitation, financed partially or wholly with contract funds, shall be offered the option of relocation after completion of the rehabilitation in the dwelling from which the person was displaced, and shall be provided the benefits due in accordance with State of California Government Code 7265.2, as amended.

ARTICLE 35, NON-PROFIT STATUS

A. Except as herein provided, Contractor must be a non-profit corporation. Contractor shall furnish the City with a copy of its articles of incorporation, a copy of its by-laws, and a current list of its Board of Directors. If there are any changes in Contractor's non-profit status with the California Secretary of State, Contractor shall notify City within five (5) working days of the notice of said change. Loss of non-profit status or failure to maintain a status of good standing with the Secretary of State is cause for termination of the contract.

B. Contractor must be a neighborhood-based, non-profit organization, a small business investment company, or a local development corporation, according to the definitions set forth in 24 CFR 570.204(s), to be eligible to undertake economic development or neighborhood revitalization activities pursuant to 24 CFR 570.204(c). Contractor shall

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furnish the City with document(s), evidencing proof of such status. If there are any changes in such status, Contractor shall notify City within five (5) working days of said change. Failure to maintain eligible organizational status as required by Government regulations is cause for termination of the contract.

C. This provision may not necessarily apply to Contractor if Contractor is undertaking only rehabilitation activities pursuant to 24 CFR 570.202 or economic development activities pursuant to 24 CFR 570.203.

ARTICLE 36, CHANGES

A. The terms and conditions of this contract shall not be altered or otherwise modified except upon a duly executed written amendment to this contract.

B. Contractor may request changes in the Scope of Services described in Exhibit A. Such changes, including any increase or decrease in the amount of the Contractor's compensation (Exhibit B), require City Council approval and must be incorporated by written amendment to this contract.

ARTICLE 37, CONTRACT TERMINATION

This contract may be terminated for cause by Contractor upon thirty (30) days prior written notice. The City may terminate this contract in whole or in part with or without cause, which includes but is not limited to:

A. Failure, for any reason, of Contractor to fulfill in a timely and proper manner its obligations under this contract, including compliance with City, State and Federal laws and regulations and applicable directives.

B. Failure to meet the performance standards contained in Exhibit(s) A of this contract. When the City notifies the Contractor that its contract performance is below performance specifications as outlined in the contract Exhibits, a corrective action plan must be submitted in writing by the Contractor to the City within thirty (30) days. Failure to achieve the performance specifications within a maximum of sixty (60) days is cause for immediate contract termination.

C. Improper use or reporting of funds provided under this contract.

D. Reduction, suspension or termination of funding or grant(s) to the City from any Federal or State sources under which this contract is made, or the portion thereof earmarked for this contract or appropriated by the City Council for this contract.

E. A written notice shall be deemed served upon sending said notice in a postage-paid envelope addressed to the other party to this contract and depositing the same with the United States Post Office with postage prepaid. For purposes of this contract, all notices to the City shall be addressed as follows:

City Manager
City of Berkeley
2180 Milvia Street
Berkeley, California 94704

For purposes of this contract, all notices to Contractor shall be addressed to Contractor's authorized signee as indicated on the last page of this contract to the address indicated on page 1 of this contract.

F. If either party terminates this contract before the Contractor completes the services in Exhibit(s) A, in addition to any other rights and remedies provided by law or under this contract, Contractor shall be entitled to compensation for services performed hereunder, through and including the date of termination, but not to exceed the
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payment according to the rate specified in Exhibit B. Contractor shall be entitled to all reasonable costs incurred in connection with such services. In no event will the amount paid exceed the full amount in Article 3 of this contract.

ARTICLE 38, CLOSE OUT PROCEDURES

Contractor shall prepare and submit a final invoice for final claims no later than sixty (60) days after the termination of this contract. The final invoice shall cover all claims for costs incurred by the Contractor during the period of the contract. All unexpended funds shall be returned to the City. Where funds are due the City, payment should be made to CITY OF BERKELEY and must accompany the final invoice.

ARTICLE 39, AUDIT

All contractors receiving \$300,000 or more in Government funds shall have their financial and compliance records, maintained in connection with the operations and services performed under this contract, audited annually by an independent auditing agent selected by the City. This audit will be conducted in accordance with the Single Audit Act of 1984, Office of Management and Budget Circulars A-133 (June 30, 1997), and any other prescribed guidelines. Contractors receiving \$300,000 or more in Government funds and choosing to select their own independent auditor shall provide the City with a copy of the audited Financial Statement which is to be prepared in compliance with OMB Circulars A-110 and A-133 (June 30, 1997). Contractors receiving less than \$300,000 in Government funds are exempt from audit pursuant to the Single Audit Act of 1984, but records must be available for review by appropriate officials. All contractors regardless of the amount of Government funds received, are subject to State and Local regulations.

Pursuant to Section 61 of the Berkeley City Charter, the City Auditor's Office may conduct an audit of Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this Contract. In the event of such audit, Contractor agrees to provide the City Auditor with reasonable access to Contractor's employees and make all such financial, performance and compliance records available to the Auditor's Office. City agrees to provide Contractor an opportunity to discuss and respond to any findings before a final audit report is filed.

The City will provide Contractor with the preliminary draft of the audit report and hold a conference with Contractor to discuss the report if any findings are noted. Contractor shall respond to all findings within ten (10) working days after the conference. The auditing agent will then prepare its final audit report and submit it to the City Manager. City will notify contractor of any disallowed expenses. Contractor shall make payment of disallowed expenses to City within thirty (30) days of such notification, unless otherwise specified by the City. Failure to reimburse the City may result in the discontinuance of any or all City contracts with Contractor and may make Contractor ineligible for additional or further funds from the City.

ARTICLE 40, GOVERNING LAW

This contract shall be governed by the laws of the State of California.

ARTICLE 41, INDEPENDENT CONTRACTOR

A. Contractor shall be deemed at all times to be an independent contractor and shall be wholly responsible for the manner in which Contractor performs its obligations under this Agreement. Contractor shall be liable for its acts and omissions, and those of its employees and its agents. Nothing contained herein shall be construed as creating an employment, agency or partnership relationships between City and Contractor.

B. Terms in this Agreement referring to direction from City shall be construed as providing for direction as to policy and the result of Contractor's work only and not as to the means or methods by which such a result is obtained.

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C. Nothing in this Contract shall operate to confer rights or benefits on persons or entities not party to this Contract.

ARTICLE 42, CITY BUSINESS LICENSE, PAYMENT OF TAXES, TAX I.D. NUMBER

Contractor has obtained a City business license as required by B.M.C. Ch. 9.04, and its license number is written below; or, Contractor is exempt from the provisions of B.M.C. Ch. 9.04 and has written below the specific B.M.C. section under which it is exempt. Contractor shall pay all state and federal income taxes and any other taxes due. Contractor certifies under penalty of perjury that the taxpayer identification number written below is correct.

ARTICLE 43, ENTIRE AGREEMENT

A. The terms and conditions of this contract and all exhibits attached hereto or documents expressly incorporated by reference therein represent the entire contract between the parties hereto with respect to the subject matter hereof, and this contract shall supersede any and all other prior contracts, either oral or written, regarding the subject matter between the City and Contractor. No other contract, statement, or promise relating to the subject matter of this contract shall be valid or binding except upon a duly executed written amendment to this contract.

B. Should any conflicts arise between the terms and conditions of this contract and the terms and conditions of any exhibits attached hereto or documents expressly incorporated by reference therein, the terms and conditions of Federal Regulations shall control.

ARTICLE 44, OWNERSHIP OF DOCUMENTS

A. When this contract is terminated Contractor agrees to return to City all documents, drawings, photographs and other written or graphic material, however produced, that it received from City, its contractors or agents, in connection with the performance of its services under this contract. All materials shall be returned in the same condition as received.

B. All internal work, papers, internal drawings, internal memoranda of any kind, photographs, and any written or graphic material, however produced, prepared by Contractor in connection with its performance of services under this contract, shall be, and shall remain after termination of this contract, the property of Contractor. Contractor may use that material for any purpose whatsoever. However, if either party terminates this contract before Contractor completes all services required under Article 1, the latest set of draft documents shall be and shall remain the property of the City.

C. The final written product of this contract shall be the property of the City. City may use all or any part of the product for projects other than those contemplated by this contract. Contractor shall not be liable for any improper reuse of the product. City may also retain the original of any design documents upon request.

ARTICLE 45, SETOFF AGAINST DEBTS

Contractor agrees that City may deduct from any payments due to Contractor any monies that Contractor owes the City under any Ordinance, contract, or Resolution for any unpaid taxes, fees, licenses, unpaid checks, or other amounts.

ARTICLE 46, RECYCLED PAPER FOR WRITTEN REPORTS

If Contractor is required by this contract to prepare a written report or study, Contractor shall use recycled paper for said report or study when such paper is available at a cost of not more than ten percent more than the cost of virgin paper, and when such paper is available at the time it is needed. For the purposes of this contract, recycled paper is

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ARTICLE 49, ASSIGNMENT

This contract may not be assigned without the prior written consent of the City.

IN WITNESS WHEREOF, the City and Contractor have executed this contract through their duly authorized representatives as of the date first above written.

CITY OF BERKELEY

By [Signature]
City Manager

THIS CONTRACT HAS BEEN
APPROVED AS TO FORM BY
THE CITY ATTORNEY FOR THE
CITY OF BERKELEY
July 2003

Registered by:

[Signature]
City Auditor

Attest:

[Signature]
Deputy City Clerk

CONTRACTOR

By [Signature]
EXECUTIVE DIRECTOR
Title

IRS Tax I.D. No.: [Redacted]

B.M.C. § _____

City of Berkeley Business License No.: 2003-10724

Incorporated: Yes X No _____

Subject of Contract: PUBLIC SAFETY

EXHIBIT A

SCOPE OF SERVICES

EXHIBIT A
SCOPE OF SERVICES

Berkeley Boosters Association
P.O. Box 17
Berkeley, CA 94701
Telephone: (510) 704-0467
Fax: (510) 649-0886

E-mail: dmanson@berkeleyboosters.org
Web Site: www.berkeleyboosters.org

RESPECT GRANT 2003/2004: BART ESCORT SERVICE

I. PROGRAM DESCRIPTION:

During the winter months, the Berkeley Boosters Association will provide BART SAFETY ESCORT Service to BART patrons during the two (2) busiest commute hours each evening. The service will be provided at both the Ashby and North Berkeley BART stations. The patrons will be escorted from the BART station to their cars or homes within a radius of approximately five (5) city blocks.

II. SCOPE OF SERVICE:

The *Berkeley Boosters RESPECT Team* will provide, from Monday, October 27, 2003 (end of daylight savings time) to Friday, March 5, 2004, BART SAFETY ESCORT SERVICE at both the Ashby BART station and the North Berkeley BART station. The ESCORT SERVICE will be provided Monday to Friday for two (2) hours during the evening commute time (except on City Holidays). The training will occur during the week of October 20, 2003.

The staffing model calls for four (4) team members plus one supervisor at each station. The team members will wear uniforms (light blue baseball jacket with BART ESCORT and RESPECT insignia, navy pants, light blue shirt) and will be equipped with flashlights and police radios. Team members will be upper class Berkeley High School students (over the age of 15) and/or local community college, UC students, or community members. The Supervisors will be adults, typically veteran supervisors from within the Berkeley Police Department Traffic Enforcement Division.

III. TRAINING:

The team members will be trained through an intensive training that includes police radio training and protocol, conflict resolution, diversity training, public relations, positive communication skills, personal safety and other topics. This training will be provided by experienced personnel from within the Boosters, as well as various outside experts from within Berkeley Police Department and BUSD School Safety personnel. The BART Escorts work in teams of two (except supervisors, who may work alone). Each team is equipped with a police radio for emergencies. Each team member will be assigned a call number (e.g. G-31).

IV. NETWORKING WITH OTHER AGENCIES:

It is the responsibility of the Executive Director to establish contact with BART Police and the Berkeley Police Department Patrol Division. The Berkeley Police Department will assist in the radio training for the ESCORTS.

EXHIBIT B

PAYMENT

CONTRACT AMOUNT \$ 40,500

SIX (6) TWO MONTHS CASH ADVANCE PAYMENTS

LINE ITEM BUDGET ATTACHED.

RESPECT – BART ESCORTS PROGRAM
Operating Statement
July 1, 2003 – June 30, 2004
Date: As of 12/18/02

INCOME

GRANTS

CITY OF BERKELEY \$40,500

TOTAL PROGRAM INCOME: \$40,500

EXPENSE

PERSONNEL

Executive Director \$ 2,900
 Administrative Director \$ 2,900
 Supervisors \$ 8,820
 Part Time Escorts \$11,500
 Accounting \$ 1,200
Subtotal Personnel \$27,320

Employer Payroll Taxes @11% \$ 3,005
 Worker's Comp @9% \$ 2,458
 Health Insurance \$ 780
Subtotal Fringe Benefits \$ 6,243

TOTAL PERSONNEL & FRINGE BENEFITS \$ 33,563

EQUIPMENT

Uniforms, Equipment & Supplies \$ 2,000

TOTAL EQUIPMENT \$ 2,000

OPERATING EXPENSE

Grant Operating Expense \$ 4,937

TOTAL OPERATING \$ 4,937

TOTAL EXPENSES \$ 40,500

REQUEST FOR WAIVER OF COMPETITIVE SOLICITATION
BY CITY MANAGER

DATE: August 11, 2003
TO: Weldon Rucker, City Manager
FROM: Roy L. Meisner, Chief of Police
DEPT. Police Department

RE: REQUEST FOR WAIVER
BERKELEY BOOSTERS ASSOCIATION
CONTRACT NAME

INSTRUCTIONS:

A written request must be submitted for a waiver consideration. Please complete and forward to City Manager.

We are requesting a waiver on the above contract for one the following reason(s). Explanation must clearly state why this exception meets the required criteria. For details see section on Evidence of Competitive Solicitation online.

- 1. Service is very **SPECIALIZED** because the Berkeley Booster Association is selected through the annual General Funded Community Agency allocations.
- 2. This product or service can only be provided by this contractor (**SOLE SOURCE**)

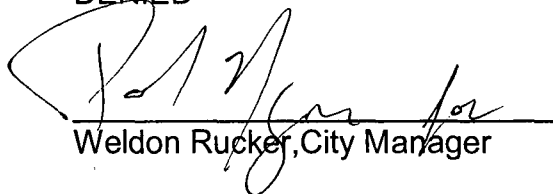
This service and/or product must be provided **IMMEDIATELY** because

4. **OTHER CATEGORY.** NOTE: **The lack of advanced planning does not constitute an immediate need.** The reason for this request is

WAIVER IS RECOMMENDED



DENIED


Weldon Rucker, City Manager

8/15/03
_____ Date

NON-DISCRIMINATION WORK FORCE

FOR ALL NON-CONSTRUCTION CONTRACTS

To assist the City of Berkeley in implementing its Non-Discrimination policy, it is requested that you furnish information regarding your personnel as requested below and return it to the City Department handling your contract.

ORGANIZATION: Berkeley Boosters Assn. / Police Activities League

ADDRESS: P.O. Box 17 Berkeley, CA. 94701

BUSINESS LICENSE NO: 2003-10724

Occupational Category (see reverse side for explanation of terms)	Total Employees		WHITE		BLACK		ASIAN		HISPANIC		OTHER (SPECIFY)	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Officials/Administrators	1	0										
Professionals	0	2		1								Pacific Islander
Technicians	0	0										
Protective Service Workers	3	0	1		2							
Para-professionals	8	9	2	2	6	7						Pacific Islander
Office/Clerical	0	1										
Skilled Craft Workers	0	0										
Service/Maintenance	0	0										
Other (Specify)	0	0										
Totals	12	12	3	3	8	7					1	2

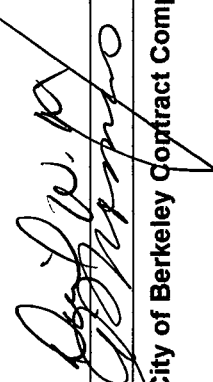
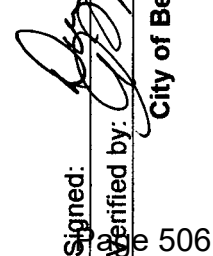
Is your business MBE/WBE/DBE certified? Yes No

If yes, by what agency? _____

If yes, please specify: Male Female

Do you have a policy of non-discrimination? Yes No

or indicate ethnic identification _____

Signed: 
 Verified by: 
 City of Berkeley Contract Compliance Officer

Date: 6/12/03

Date: 6/23/03

CITY OF BERKELEY
Nuclear Free Zone Disclosure Form

I (we) certify that:

- 1. I am (we are) fully cognizant of any and all contracts held, products made or otherwise handled by this business entity, and of any such that are anticipated to be entered into, produced or handled for the duration of its contract(s) with the City of Berkeley. (To this end, more than one individual may sign this disclosure form, if a description of which type of contracts each individual is cognizant is attached.)
- 2. I (we) understand that Section 12.90.070 of the Nuclear Free Berkeley Act (Berkeley Municipal Code Ch. 12.90; Ordinance No. 5784-N.S.) prohibits the City of Berkeley from contracting with any person or business that knowingly engages in work for nuclear weapons.
- 3. I (we) understand the meaning of the following terms as set forth in Berkeley Municipal Code Section 12.90.130:

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management or administration of such work.

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

- 4. Neither this business entity nor its parent nor any of its subsidiaries engages in work for nuclear weapons or anticipates entering into such work for the duration of its contract(s) with the City of Berkeley.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: David MANSON Title: Executive Director
 Signature: *David W. Manson* Date: 6-12-03
 Business Entity: Berkeley Boosters Association / P.A.L.
 Contract Description/Specification No. _____
Attachment C

CITY OF BERKELEY
Oppressive States Compliance Statement for Personal Services

The undersigned, an authorized agent of Berkeley Boosters Assn. (hereafter "Vendor"), has had an opportunity to review the requirements of Berkeley City Council Resolution No. 59,853-N.S. (hereafter "Resolution"). Vendor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with those Business Entities which maintain business relationships with morally repugnant regimes. Vendor understands the meaning of the following terms used in the Resolution:

"Business Entity" means "any individual, firm, partnership, corporation, association or any other commercial organization, including parent-entities and wholly-owned subsidiaries" (to the extent that their operations are related to the purpose of the contract with the City).

"Oppressive State" means: **Tibet Autonomous Region and the Provinces of Abo, Kham, and U-Tsang,**

"Personal Services" means "the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship."

Contractor understands that it is not eligible to receive or retain a City contract if at the time the contract is executed, or at any time during the term of the contract it provides Personal Services to:

- a. The governing regime in any Oppressive State.
- b. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- c. Any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

Vendor further understands and agrees that Vendor's failure to comply with the Resolution shall constitute a default of the contract and the City Manager may terminate the contract and bar Vendor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

The undersigned is familiar with, or has made a reasonable effort to become familiar with, Vendor's business structure and the geographic extent of its operations. By executing the Statement, Vendor certifies that it complies with the requirements of the Resolution and that if any time during the term of the contract it ceases to comply, Vendor will promptly notify the City Manager in writing.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: David W. Manson, Jr. Title: Executive Director

Signature: [Handwritten Signature] Date: 6-12-03

Business Entity: Berkeley Boosters Assn. P.A.L.

I am unable to execute this Statement; however, Vendor is exempt under Section VII of the Resolution. I have attached a separate statement explaining the reason(s) Vendor cannot comply and the basis for any requested exemption.

Signature: _____ Date: _____

Contract Description/Specification No.: _____

Attachment D

CITY OF BERKELEY
Living Wage Certification for Providers of Personal Services

TO BE COMPLETED BY ALL PERSONS OR ENTITIES ENGAGING IN A CONTRACT FOR PERSONAL SERVICES WITH THE CITY OF BERKELEY.

The Berkeley Municipal Code Chapter 13.27, Berkeley's Living Wage Ordinance (LWO), provides that contractors who engage in a specified amount of business with the City (except where specifically exempted) under contracts which furnish services to or for the City in any twelve (12) month period of time shall comply with all provisions of this Ordinance.

Section I.

1. IF YOU ARE A FOR-PROFIT BUSINESS, PLEASE ANSWER THE FOLLOWING QUESTIONS

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid, or proposal, with the City of Berkeley for a cumulative amount of \$25,000.00 or more?

YES ___ NO ___

If no, this contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If yes, please continue to question 1(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES ___ NO ___

If you have answered, "YES" to questions 1(a) and 1(b) this contract IS subject to the LWO. If you responded "NO" to 1(b) this contract IS NOT subject to the LWO. Please continue to Section II.

2. IF YOU ARE A NON-PROFIT BUSINESS, AS DEFINED BY SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1954, PLEASE ANSWER THE FOLLOWING QUESTIONS.

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid or proposal, with the City of Berkeley for a cumulative amount of \$100,000.00 or more?

YES [X] NO ___

If no, this Contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If yes, please continue to question 2(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES [X] NO ___

If you have answered, "YES" to questions 2(a) and 2(b) this contract IS subject to the LWO. If you responded "NO" to 2(b) this contract IS NOT subject to the LWO. Please continue to Section II.

Section II

Please read, complete, and sign the following:

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE.

[X] checkbox

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE.

[] checkbox

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Berkeley's Living Wage Ordinance, and the applicability of the Living Wage Ordinance, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all of the terms of the Living Wage Ordinance, as mandated in the Berkeley Municipal Code, Chapter 13.27. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the City Manager in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract and the City Manager may terminate the contract and bar Contractor from future contracts with the City for five (5) years from the effective date of the Contract termination. If the contractor is a for-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 25% or more of their compensated time engaged in work directly related to the contract with the City. If the contractor is a non-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 50% or more of their compensated time engaged in work directly related to the contract with the City.

These statements are made under penalty of perjury under the laws of the state of California.

Printed Name: David W. Manson, Jr Title: EXECUTIVE DIRECTOR
Signature: [Handwritten Signature] Date: 6/12/03
Business Entity: Berkeley Boosters Assn. / P.A.L.
Contract Description/Specification No: _____

Section III

• ** FOR ADMINISTRATIVE USE ONLY – PLEASE PRINT CLEARLY ***

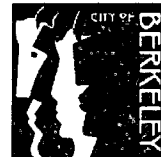
I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

Police Department
Department Name

[Handwritten Signature]
Department Representative

To be completed by Contractor/Vendor

Form EBO-1 CITY OF BERKELEY



CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE

If you are a contractor, return this form to the originating department/project manager. If you are a vendor (supplier of goods), return this form to the Purchasing Division of the Finance Dept.

SECTION 1. CONTRACTOR/VENDOR INFORMATION

Form with fields for Name, Address, Contact Person, E-mail Address, Vendor No., City, State, ZIP, Telephone, and Fax No. Handwritten entries include Berkeley Boosters Assn., PO Box 17, David W. Manson, Jr, and various phone numbers.

SECTION 2. COMPLIANCE QUESTIONS

- Questions A through E regarding employee benefits, spouse benefits, and domestic partner benefits. Includes checkboxes for Yes/No and instructions on how to proceed based on answers.

SECTION 3. PROVISIONAL COMPLIANCE

- Questions A and B regarding contractor compliance with EBO and cash equivalent provisions. Includes checkboxes and detailed instructions.

* The cash equivalent is the amount of money your company pays for spousal benefits that are unavailable for domestic partners.

SECTION 4. REQUIRED DOCUMENTATION

At time of issuance of purchase order or contract award, you may be required by the City to provide documentation (copy of employee handbook, eligibility statement from your plans, insurance provider statements, etc.) to verify that you do not discriminate in the provision of benefits.

SECTION 5. CERTIFICATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to bind this entity contractually. By signing this certification, I further agree to comply with all additional obligations of the Equal Benefits Ordinance that are set forth in the Berkeley Municipal Code and in the terms of the contract or purchase order with the City.

Executed this 12 day of JUNE, in the year 2003, at Berkeley CA
(City) (State)

David W. MANSON, JR.
Name (please print)

[Signature]
Signature

Executive Director
Title

[Redacted]
Federal ID or Social Security Number

FOR CITY OF BERKELEY USE ONLY

- Non-Compliant (The City may not do business with this contractor/vendor)
- One-Person Contractor/Vendor Full Compliance Reasonable Measures
- Provisional Compliance Category, Full Compliance by Date: _____

Staff Name (Sign and Print): Annie Thomas Date: 6/25/03

ACORD CERTIFICATE OF LIABILITY INSURANCE APPENDIX E

POLICY # (MM/DD/YYYY)
04/28/2003

PRODUCER (260)482-5455 FAX (260)483-6297
Diller-Smith & Associates
2526 Scotswoide Dr.
P.O. Box 8517
Ft. Wayne, IN 46808

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED California Police Activities League #2
2000 East 14th Street
San Leandro, CA 94577

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: CLARENDON AMERICA INSURANCE CO.	
INSURER B: AMERICAN NATIONAL LIFE INSURANCE CO. OF TX.	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input type="checkbox"/> LOC	ECP000305-00	01/01/2003	01/01/2004	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ NONE PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	EPC000305-00	01/01/2003	01/01/2004	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
A	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$	EEX000026-00	01/01/2003	01/01/2004	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 5,000,000 \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	OTHER ACCIDENT/MEDICAL	FLD02-34200-BC	01/01/2003	01/01/2004	AD & D \$50,000 ACCIDENT MEDICAL EXCESS-MAX. BENEFIT \$50,000 DED.: NONE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
A SEXUAL ABUSE/MOLESTATION POL#: ECP 000305-00 EFF: 1/1/03 TO 1/1/04
\$25,000 PER OCCURRENCE AGGREGATE \$100,000

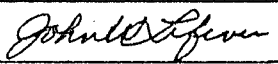
CERTIFICATE HOLDER IS AN ADDITIONAL INSURED FOR CAL PAL. EVENT: PAL EVENTS
EVENT DATE: COVERAGE PERIOD
INSURED MEMBER CHAPTER: BERKELEY BOOSTERS/PAL, ATT CHERYL LA ROSA LONGO, PO BOX 17 BERKELEY, CA 94701

CERTIFICATE HOLDER

CANCELLATION

04/28/03 CITY OF BERKELEY
BERKELEY POLICE DEPARTMENT
ATT TRACY VESELY
2180 MILVIA STREET
BERKELEY, CA 94704

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
John Lefever/AKB 

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

**STATE
COMPENSATION
INSURANCE
FUND**

P.O. BOX 807 SAN FRANCISCO CA 94142-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE 01-01-2002

GROUP 000380
POLICY NUMBER 0000609-2003
CERTIFICATE ID 10
CERTIFICATE EXPIRES 01-01-2004
01-01-2003/01-01-2004

CITY OF BERKELEY NB
PARKS & RECREATION ATTN: TRACY A. VESELY
2180 MILVIA ST 3RD FL
BERKELEY CA 94704

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

Thomas Hansen
AUTHORIZED REPRESENTATIVE

Kenneth C. Bollier
PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS \$1,000,000.00 PER OCCURRENCE

ENDORSEMENT #2065 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 01-01-2003 IS ATTACHED TO AND FORMS A PART OF THIS POLICY

EMPLOYER

BERKELEY BOOSTERS ASSOCIATION
(A NON PROFIT CORP.)
PO BOX 17
BERKELEY CA 94701

Additional Coverages and Factors

12/23/2002

Line of Business Coverages for		General Liability			
Coverage	Limits	Ded/Ded Type	Rate	Premium	Factor
General Aggregate	2,000,000				
Products/Completed Ops	1,000,000				
Aggregate					
Personal & Advertising	1,000,000				
Injury					
Each Occurrence	1,000,000				
Fire Damage	50,000				
Medical Expense	NONE				

CONTRACTORS INVOICE

PLEASE TYPE

Respect "BART" ESCORTS

1. CONTRACTOR'S NAME (Agency): Berkeley Boosters 2. ADDRESS: PAL PO Box 17 Berkeley 94701 CITY/STATE/ZIP

3. FUNDS REQUESTED FOR:
 a. Initial Advance
 b. Periodic Advance
 c. Reimbursement
 d. Final Invoice
 e. Other Specify
 f. Report for Month/s of: _____
 Month/s Day Year
 g. PROGRAM TYPE: CSBG _____ GENERAL FUND OTHER _____

4. COST INCURRED: a. From Start Of Agreement: 7 1 03 Mo Day Yr
 b. To End of Report Mo: 9 1 03 Mo Day Yr
 5. PERIOD COST PROJECTED: a. From End of Report Mo: _____ Mo Day Yr
 b. To End of Two Mo. Projection: _____ Mo Day Yr

COMMUNITY SERVICES CONTRACTORS INVOICE

6. COST CATEGORY	7. CONTRACT COMPONENT BUDGET (Nearest Dollar)	8. COSTS FOR REPORT MONTH ONLY (Nearest Dollar)	9. CUM. COSTS (Nearest Dollar)	10. COSTS PROJECTED (Nearest Dollar)	11. TOTALS (Column 9 + Column 10)
PERSONNEL SERVICES	a. <u>27320</u>	a.	a.	a.	a.
FRINGE BENEFITS	b. <u>6243</u>	b.	b.	b.	b.
TRANS. COST	c.	c.	c.	c.	c.
OPERATING COSTS	d. <u>4937</u>	d.	d.	d.	d.
EQUIPMENT PURCHASES	e. <u>2000</u>	e.	e.	e.	e.
INSURANCE	f.	f.	f.	f.	f.
OTHER: Specify	g.	g.	g.	g.	g.
OTHER: Specify	h.	h.	h.	h.	h.
TOTALS:	i. <u>40500</u>	i.	i.	<u>6750</u>	<u>6750</u>

ADVANCE

P.O.# _____ FOR CITY USE ONLY INVOICE # _____

12. LESS CASH RECEIVED: \$ 0

BUDGET CODE: _____

13. NET AMOUNT OF THIS REQUEST \$ 6750

AMOUNT TO BE PAID \$ _____

14. CONTRACTOR CERTIFICATION: I certify that the costs incurred are taken from the books of account and that such costs are valid and consistent with the terms of this agreement:

Cheryl Ja Rosa Longo Dir. of Admin. 6-23-03
 Authorized Contractor's Signature Title Date Signed

CITY STAFF ONLY
 PERFORMANCE SATISFACTORY FOR PAYMENT:

APPROVED BY: _____ EXAMINED BY: _____
 Signature Date Signature Date

- COPY 1 - FINANCE
- COPY 2 - HHS ACCOUNTING
- COPY 3 - CONTRACT MONITOR
- COPY 4 - CONTRACTOR

Rec #62,124

City of Berkeley, California **BUSINESS LICENSE**

BUSINESS TYPE POLICE ACTIVITIES LEAGUE

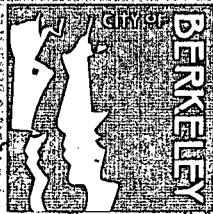
LOCATION IN BERKELEY VARIOUS

OWNER DAVID MANSON EXEC DIR

DBA BERKELEY BOOSTERS ASSN/P. A. L.

MAIL ADD P O BOX 17

CITY BERKELEY CA 94701



LICENSE NUMBER
 2003-10724

DATE
 2003

EXPIRES: 12/31/03

0002 This license is renewable on or before 2/28/04

THIS LICENSE IS ISSUED WITHOUT VERIFICATION THAT THE LICENSEE IS SUBJECT TO AN EXEMPTION FROM LICENSING BY THE STATE.
 THIS LICENSE MUST BE CONSPICUOUSLY POSTED AND BE RENEWED WITHIN 30 DAYS AFTER EXPIRATION.
 IT SHALL NOT BE CONSTRUED AS AUTHORIZING THE CONDUCT OR CONTINUANCE OF ANY ILLEGAL OR UNLAWFUL BUSINESS.

LICENSE COLLECTOR 277239

325-766 (REV. 12/90)

Original CMS #: Y3DFY
 (To be filled in by department)

Amendment CMS #: RRKBC
 (To be filled in by department)

Contract No.: 6724A
 (To be filled in by auditor)


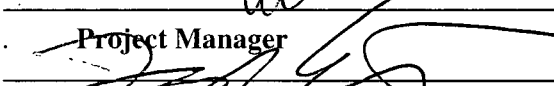
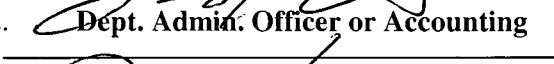
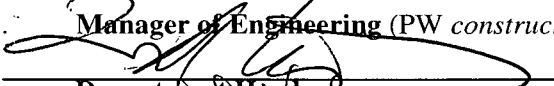
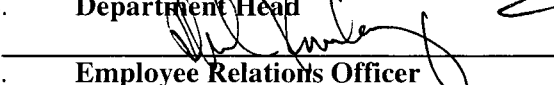

CONTRACTOR NAME: Berkeley Boosters Association

This contract package contains: Three Original Contracts (Department, Vital Record and Vendor) contracts in Folders *The Vital Record contract MUST be in a folder. *Optional: In lieu of folders, the Department and Vendor copies may be assembled with an Acco-fastener.	Attached	Waiver Attached	Not Required
1. Authorizing Council Resolution No.: <u>63,166 N.S.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Living Wage Certification (if not submitted with original contract) **LWO form revised 8/02 Submitted With Original Contract	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Certification of Compliance with Equal Benefits Ordinance (if not submitted with original contract) **EBO form revised 7/02 With Original Contract	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Insurance Certificate Original on File: Contract Number 6701 copy attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Requisition No.: 105122 (Hard copy attached) Purchase Order No.: 56137

Original contract amount \$ 174,368
 Amount(s) added by previous amendment(s) \$ 0 (if applicable)
 Amount added by this amendment \$ 29,643
 Total contract amount after amendment \$ 204,011

Routing and signatures: All elements of the contract package including information provided above and on the Amendment Data Transmittal form have been reviewed for completeness and accuracy and evidenced by the following signatures:

Kristen Lee 	Housing PPMB x 5427	1/18/2006
1. <u></u> Project Manager	Dept./Division	Tel. No.
2. <u></u> Dept. Admin. Officer or Accounting		Date <u>1/25/06</u>
3. <u></u> Manager of Engineering (PW construction only)		Date <u>1/18/06</u>
4. <u></u> Department Head		Date <u>1/25/06</u>
5. <u></u> Employee Relations Officer		Date <u>1/25/06</u>
6. _____ Contract Compliance Officer (Construction only)		Date _____

Routing continues to the following persons, who sign directly on the contract:

- 7. City Manager (Will not sign unless all signatures and dates appear above)
- 8. City Auditor (Initials )
- 9. City Clerk (Initials _____)

RECEIVED
 JAN 30 2006
 City Auditor

CMS# RRKBC

AMENDMENT TO CONTRACT

THIS CONTRACT is entered into January 15, 2006, between the CITY OF BERKELEY ("CITY"), a Charter City organized and existing under the laws of the State of California, and The Berkeley Boosters Association ("CONTRACTOR"), a non-profit corporation under the laws of the State of California, doing business at P.O. Box 17, Berkeley CA 94701.

WHEREAS, CITY and CONTRACTOR previously entered into Contract Number 6724, dated July 1, 2005, which Contract was authorized by the Berkeley City Council by Resolution No. 62,976 - N.S.; and

WHEREAS, on December 13, 2005 by Resolution No. 63,166-N.S., the Berkeley City Council authorized an amendment of said contract, adding a total of \$29,643; \$10,000 for the Berkeley Guides program and \$19,643 for the BART Escorts program.

THEREFORE, City and Contractor mutually agree to amend said contract as follows:

1. Section 1 is amended to include the services detailed in Exhibit A, which is attached to and made part of this Contract.
2. Section 3 is amended to read as follows:

PAYMENT

For services referred to in Section 1, City will pay Contractor a total amount not to exceed \$ 204,011. City shall make payments to Contractor in accordance with provisions described in Exhibit B, which is attached to and made part of this Contract.

3. In all other respects, the contract dated July 1, 2003, shall remain in full force and effect.

IN WITNESS WHEREOF, City and Contractor have executed this Contract as of the date written on the first paragraph of this Contract.

CITY OF BERKELEY

By *Lino Co*
Deputy City Manager

THIS CONTRACT HAS BEEN APPROVED AS TO FORM BY THE CITY ATTORNEY FOR THE CITY OF BERKELEY 6/01

Registered by:
Jan-Marie Han
City Auditor

Attest:
Wanda
Asst. Deputy City Clerk

CONTRACTOR: Berkeley Boosters Association

David W. Manson, Jr.
By: David W. Manson, Jr., Executive Director

EXHIBIT A
STATEMENT OF WORK PLAN APPENDIX F

(Please TYPE: Use additional sheets if necessary)
(Services For Berkeley Residents Only)

Agency: Berkeley Boosters Police Activities League

Contract Period: July 1, 2005 – June 30, 2006

Program Title: BART ESCORTS

A. Brief Program Description [Primary Goal(s)]

Youth Employment and Public Safety Program

Primary goals:

- 1) Job Training
- 2) Employment Support
- 3) Job Placement
- 4) Public Safety

**B. Scope of Services - Briefly describe each service activity or project to be undertaken.
(See attached)**

C. Networking and Merging of Efforts with Other Agencies. (Quantify planned contacts, referrals, etc., with and/or to specific agencies)

Berkeley Police Department – Training
Inter City Services – Training and Assessment
BART - Training

BART Escorts Program Description (Public Safety / Employment Training)

A violent incident in 1995 led to the establishment of this Berkeley Boosters PAL program. A woman was attacked and severely hurt at the North Berkeley BART station. The City of Berkeley approached us for help. We organized the BART Safety Escort program. BART gave us a grant for the purchase of uniforms, radios, and a van, and the City of Berkeley paid for the salaries of the employees. For the last 9 years, we have provided escort services at both the North Berkeley BART station and the Ashby BART station.

This program serves a dual purpose: providing a public safety benefit for Berkeley residents and also a youth employment program for Berkeley residents. We will operate during nine weeks in the winter during daylight savings time (January through March). At each station, we will have 6 people – one adult supervisor and five young people, high school or community college students or other at-risk youth. They will work in pairs, carry flashlights and escort BART patrons from the station to their parked cars or their homes. In this role, they will be equipped with, and trained to use police radios-which put them in direct contact with Police and Fire dispatch. They are able to immediately radio directly to the Public Safety Communications Center in cases of crimes, fires, medical emergencies or other critical needs.

These services will be provided Monday through Friday from 5:30pm to 7:30pm, during the heavy commute hours.

As a result of the dual nature of this program, the BART Escorts actually address several of the priorities outlined in the City Manager's letter to prospective applicants as important unmet needs:

- ❖ Provides healthy youth alternatives
- ❖ Reduces Poverty
- ❖ Ensures public safety

The BART Escorts will be responsible for the establishment and ongoing maintenance of a friendly, approachable presence to improve the feeling of safety and welcomeness at the Ashby and North Berkeley BART stations during the non-daylight savings commute hours. The BART Escorts will participate in training, evaluating and coaching sessions with the Berkeley Guides coordinator, the Berkeley Police Department, and their Supervisor/Job Coach, as well as the Executive Director of the Berkeley Boosters PAL. Their training shall include both employment / employability training as well as job-specific trainings such as conflict resolution, personal safety, verbal de-escalation, and customer service skills. They shall maintain accurate and complete records of their daily activities. They will be responsible to maintain the daily log book of incidents, events, contacts, and escorts. When appropriate, they shall refer individuals in need of services to the appropriate city or public service agency, and will initiate police intervention backup when necessary. *Berkeley Guides* will provide special attention to vulnerable groups such as children, older adults and disabled persons.

As an employment and job readiness program for Berkeley residents between 14 and 24, the BART Escorts program will also provide its participants with a meaningful job training experience. Not only will this serve as a means of providing gainful employment, but also serve as an entryway into other meaningful employment and career opportunities.

Since the State of California's Employment Development Department's Labor Market Information Division has identified that most new job growth will be in Health Care and Social Assistance, Retail Trade and Accommodation and Food Services, we will tailor our training towards skills that are valuable in those fields. We will spend one week prior and one week after the official start of BART Escort services providing vocational assessment tests, pre-employment training, and post-employment job search, resume building, networking training, and job placement assistance. Following U.S. Department of Labor recommendations that "proven techniques for developing improved employment outcomes for young people...includes four core areas: Preparatory Experiences, Connecting Activities, Work-Based Experiences and Leadership Development," our program plan includes activities designed to address each of these.

Our pre-session Training Week addresses the need to provide a meaningful Preparatory Experience. Drawing upon our years of experience providing team-building experiences that deepen the nature of interpersonal relationships among Police Officers and young people, we will provide participants with a full-day ropes course during our Training Week that will include trust-building and team-building activities with their supervisors and Police Department trainers. In addition, participants will be given a learning skills inventory and vocational assessment test. Results will be shared with the participants to help them begin to develop an understanding of their own unique skill sets. Connecting Activities will take place during the five-month course of our program. In addition to their regular contacts with positive adult role models serving as their supervisors (our BART Escorts supervisors are both long-time City of Berkeley employees within the Berkeley Police Department's Parking Enforcement Division and have been with us for the past four years), we will also provide once monthly social activities to reinforce their sense of teamwork and community.

The outcomes for the project fall under the City of Berkeley category of Employment:

- ❖ TRAINING:
 - By June 30, 2006, 10 (10) clients will have achieved marketable employment skills as evidenced by pre- and post-tests, and/or job placement.
- ❖ JOB PLACEMENT:
 - By June 30, 2006, ten (10) clients will have secured employment as evidenced by pay stubs.
- ❖ SUPPORT:
 - By June 30, 2006, ten (10) clients obtained continued employment training and/or placement assistance through ongoing Berkeley Boosters PAL staff support, as well as use of One Stop Career Center services, as evidenced by attendance sign-in sheets.

D. Service Activities (Berkeley Residents Only Who Meet Income Guidelines – 200 percent of Poverty Level Only for CSBG/GF, or Those Who Receive TANF or SSI or Who Have a Disability.) - The following indicates planned number of times a client will receive a service, and the planned number of clients to be served. A client is to be recorded only once during the program year; however, that same client may receive other types of services during the year. The Service Measure (s) should indicate, in a few words, the measurable unit of contact (e.g., bed nights, hours, sessions, classes, etc.)

Services Activity	Service Measure	Planned Quarterly		Planned Annually	
		* # of Client Contacts	# of New Clients	* # of Client Contacts	# of New Clients
Job Training	Hours	5	10	5	10
Vocational Skills / Aptitude Assessment	Hours	2	10	2	10
Employability Skills Training	Hours	2	10	2	10
Resume Building Skills Workshop	Hours	2	10	2	10

INCOME LIMITS FOR POVERTY, VERY LOW INCOME AND LOW INCOME FAMILIES -- 2005

Household Size →	Person							
	1	2	3	4	5	6	7	8
Poverty Level	9,570	12,830	16,090	19,350	22,610	25,870	29,130	32,390
200% of Poverty	19,140	25,660	32,180	38,700	45,220	51,740	58,260	64,780
Very Low (50% of AMI)	29,000	33,100	37,250	41,400	44,700	48,000	51,350	54,650
Low (80% of AMI)	46,350	53,000	59,600	66,250	71,550	76,850	82,150	87,450

* N/A if meeting with monitor indicates.

1. Total number of clients with disabilities to be served: 0
2. Total number of homeless clients to be served: 0
3. Total number of Female Heads of Household to be served: 0
4. Total number of clients residing in the Target Area to be served: 10
5. Total number of clients not residing in the Target Area to be served: 0

G. Agency Fee Schedule - (if applicable, attach copy) N/A

H. Briefly Describe Method for Verification of Client Income Eligibility:

Self-Reported through intake forms and verified via collection of tax returns or paystubs

I. Specify the outcomes to be achieved by this contract. (Refer to *City-Wide Outcomes*.)

❖ TRAINING:

- By June 30, 2006, 10 (10) clients will have achieved marketable employment skills as evidenced by pre- and post-tests, and/or job placement.

❖ JOB PLACEMENT:

- By June 30, 2006, ten (10) clients will have secured employment as evidenced by pay stubs.

❖ SUPPORT:

- By June 30, 2006, ten (10) clients obtained continued employment training and/or placement assistance through ongoing Berkeley Boosters PAL staff support, as well as use of One Stop Career Center services, as evidenced by attendance sign-in sheets.

WORK PLAN - BART ESCORTS

List key activities for the period January 1, 2006 - June 30, 2006 for each major component or service. Complete and submit one Workplan sheet per program/project. Include number of new participants expected to be served each month, number of participant contacts, project phases, significant events, milestones, or construction deadlines as appropriate.

(NOTE: Total number of participants to be served is ALWAYS 12, with one exception: Escorts Provided. the figures that are provided below indicate the number of participant contacts)

APPENDIX E

Component/Service	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
Occupational Skills Assessment							1						2
Learning Styles Inventory							1						1
Employment / Employability Training							5			5			10
Work-Based Experiences							2	20	23				94
Public Safety Training							2						8
Support Programs Interface (One Stop Career Center, Inner-City Services, etc.)							1			1			3

9
12/11/05

1. Contractor shall provide the City with job descriptions of all of the employees' positions funded under this Contract, as listed in Exhibit B, Composite Program Budget.
2. Contractor shall provide the City with a list of authorized signatories for the Contractor's Advance Payment Request or Invoice and Quarterly Statement of Expense (or other cost documentation, as required by contracting department).

WORK PLAN – BERKELEY GUIDES

List key activities for the period July 1, 2005 – June 30, 2006 for each major component or service. Complete and submit one Workplan sheet per program/project. Include number of new participants expected to be served each month, number of participant contacts, project phases, significant events, milestones, or construction deadlines as appropriate.

PROGRAM Berkeley Guides

Component/Service	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
Escorts	7	7	7	7	7	7	5						42
Assistance / Directions	80	80	80	80	80	80	60						480
Intervention in Problematic Street Behaviors (Aggressive Panhandling / Mental Health Issues / Altercations)	40	40	40	40	40	40	25						240
Respond to Merchant Calls	40	40	40	40	40	40	25						240
Meet with Downtown Partners (DBA, BPD, Mental Health, Visitor & Convention Bureau)	21	21	21	21	18	16	10						118
Provide public safety presence at Berkeley events (Front Row Festival, Farmer's Market, Arts District Events)	4	5	4	8	8	8	5						37

**COMMUNITY AGENCY
EXHIBIT B
COMPOSITE PROGRAM BUDGET
REVENUE & EXPENSE SUMMARY**

BERKELEY GUIDES

Period 1/1/06-6/30/06

Contractor: Berkeley Boosters Assoc./PAL		APPROPRIATE REQUIREMENTS		
SOURCES OF FUNDS	TOTAL	Expenditure Categories		
Revenue Categories		Salaries & Benefits	Services & Supplies	Fixed Assets
I. CITY OF BERKELEY ALLOCATED FUNDS				
A. CDBG	\$ -			
B. ESG	\$ -			
C. CSBG	\$ -			
D. General Funds	\$ 29,643	25,328	4,315	
E. Measure "E"	\$ -			
F. Others, Specify: S+C	\$ -			
Sub-Totals	\$ 29,643	\$ 25,328	\$ 4,315	\$ -
II. OTHER SOURCES OF FUNDS				
A. Federal	\$ -			
B. State				
1. Education	\$ -			
2. Family Planning	\$ -			
3. Prop 99	\$ -			
4. Other: Specify	\$ -			
5. Other: Specify	\$ -			
Federal & State Sub-Totals	\$ -	\$ -	\$ -	\$ -
C. Other Local (Redevelopment/Rent Board)	\$ -			
D. County	\$ -			
E. Patient/Client Fees/	\$ -			
F. Private/Foundations/Corporations	\$ -			
G. Fundraising Activity/Inkind	\$ -			
H. Miscellaneous/Other Local Gov.	\$ -			
Other Sub-Totals	\$ -	\$ -	\$ -	\$ -
GRANT TOTAL	\$ 29,643	\$ 25,328	\$ 4,315	\$ -

Community Agency
 Composite Program Budget
 Revenue Sources & Expenditure Categories Detail
 (Services Provided to Berkeley Residents Only)

Exhibit B
 Page 2 of _____

Contractor: Berkeley Boosters Association		Contract Service Category		Period 1/1/06-6/30/06		Contract Number	
Expenditure Categories							
PROJECTS							
Salary & Wages Position/Title	(*) FTE	Annual Salary	#1 BART Escorts		#2 Berkeley Guides		Total
			(*) FTE	Amount	(*) FTE	Amount	
Executive Director	1.00	56,000	3%	1,450	1%	600	\$ 2,050
Administrative Director	1.00	42,500	3%	1,450	1%	400	\$ 1,850
Coordinator	1.00	36,565	0%		8%	3,000	\$ 3,000
Supervisors (2)	1.00	2,800	100%	2,800	0%		\$ 2,800
Senior GUIDE	0.40	33,042	0%		6%	2,000	\$ 2,000
Part Time GUIDE	0.20	20,000	0%		4%	800	\$ 800
Part Time Escorts	0.10	6,750	100%	6,750	0%		\$ 6,750
Accounting		4,000	9%	350	1%	32	\$ 382
Page Sub-Totals			2.15	\$ 12,800	0.21	\$ 6,832	\$ 19,632
					0.00	\$ -	\$ -

Community Agency
 Composite Program Budget
 Expenditure Categories & Benefits Detail
 (Services Provided to Berkeley Residents Only)

Page 3 of 4

Expenditure Categories		#1 BART Escorts		#2 Berkeley Guides		#3		Total
Salary & Wages Position/Title	(* FTE)	Annual Salary	(* FTE)	Amount	(* FTE)	Amount	(* FTE)	Amount
Salary Sub-Total			2.15	\$ 12,800	0.21	\$ 6,832	0.00	\$ 19,632
Benefits								
FICA 6.2% up to \$84,900			12%	1,536	12%	816		-
Medi-care 1.45% unlimited			14%	1,792	14%	952		-
Workers Comp				300		300		2,352
Health Insurance								2,744
Dental Insurance								600
Other:								-
Benefits Sub-Total				\$ 3,628		\$ 2,068		\$ 5,696
Salaries & Benefits Total				\$ 16,428		\$ 8,900		\$ 25,328

Community Agency
 Composite Program Budget
 Revenue Sources & Expenditure Categories Detail
 (Services Provided to Berkeley Residents Only)

Exhibit B
 Page 4 of 4

Expenditure Categories (CDBG, ESG, General Fund, CSBG)	#1 BART Escort	#2 Berkeley Guides	#3	Total
PROJECTS / PROGRAMS				
Services & Supplies				
Rent	350	50		\$ 400
Utilities	200	50		\$ 250
Insurance	750	200		\$ 950
Telephone	150	350		\$ 500
Postage	150	50		\$ 200
Printing	500	250		\$ 750
Travel				\$ -
Supplies		50		\$ 50
Other: Equipment	1,115	100		\$ 1,215
Other:				\$ -
Services & Supplies Sub-Total	\$ 3,215	\$ 1,100	\$ -	\$ 4,315
Fixed Assets				\$ -
Fixed Assets Sub-Total	\$ -	\$ -	\$ -	\$ -
Salaries & Benefits Sub-Total	\$ 16,428	\$ 8,900	\$ -	\$ 25,328
Total Budget	\$ 19,643	\$ 10,000	\$ -	\$ 29,643

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 12/28/2005
PRODUCER (661) 327-3111 FAX (661) 327-1262 Thomas E Mestmaker Ins & Assoc c/o Wilson, Paves & Assoc 2300 Bahamas Drive Bakersfield CA 93309	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Berkeley Boosters Association PAL PO Box 17 Berkeley CA 94701	INSURERS AFFORDING COVERAGE INSURER A: Lexington Ins Company INSURER B: National Union Fire Ins INSURER C: INSURER D: INSURER E:	NAIC #

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Sexual Abuse <input checked="" type="checkbox"/> Limit \$100,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	4194471	1/1/2006	1/1/2007	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000				
	MED EXP (Any one person) \$ excluded				
	PERSONAL & ADV INJURY \$ 1,000,000				
	GENERAL AGGREGATE \$ 2,000,000				
	PRODUCTS - COMP/OP AGG \$ 1,000,000				
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	OTHER Accident Medical	SRG9101690	1/1/2006	1/1/2007	Limit \$50,000 Deductible \$50.00 Per Occurrence

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 City of Berkeley Its Officers, Agents, Volunteers and Employees are named as Additional Insured with respects to the General Liability and only with regards to the operations of the Named Insured.* non payment of premium will result in a 10 day notice of cancellation

CERTIFICATE HOLDER City of Berkeley Its Officers, Agents, Volunteers and Employees 2180 Milvia Street Berkeley, CA 94704	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Mike Wilson/RP
---	---



P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 01-01-2006

GROUP: 000380
POLICY NUMBER: 000609-2006
CERTIFICATE ID: 13
CERTIFICATE EXPIRES: 01-01-2007
01-01-2006/01-01-2007

CITY OF BERKELEY NB
PARKS & RECREATION C\O MARK SELEZNOW
2180 MILVIA ST
BERKELEY CA 94704

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or to which it may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions, of such policy.

[Signature]

[Signature]

AUTHORIZED REPRESENTATIVE

PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000 PER OCCURRENCE.

ENDORSEMENT #2065 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 01-01-1999 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

EMPLOYER

BERKELEY BOOSTERS ASSOCIATION (A NON PROFIT CORP.)
PO BOX 17
BERKELEY CA 94701

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 8/4/2006
PRODUCER (661) 327-3111 FAX (661) 327-1262 Thomas E Mestmaker Ins & Assoc c/o Wilson, Paves & Assoc 2300 Bahamas Drive Bakersfield CA 93309		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED Berkeley Boosters Association PAL PO Box 17 Berkeley CA 94701		
		INSURERS AFFORDING COVERAGE
		NAIC #
		INSURER A: Lexington Ins Company
		INSURER B: National Union Fire Ins
		INSURER C:
		INSURER D:
		INSURER E:

6724A

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS												
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Sexual Abuse <input checked="" type="checkbox"/> Limit \$100,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	4194471	1/1/2006	1/1/2007	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000												
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$												
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$												
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$												
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">WC STATU-TORY LIMITS</td> <td style="width:10%;">OTH-ER</td> <td></td> </tr> <tr> <td colspan="2">E.L. EACH ACCIDENT</td> <td>\$</td> </tr> <tr> <td colspan="2">E.L. DISEASE - EA EMPLOYEE</td> <td>\$</td> </tr> <tr> <td colspan="2">E.L. DISEASE - POLICY LIMIT</td> <td>\$</td> </tr> </table>	WC STATU-TORY LIMITS	OTH-ER		E.L. EACH ACCIDENT		\$	E.L. DISEASE - EA EMPLOYEE		\$	E.L. DISEASE - POLICY LIMIT		\$
WC STATU-TORY LIMITS	OTH-ER																	
E.L. EACH ACCIDENT		\$																
E.L. DISEASE - EA EMPLOYEE		\$																
E.L. DISEASE - POLICY LIMIT		\$																
B		OTHER Accident Medical	SRG9101690	1/1/2006	1/1/2007	Limit \$50,000 Deductible \$50.00 Per Occurrence												

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 City of Berkeley Its Officers, Agents, Volunteers and Employees are included as Additional Insureds with respects to the General Liability and only with regards to the operations of the Named Insured. *CANCELLATION FOR NON PAYMENT WILL RESULT IN A TEN DAY NOTICE.

<p>CERTIFICATE HOLDER</p> <p>City of Berkeley, Its Officers, Agents Volunteers and Employees 2180 Milvia Street Berkeley, CA 94704</p>	<p>CANCELLATION</p> <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.</p> <p>AUTHORIZED REPRESENTATIVE Mike Wilson/RP </p>
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IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

RESOLUTION NO. 57,737 -N.S.

AUTHORIZING FUNDING FOR THE RESPECT PROGRAM ESCORT SERVICE AT THE NORTH AND SOUTH BERKELEY BART STATIONS DURING EVENING COMMUTE HOURS FOR THE PERIOD NOVEMBER 1 THROUGH DECEMBER 31, 1994, AND EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH BERKELEY BOOSTERS AND BREAK THE CYCLE TO INCLUDE THESE SERVICES

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

That the City Manager is hereby authorized to provide funding for the RESPECT Program Escort Service at the North and South Berkeley BART Stations during evening commute hours for the period November 1 through December 31, 1994 in an amount not to exceed \$15,000, to escort commuting residents to their cars and homes and to assist in forming groups of residents to walk with one another to their destinations; and that during this time the City Manager shall (1) contact BART regarding sharing of financial support and (2) present to the Council the results of a program evaluation and a recommendation regarding the continuance of the service.

FURTHER RESOLVED that the City Manager is authorized to execute an amendment to the agreement with Berkeley Boosters and Break the Cycle to cover these services; a record signature copy of the amendment to be filed in the Office of the City Clerk.

Copies sent 11/4/94

To: Health & Human Services
City Manager
Independent Task Force
on Homelessness

RESOLUTION

No. 57,737 N.S.

Dated November 1, 1994

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Collignon, Dean, Maio, Olds, Shirek, Spring, Wainwright,
Woodworth and President Leiter.

Noes: None.

Abstaining: None.

Absent: None.

JEFFREY S. LEITER
Mayor and President of the Council

Attest: SHERRY M. KELLY
City Clerk and Clerk of the Council

MINUTES
BERKELEY CITY COUNCIL
REGULAR MEETING

November 1, 1994

Section A. Preliminary Matters

1. Roll Call: 7:08 p.m.

Present: Councilmembers Collignon, Dean, Maio, Olds, Shirek, Spring, Wainwright, Woodworth, President Leiter and Acting City Manager Rucker.

Absent: None.

2. Ceremonial Matters:

a. Presentation of the Meritorious Service Award from the California Emergency Services Association to the Hills Emergency Forum.

b. Proclamation proclaiming the week of November 13 through November 20, 1994 as Ecology Center Week in honor of the Ecology Center's 25th Anniversary.

c. Proclamation in observation of Diwali, the Indian New Year.

3. Comments From The Public: 11 speakers heard.

Comments from: Bert J. Mondino, 3010 Shattuck; Carolyn Erbele, 1711 Channing; John Roberts, 2927 Newbury Street; Clifford Fred, 1334 Peralta Avenue; William Rentz, 2262 Summer Street; John Yellen, P. O.Box 13531; Mark Liolios, 1846 Parker Street; John Raina, Jr., 1455 Stannage Avenue; Nancy Bickel, 1522 Summit; Dan Craig, 2230 Shattuck Avenue; Arash Davallon, 2601 Channing Way #309.

4. Consent Calendar: Various actions to remove, withdraw, and/or continue items as noted in specified sections.

5. Report-Closed Session: No report

Section B. Action On Minutes

Meeting of October 4 (spec. closed) and October 4 (reg.), 1994

Action: Approved Minutes of October 4, 1994 regular meeting. Continued Closed Session minutes to next meeting.

Motion:

Moved, seconded, carried (Wainwright/Spring) to take the action shown above.

Section D. Consent Calendar

The Second Reading of Ordinances was moved to the Consent Calendar by Councilmember Collignon, moved for adoption by Councilmember Wainwright and seconded by Councilmember Woodworth, and adopted by unanimous vote of the Council unless otherwise stated:

1. **Amending Section 5 of Ordinance No. 5061-N.S. Transfer Tax (Section 7.52.060 of the Berkeley Municipal Code), to extend the time limit on the completion of seismic work for purposes of the seismic retrofit exemption.**
Action: Adopted Ordinance No. 6262-N.S. Effective: December 1, 1994

2. **Authorizing the City of Berkeley to vacate a 5-foot wide sewer easement located at 1197 Cragmont and authorizing the execution of related quitclaim deed to Douglas and Patricia Hill.**
Action: Adopted Ordinance No. 6263-N.S. Effective: December 1, 1994

Section D. Consent Calendar

The Consent Calendar was moved by Councilmember Wainwright, seconded by Councilmember Woodworth, and adopted by unanimous vote of the Council unless otherwise stated:

(a) From City Manager:

1. **Needle Exchange Emergency Distribution**
Recommendation: Adopt a Resolution reviewing and confirming the continued existence of a local emergency with regard to HIV transmission from use of HIV-infected needles among injection drug users, and authorizing the Director of Public Health to take steps to enable the operation of needle exchange emergency distribution. Expense: None
Action: Adopted Resolution No. 57,733 -N.S.

2. **Contract: X-Rays And Laboratory Services**
 Recommendation: Adopt a Resolution authorizing a contract with Alta Bates Medical Center for X-rays and laboratory services for calendar years 1993 and 1994; and authorizing execution of any amendments.
 Expense: Not to exceed \$17,500 per each contract year
 Action: Adopted Resolution No. 57,734-N.S.

3. **Contract: Sanitary Sewer Replacement Project**
 Recommendation: Adopt a Resolution approving the Plans and Specifications for Sanitary Sewer Replacement Project Sub-Basin 11-107A at Santa Barbara Road, Indian Rock Avenue, Shattuck Avenue and Visalia Avenue; accepting the bid and awarding a contract to Woods Construction Company. Expense: \$529,511
 Action: Adopted Resolution No. 57,735-N.S.

4. **Application: PG&E Energy Advantage Program**
 Recommendation: Adopt a Resolution authorizing the City Manager to submit an application to the PG&E Energy Advantage Program for participation in its energy efficiency project support and low-cost financing program and accept funds, if awarded, and execute the resultant agreement and any amendments.
 Revenue: Annual Net Savings: \$53,000 after Loan Repayment in year 6 of the Agreement.
 Action: Adopted Resolution No. 57,736-N.S.

(b) From Mayor and Council:

1. **Trash Pick Up Time On Bowditch And Channing**
 From: Councilmember Carla Woodworth
 Recommendation: That Council direct the City Manager to modify pick-up times on Bowditch and Channing at the request of the residents. Expense: None
 Action: Approved recommendation.

2. **Funding For RESPECT Escort Service For Two Months**
 From: Councilmembers Linda Maio, Maudelle Shirek and Mayor Jeffrey Leiter
 Recommendation: That Council provide two months of funding for the RESPECT Program Escort Service at North Berkeley and South Berkeley BART stations during the evening commute hours to escort commuting residents to their cars and homes, and to assist in forming groups of residents to walk with one another to their destinations, during which time the City Manager will 1) contact BART regarding sharing of financial support ; and 2) present to the Council the results of a program evaluation and a recommendation regarding the continuance of the service
 Action: Approved recommendation. Adopted Resolution No. 57,737-N.S.

(c) From Others:

1. Review Of Sanitary Sewer Fund Billing

From: City Auditor Anna Rabkin

Recommendation: That Council request report back by January 31, 1995 on implementation of audit recommendations to collect over \$3 Million estimated owing to the Sanitary Sewer Fund. Revenue: Estimated owing \$3,050,000 to \$3,335,000

Contact: Anna Rabkin, City Auditor, 644-6440

a. City Manager Report For Information

Action: Removed from Consent Calendar for discussion by Councilmember Dean. Approved recommendation. Requested the City Manager report back regarding possible exemptions for businesses impacted negatively by work on sewer reconstruction.

Motion:

Moved, seconded, carried (Dean/Collignon) to take the action shown above.

2. Review Of Engineering Permittee's Compliance With Business License Requirements

From: City Auditor Anna Rabkin

Recommendation: That Council request the City Manager to report by February 1995 on implementation of procedures at permit issuing offices to ensure equitable compliance with the Business License Tax Ordinance.

Action: Approved recommendation.

Section F. Continued or Uncompleted Items

(a) From City Manager:

1. Allocation of \$60,000 Repaid By Redevelopment Agency Under Repayment Agreement For 3000 Block Of Sacramento Street To Housing Trust Fund (Continued from 10/4/94, Item G(a)1)

Recommendation: Adopt a Resolution which 1) approves allocation of funds repaid by the Agency under the Repayment Agreement for the 3000 Block of Sacramento Street Project to the Housing Trust Fund and 2) directs the City Manager to include allocation to the Housing Trust Fund in the next amendment to the Appropriation Ordinance for Fiscal Year 94-95. Expense: \$60,000

Action: Moved to Consent Calendar by Councilmember Dean. Adopted Resolution No. 57,738-N.S.

2. **Reduction Of Interest Rate On Loan From The City To The Redevelopment Agency For Development Of The 3000 Block Of Sacramento Street (CR#93-086) (Continued from 10/4/94)**
Recommendation: Adopt a Resolution authorizing City Manager to amend the Repayment Agreement between the City and the Redevelopment Agency for development of the 3000 Block of Sacramento Street to reduce the interest rate charged by the City. Repayment to the General Fund: \$555,629
Contact: Neil Mayer, Community Development, 644-6073
Action: Moved to Consent Calendar by Councilmember Dean. Adopted Resolution No. 57,739-N.S.

(b) From Mayor and Council:

1. **Allocation Of Funds For The Ohlone Mural (Continued from 10/25/94, Item D(b2))**
From: Councilmember Dona Spring
Recommendation: That Council allocate the \$3,000 approved in the 1994-95 budget (from Measure AA Funds) for the Ohlone Mural (work in progress) to commemorate the Ohlone Indians in Ohlone Park. Expense: \$3,000 has already been allocated and does not involve additional funds.
 a. **City Manager Oral Report**
Action: Moved to Consent Calendar by Councilmember Spring. Approved recommendation. Adopted Resolution 57,740-N.S.

Section G. Reports For Action

(a) From City Manager:

1. **Contract: Lenny Goldberg & Associates**
Recommendation: That Council decide whether it wishes to continue its contract with Lenny Goldberg & Associates for legislative representation on rent control issues and if so, adopt a Resolution authorizing execution of a contract amendment extending the term to September 15, 1995. Expense: \$13,200 from salary savings
Action: All motions failed. No Action taken.
Motion:
 Prior to discussion of this item, Mayor Leiter recused himself due to conflict of interest, and turned over the chair to Vice Mayor Collignon.
 Councilmember Maio inquired of the City Attorney regarding her potential conflict of interest. The City Attorney indicated a formal advice letter would have to be obtained from the Fair Political Practices Commission (FPPC) in Sacramento; that Councilmembers Maio and Wainwright had the option to participate pending receipt of an opinion from the FPPC. Councilmember Maio stated she would like to wait for the FPPC opinion.
 Moved, seconded, failed (Maio/Woodworth) to continue the item until a formal opinion from the FPPC has been obtained. (Ayes - Maio, Shirek, Spring, Woodworth; Noes - Collignon, Dean, Olds, Wainwright; Abstaining - Leiter)
 Moved, seconded (Olds/Dean) not to continue the contract and wait until there

is some issue on rent control proposed in Sacramento and then select a consultant on a monthly basis.

Upon further discussion, Councilmember Dean added an amendment, to refer this issue back to the Rent Stabilization Office.

Upon call of the roll, the motion failed. (Ayes - Collignon, Dean, Olds; Noes - Shirek, Spring, Woodworth; Abstaining - Maio, Wainwright, Leiter)

2. **Contract: Provision Of Licensed Drug/Alcohol Social Model Residential Recovery Home Bed Days To Individuals Referred By Berkeley Mental Health**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Bi-Bett Corporation, for the provision of 1,095 licensed drug/alcohol social model residential recovery home bed days to individuals referred by Berkeley Mental Health from December 1, 1994 through November 30, 1995, and authorizing a two-month advance payment. Expense: \$50,000
Action: Adopted Resolution No. 57,741-N.S.
Motion:

Moved, seconded (Olds/Wainwright) to renegotiate this contract so that clarity can be obtained in the bidding process and Berkeley businesses will have a chance to be considered; that the item be brought back for reconsideration.

Moved, seconded, carried (Collignon/Maio) a substitute motion, to approve the City Manager's recommendation. (Noes - Olds)

3. **Presentation And Adoption Of The Proposed Downtown Berkeley Public Improvements Plan and Mitigated Negative Declaration**
Recommendation: Adopt a Resolution adopting both the 1994 Downtown Berkeley Public Improvements Plan for public infrastructure improvements and the Mitigated Negative Declaration per the California Environmental Quality Act (CEQA)
Expense: Estimated to be between \$7 and \$8 Million
 a. Board of Library Trustees Information Report
 b. Planning Commission Report
 c. Communications
Action: Adopted Resolution No. 57,742-N.S. and referred issues related to Negative Declaration to the City Manager.
Motion:

Mayor Leiter recused himself from participation due to conflict of interest and turned the chair over to Vice Mayor Collignon.

Moved, seconded, carried (Olds/Shirek) to take the action shown above.
 (Abstaining - Leiter)

(c) From Others:

1. **Sather Gate Retrofit Project -- Recommendation To Study Alternative Design Work**

From: Citizens Budget Review Commission

Recommendation: That the City Manager authorize that the alternative study in parallel with the additional design work that is about to begin on the existing steel option.

a. **City Manager Report**

Recommendation: That Council not reject current bids for the project as designed by Degenkolb Engineers. Expense: Rejection of bid could result in loss of \$1,300,000 in FEMA monies and possible legal action by contractors/subcontractors.

Action: Approved the City Manager's recommendation not to reject current bids and continue with the project.

Motion:

Moved, seconded (Collignon/Shirek) to approve the City Manager's recommendation.

Moved, seconded, failed (Woodworth/Dean) to approve the Citizens Budget Review Commission's recommendation. (Ayes -Dean, Olds, Woodworth; Noes - Collignon, Maio, Shirek, Spring, Leiter; Abstaining - Wainwright)

The main motion carried. (Ayes - Collignon, Maio, Shirek, Spring, Woodworth, Leiter; Noes - Dean, Olds, Wainwright)

Section H. Reports For Information

(c) From Others:

1. **Measure O**

From: Peace & Justice Commission

Action: Received and filed.

Section I. Priority Items (Set For Certain)

**1. PUBLIC HEARING REGARDING ZONING APPEAL, 2109 CEDAR STREET
(Continued from 10/18/94, Item I.3)**

- a. Appeal filed by Charles Forline against the decision of the Zoning Adjustments Board which denied without prejudice (1) Use Permit under Section 9E.2(e) to establish a food service in an existing retail commercial space and (2) Variance under Section 9E.8(b)(2) to establish a food service without providing the required one additional off-street parking space (Submitted 9/20/94)
- b. Zoning Adjustment Board Report (Submitted 9/20/94)
- c. Communication from Charles Forline (submitted 9/20/94)

Action: Closed public hearing. Adopted Resolution No. 57,743-N.S. overruling the Zoning Adjustments Board's decision and granting the Use Permit and Variance based on findings and subject to conditions contained in the City Manager's report which was submitted for this meeting.

Motion:

Moved, seconded, carried (Wainwright/Maio) to close the public hearing.

Moved, seconded, carried (Olds/Dean) to overrule the Zoning Adjustments Board's decision and grant the Use Permit and Variance based on findings and subject to conditions contained in the City Manager's report.

Section J. Communications

The following communications were read, noted and filed, unless otherwise shown:

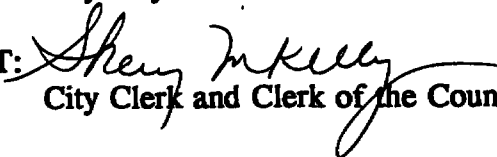
- 1. Mila Tolbert, Co-Chair, Oakland & March McGaugh, Co-Chair, Berkeley, The Association Of Concerned Neighbors Of Bateman-Fairview Park, regarding the AHA/BOSS proposal for a halfway house at 2350 Woolsey Street.
- 2. Communications in support of proposed Rose Street residence for AIDS patients:
 - a. Joyce Kraus, 1510 Summit Road
 - b. Bryan Uhlewbrock, 287 Hanover Avenue, Oakland, CA.
 - c. Sue Friday, 5361 Manila Avenue, Oakland, CA.
 - d. Leon Moffett, 287 Hanover Avenue, Oakland, CA.
 - e. Carol Mosher, Berkeley Friends Meeting
 - f. David C. Barrows, 240 Grand Avenue #24, Oakland, CA.
 - g. Lucy Jane Bledsoe, 1226 Cedar Street
 - h. Patricia E. Mullan, 1226 Cedar Street
- 3. Richard Katz, 39th Assembly District, State Capitol, Sacramento, CA., regarding Domestic Partners Registry bill.
- 4. Rick Crispino, Executive Director, P. O. Box 3780, copy of letter to Department of Health and Human Services Mental Health Division, announcing Bonita House has been chosen as one of six projects nationwide to receive a second round of funding through the Cooperative Agreements for Federal CMHA/CSAT Collaborative Demonstration Program for Homeless Individuals.

5. **Petition filed with the Berkeley City Clerk, with recommendations from John Yellen at the request of Councilperson Linda Maio at the Council meeting of Oct. 18, 1994 regarding proposed removal of residential Street Sweeping Program Westbrae/Gilman Commercial District. Referred to the City Manager by Councilmember Maio.**
6. **Connie Silvey, 1411 Gilman Street, regarding a proposed casino at the foot of Gilman Street.**
7. **Tra-My Culp, regarding the need for a left turn light at the intersection at University and San Pablo Avenue. Referred to the City Manager by Councilmember Maio.**
8. **Charles Smith, 61 San Mateo Road, submitting article entitled "Bicycles and Buses".**

Section K. Adjournment

Adjourned at 10:03 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of November 1, 1994, as approved by the Berkeley City Council.

ATTEST: 
City Clerk and Clerk of the Council

RESOLUTION NO. 57,832 - N.S.

AUTHORIZING FUNDING FOR THE RESPECT PROGRAM ESCORT SERVICE AT THE ASHBY AND NORTH BERKELEY BART STATIONS DURING EVENING COMMUTE HOURS FOR THE PERIOD FEBRUARY 1 THROUGH MARCH 25, 1995, AND EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH BERKELEY BOOSTERS ASSOCIATION TO EXTEND THESE SERVICES.

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

That the City Manager is hereby authorized to provide funding for the RESPECT Program Escort Service at the Ashby and North Berkeley BART Stations during evening commute hours for the period February 1, 1995 through March 25, 1995 in an amount not to exceed \$13,561, to provide escort services and coordination of safe travel to local destinations.

FURTHER RESOLVED that the City Manager is authorized to execute an amendment to the agreement with Berkeley Boosters Association to include these services; a record signature copy of the amendment to be filed in the Office of the City Clerk.

Copies sent 1/20/95

To: Health and Human Services

R E S O L U T I O N

No. 57,832 N.S.

Dated January 17, 1995

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Armstrong, Maio, Olds, Shirek, Spring, Wainwright, Woodworth, Woolley-Bauer and President Dean.

Noes: None.

Abstaining: None.

Absent: None.

SHIRLEY DEAN
Mayor and President of the Council

Attest: SHERRY M. KELLY
City Clerk and Clerk of the Council

RESOLUTION NO. 58,160-N.S.

AUTHORIZING THE EXECUTION OF A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS INC. FOR THE RESPECT PROGRAM BART ESCORT SERVICE FOR FY 1995-96.

WHEREAS, the RESPECT Program has completed three successful years of service to "at risk" youth and has also established a successful escort program for BART patrons from the Ashby and North Berkeley BART stations during the Standard Time months of November through March; and

WHEREAS, the City of Berkeley has received approximately \$50,000 from BART for one-time equipment costs to support this program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract with the Berkeley Boosters Inc. RESPECT Program to provide an escort service for BART patrons during the months of November 1995 through March 1996 in an amount not to exceed \$45,000 to be paid from budget code 010-4693-440.34-11.

BE IT FURTHER RESOLVED that the Contractor may receive a two-month advance payment.

FURTHER RESOLVED that record signature copies of said contracts and any amendments to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on September 12, 1995, by the following vote:

Ayes: Councilmembers Maio, Shirek, Spring, Wainwright and President Dean.

Noes: Councilmember Olds.

Abstain: Councilmembers Armstrong and Woodworth.

Absent: Councilmember Woolley-Bauer.

SHIRLEY DEAN
Mayor and President of the Council

Attest: SHERRY M. KELLY
City Clerk and Clerk of the Council

RESOLUTION NO. 58,636-N.S.

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS ASSOCIATION FOR THE RESPECT PROGRAM AND THE BART ESCORT SERVICE PROGRAM IN AN AMOUNT NOT TO EXCEED \$87,500 FOR THE PERIOD JULY 1, 1996 TO JUNE 30, 1997

WHEREAS, the RESPECT Program has been successfully providing service to "at risk" youth since 1993; and

WHEREAS, the Program provides classroom education in ethnic diversity in Berkeley, and

WHEREAS, the Program provides escort services from the Ashby and North Berkeley BART Stations during the months of November through March.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Berkeley Boosters Association to provide services to "at risk" youth under the RESPECT Program and Escort Service from Ashby and North Berkeley BART Stations during the months of November through March in an amount not to exceed \$87,500 from budget code 010-4676-440.34-11 for the period July 1, 1996 to June 30, 1997.


BE IT FURTHER RESOLVED, that Berkeley Boosters Association shall receive a two-month advance payment. A record signature copy of said contract and any amendments are on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on September 17, 1996, by the following vote:

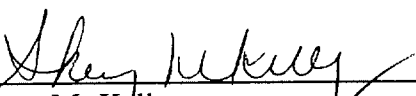
Ayes: Councilmembers Armstrong, Maio, Olds, Shirek, Spring, Wainwright, Woodworth, Woolley-Bauer and President Dean.

Noes: None

Absent: None.



Shirley Dean
Mayor and President of the Council

Attest: 

Sherry M. Kelly
City Clerk and Clerk of the Council

RESOLUTION NO. 59,012-N.S.

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS ASSOCIATION FOR THE RESPECT PROGRAM AND THE BART ESCORT SERVICE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$87,500 FOR THE PERIOD JULY 1, 1997 THROUGH JUNE 30, 1998

WHEREAS, the RESPECT Program has been successfully providing services to "at risk" youth since 1993; and

WHEREAS, the Program provides classroom education in ethnic diversity in Berkeley; and

WHEREAS, the Program provides escort services from the Ashby and North Berkeley BART Stations during the months of November, 1997 through March, 1998.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Berkeley Boosters Association to provide services to "at risk" youth under the RESPECT Program, and Escort Service from Ashby and North Berkeley BART Stations during the months of November, 1997 through March, 1998 in an amount not to exceed \$87,500 from budget code 010-4676-440.34-11 for the period July 1, 1997 to June 30, 1998.


BE IT FURTHER RESOLVED, that Berkeley Boosters Association shall receive a two-month advance payment. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on June 10, 1997, by the following vote:

Ayes: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington and Mayor Dean.

Noes: None.

Absent: None.


Shirley Dean, Mayor

Attest: 
Sherry M. Kelly, City Clerk



RESOLUTION NO. 62,124-N.S.

RESOLUTION ADOPTING THE CITY OF BERKELEY BUDGET FOR FISCAL YEAR 2004

WHEREAS, on May 13, 2003 the City Manager presented to the Council a Proposed Biennial Budget for fiscal years 2004 and 2005, and

WHEREAS the City Manager's Proposed Budget included a specific balancing plan to address the projected budget deficits for FY2004, a contingency plan for additional reductions in the event of mid-year impacts from the State Budget, and preliminary reduction proposals to address the looming FY2005 deficit; and

WHEREAS, the City Council held a series of meetings to consider the Proposed Budget, including public hearings held on May 20th, 2003 and June 17th 2003, and;

WHEREAS, members of the City Council presented recommended revisions to the Proposed Budget at the Council meeting of June 10th and the Special Meeting of June 17th, and;

WHEREAS, in addition to formal budget adoption, Council action is required to authorize two-month advances for selected community agencies receiving City funds in FY2004;

NOW THEREFORE, BE IT RESOLVED that City Council approves the FY2004 Budget as contained in the City Manager's Proposed FY2004 & FY2005 Budget, presented on May 13th, 2003 (Attachment A and Attachment A - Exhibit 1), and amended by the City Council on June 24th, 2003 (Attachment B), including the reallocation of up to \$140,000 in Bicycle Plan Implementation funds for construction on new, permanent and landscaped traffic circles.

BE IT FURTHER RESOLVED, that the appropriations constituting the FY2004 Adopted Budget will be reflected in a separate FY2004 Annual Appropriation Ordinance, as required by City Charter.

BE IT FURTHER RESOLVED, that the City Council adopts the contingency plan (Attachment A - Exhibit 2) consisting of additional budget reductions that may be needed in order to address potential adverse impacts from the FY2004 State Budget, provided that the City Manager will present a report to the City Council assessing the impacts of the State Budget and, if needed, recommending mid-year balancing measures prior to implementing any of the contingency plan reductions.

BE IT FURTHER RESOLVED, that the City Manager is directed to ensure that salary savings from vacant positions be held in reserve to help further buffer any adverse impacts from the State Budget; and be it

BE IT FURTHER RESOLVED, that the City Council commits to a series of city-wide priority-setting discussions to inform development of recommendations to address the looming \$8 million General Fund deficit projected for FY2005.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute contracts and/or amendments, as necessary, to provide two-month advances to selected community agencies receiving City funds in FY2004, as reflected in Attachment C.

BE IT FURTHER RESOLVED, that the City Manager is authorized to finalize and submit the Community Action Plan for the Community Services Block Grant for 2004.

The foregoing Resolution was adopted by the Berkeley City Council on June 24, 2003 by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Spring, Worthington, Wozniak and Mayor Bates.

Noes: Councilmember Olds.

Abstain: Councilmember Shirek.

Absent: None.

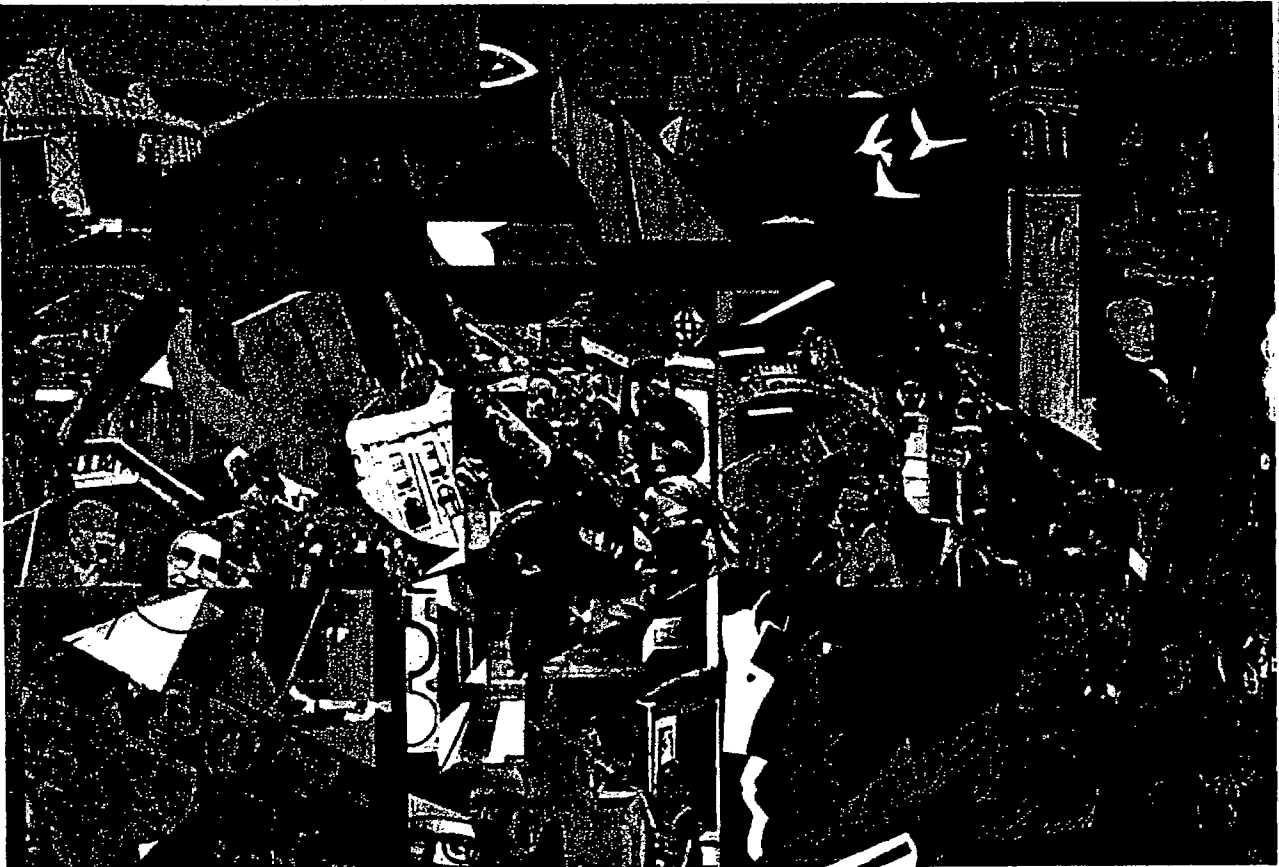
Tom Bates
Tom Bates, Mayor

Attest: Sherry M. Kelly
Sherry M. Kelly, City Clerk

ATTACHMENT A

CITY OF BERKELEY

Please refer to Department File copy or online at:
<http://www.ci.berkeley.ca.us/citycouncil/2003citycouncil/packet/budget/>



PROPOSED FY 2004 & FY 2005 BIENNIAL BUDGET

City Manager's
Budget Reductions Proposals
FY 2004

Fund	Department	Division	Description	STAFFING		FY2004 Reductions	Dollars
				FTE	F/A		
GENERAL FUND - Recurring Reductions							
<i>Fund Transfer (from General Fund to Other Funds)</i>							
	Fire	Emergency Services	Transfer staff costs to Measure Q - Emergency Fire Equipment			\$ 50,000	
	HHS	Environmental Health	Office Specialist II-Shift 18% costs to Sewer Fund			26,746	
	HHS	Mental Health	Transfer General Fund costs to MH Realignment funds			331,823	
	HHS	Public Health	Transfer General Fund costs to other funds			154,213	
	Housing		Housing Trust Fund / Shift to CDBG (RHIP Fees)			130,000	
	Housing		Transfer funding for .15 Sr. Planner to Permit Fund			10,000	
	Human Resources	Administration	Transfer 10% of Director salary and IS Support Technician to Training Funds			29,088	
	PRW		Transfer .20 of OSII to Playground Camp Fund			11,649	
	Planning	Toxics	Reallocate labor costs to other funds			15,254	
	Transportation	Administration	Shift staffing costs to Off-Street Parking Fund			30,600	
			Sub-Total Transfers			\$ 788,773	

Attachment A
EXHIBIT - 1

City Manager's
Budget Reductions Proposals
FY 2004

Expend. Category	Program	Description	FTE	Class	Reduction	Dept. Total
Expenditure Reductions						
Citywide	Facilities Maintenance	Reduce Citywide Facilities Maint. Costs			\$ 50,000	
Citywide	Fleet Maintenance	Reduce Fleet Costs / No. of Vehicles and Maint. Costs			75,000	
Citywide	Administrative Overhead	Telephones / Pagers/ Cell Phones			80,000	
Citywide	Administrative Overhead	Reduce Citywide Travel Costs (20% Reduction)			40,000	
Citywide		Living Wage Set-Aside			133,000	
						378,000
City Clerk	Administration	Eliminate Asst. Management Analyst	1.00	V	74,192	
City Clerk	Elections	Reduce Runoff Election costs			15,779	
						89,971
City Manager	Administration	Delete E-Civis Grant Locator contract			11,000	
City Manager	Neighborhood Services	Delete Asst. to CM	1.00	V	110,689	
City Manager	Neighborhood Services	Delete CIP funding in Neigh. Services			25,000	
City Manager	Animal Services	Delete Animal Services Operations Supervisor	1.00	V	74,780	
City Manager	Program Evaluation	Delete Membership in ICMA Perf. Meas. Project			5,000	
						226,469
Finance		Eliminate one vehicle			3,226	
Finance		Reduce overtime			25,000	
Finance		Reduce existing contracts			100,000	
Finance		Misc program reductions			65,000	
Finance		Delete 1.0 Sr Field Representative	1.00	V	72,000	
Finance		Delete 2.0 OS/Is / Replace with 1.0 AOS/III (Accounting)	1.00	F	57,401	
						322,627
Fire	Fire Suppression	Reduce Overtime			50,000	
						50,000
HHS		Public Health - Delete Comm. Health Worker	1.00	F	47,964	
HHS		Senior Programs - Eliminate 1 vehicle			14,300	
HHS		Eliminate funding for Hourly Administrative Support			11,000	
HHS		Pre-Apprenticeship Program Support			11,430	
						84,694
Housing		Combine HIV/AIDS Housing & Homelessness Prevention Prog			30,000	
Housing		Reduce funding for Utility Bill Payment Assistance			45,000	
Housing		Eliminate Contract with Ecology Center			40,000	
Housing		Reduce Funding for Community Agencies (5%)			139,000	
Housing		Reduce Sr. Mgmt. Analyst	1.00	V	107,718	
Housing		Reduce Funding to Municipal Renewable Energy Program			76,000	
Housing		Reclass Sr. Mgmt. Analyst to Community Serv. Specialist II		F	27,000	
						464,718

City Manager's
Budget Reductions Proposals
FY 2004

Fund	Department	Program	Description	FTE	Rate	Reductions	Sworn FTE
	Human Resources	Administration	Eliminate Dept Vehicle			3,765	3,765
	I/T	Network Support	Re-organization - Network Admin./Help Desk	5.00	F	250,000	250,000
	OED	Economic Development	Eliminate staff position I- Comm Dev. Proj. Coordinator			101,349	
	OED	Arts	Reduce Arts Grants (2.5%)			6,250	
	OED	Arts	Civic Arts - Berkeley Art Center Contract (2%)			1,250	
	OED	Arts	Civic Arts - Community Arts Organizations (10%)			3,100	
	OED	Arts	Civic Arts - N. Shattuck Concerts			5,000	
	OED	Business Assistance	South Berkeley - Misc. Prof. Services			8,700	
	OED	Business Assistance	West Berkeley Market			25,000	
	OED	Business Assistance	North Shattuck Association			15,000	
	OED	Business Assistance	South Berkeley Neighborhood Development Corp.			4,967	
	OED	Marketing	Adjust ConVis Contract (1% of Hotel Tax Revenues)			10,000	180,616
	PRW	Aquatics	Close One of Five Pools during Winter Months (Rotating annually)				
	PRW	Administration	Reduce Unallocated Contract Funds			56,544	
	PRW	Recreation	Eliminate .50 Recreation Activity Leader	0.50	V	23,400	
	PRW	Recreation	Eliminate Citywide Special Programs			19,010	98,954
	Planning	Advanced Planning	Reclass Planning positions			13,000	
	Planning	Building & Safety	Delete Senior Mgmt. Analyst	1.00	V	112,530	
	Planning	Current Planning	Reclass positions / Reduce Non-Personnel Costs			29,510	155,040
	Police	Community Services	Berkeley Boosters / Guides			19,300	
	Police	Community Services	Berkeley Boosters / Escorts			4,500	
	Police	Customer Service	Second Floor Counter - Reduce 1.0 FTE	1.00	V	73,270	
	Police	Patrol	Reduce Overtime			50,000	147,070
	PRC	Police Review Commission	Reduce Non-Personnel Expenditures			2,000	
						\$ 2,453,924	
TOTAL RECURRING GENERAL FUND PROPOSED REDUCTIONS						\$ 3,242,697	
Annual FTE						15.5	
Sworn FTE						0	
Cumulative						0	

City Manager's
Budget Reductions Proposals
FY 2004

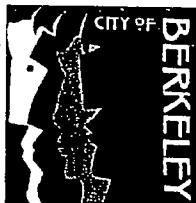
Fund/Department	Program	Description	STAFFING		FY2004	Total
			FTE	AV	Reductions	
GENERAL FUND - One-Time Expenditure Reductions						
		Reduce Transfer to Public Liability Fund			\$ 373,000	
		Deferral of Capital Program Allocations				
		Streets Capital			375,000	375,000
		Sidewalk Capital			75,000	75,000
		Transportation / New Traffic Signals			120,000	120,000
		Parks ADA Capital			137,500	137,500
		Curb Ramp ADA Capital			37,500	37,500
		City Buildings ADA Capital			37,500	37,500
		TOTAL One-Time General Fund Proposed Reductions			\$ 1,155,500	\$ 782,500
OTHER RESERVES / FUND BALANCES						
		Cost Savings Strategy				
		Continue Selective Hiring Freeze			\$ 1,000,000	
		Draw-down of Reserves				
		General Fund Reserve				1,000,000
		PERS Super-Fund Savings / Offset Retirement Cost Increase				1,000,000
		Reserves / Other Fund Balances				1,000,000
		Total Available Reserve Balances (to Buffer FY2005 Reductions)			\$ 1,000,000	\$ 3,000,000

City Manager's
Budget Reductions Proposals
FY 2004

Fund Department	Program	Description	STAFFING		FY 2004 Reductions	Total Totals
			FTE	F/V		
NON-GENERAL FUND - Recurring Reductions						
WIA						
HHS	Employment	Funding Reduction In WIA/Employment Programs	2.00	F/V	\$ 150,000	
Mental Health (065)						
HHS	Mental Health	Reduction in Mental Health Programs (FY2005)	3.00			331,823
HHS	Mental Health	Reduce 2.0 Mental Health Clinicians	2.00			152,239
HHS	Mental Health (AB2034)	Reduction in State-funded Grant Program / Homeless	TBD			718,645
Berkeley Housing Authority (205)						
BHA	Public Housing	Reduce Administrative Support for Public Housing	2.00	F/V	150,000	
Measure B Sales Tax (390)						
Public Works		Reduce Capital Funding Allocation			1,000,000	
Parks Tax (450)						
Parks		Transfer Payroll to other funds			80,850	Transfer
Parks		Transfer Landscape Architect costs to Projects			110,250	Transfer
Parks		Reduce Water Costs (10%)			32,000	
Parks		Reduce Cell Phones/Pagers			5,000	
Parks		Reduce Event Fee Waivers (Portables)			15,000	
Parks		Eliminate 1.0 Landscape Gardener	1.00	V	68,250	
Parks		Eliminate 1.0 Bldg Mtc Mechanic	1.00	V	73,500	
Parks		Eliminate Seasonal Employment Program			54,000	
Parks		Reduce Berkeley Youth Alternatives Contract			20,000	
Parks		Reduce East Bay Conservation Corp Contract			30,000	
Parks		Reduce budgeted overtime by 42%			25,000	
Parks		Reduce budgeted landscape supplies			50,000	
Parks		Eliminate 3 vehicles			30,000	
Parks		Reduce annual CIP funding			20,000	
Streetsight Assessment (470)		Additional Program Reductions				150,000
Public Works		Reduce Overtime			10,000	
Public Works		Eliminate Survey Technician	0.40	F	28,243	
Sewer Fund (830)						
Public Works		Eliminate .5 Survey Technican	0.50	F	35,304	
Clean Storm Water (831)						
Public Works		Eliminate .1 Survey Technican	0.10	F	7,061	
		Reduce Contract Services			150,000	

City Manager's
Budget Reductions Proposals
FY 2004

Fund	Department	Program	Proposition	STAFFING	FY 2004 Reductions	Dept Totals
	Fleet Maintenance (865)					
		Public Works	TBD		300,000	
	Facilities Maintenance (866)					
		Public Works	Eliminate janitorial overtime		20,000	
		Public Works	Other		80,000	
				7.00	<u>\$ 2,544,458</u>	<u>\$ 1,352,707</u>



Office of the Mayor

Attachment B

Revised Budget Proposal Mayor Tom Bates

June 20, 2003

Mayor Bates Revised Budget Proposal

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**Mayor Tom Bates
Revised Budget Proposal
June 20, 2003**

**SUMMARY OF REQUESTED ACTIONS
JUNE 24th CITY COUNCIL MEETING**

Special Session (5 p.m.)

1. Adopt a parking fee structure that will raise \$2.8 million in new revenue.

Regular Session (7 p.m.)

2. Adopt the Manager's Proposed FY 2004 Budget with amendments as indicated in Attachment A.
3. Provide Commission and the City Manager a 60 day review period for all funding allocation increases in excess of \$2500.
4. Create a State Budget Emergency Reserve.

Overview

First, I want to thank city staff, commissioners, and my colleagues for all of the time, energy, and hard work that went into our budget process. I believe we are accomplishing this difficult task in a way that all of Berkeley can be proud.

As we near the end of this year's process, I respectfully put forward this revised budget proposal (included as Attachment A) in an effort to reconcile the various budget requests and suggestions made by Members of the Council and the public. If the Council is amenable, I would like to use this revision as the starting point for our discussion on June 24th.

I believe the budget presented in this revised proposal restores funding to a number of important community services, provides a buffer to protect us from state funding cuts, and keeps our books in balance.

Revenue Available

The Council will make its final decision on new parking fine revenue at the June 24th meeting. In this budget, I am recommending that the Council adopt a fee structure that raises \$2.8 million through increase parking fines. A \$2.8 million increase would raise an additional \$800,000 above the City Manager's recommendation of \$2 million.

Table 1 indicates this additional available revenue.

Additional Parking Fine Increase	\$800,000
Unallocated Community Agency Funds	\$115,000
TOTAL FUNDING AVAILABLE	\$915,000

Protect Important Community Services

In this proposal, I have reconciled the various requests made by Council Members and the community. (See attached spreadsheet for the specifics.) With large county and state funding cuts expected this year, it is crucial that Berkeley protects front line programs and services.

I add one note of caution to those organizations receiving additional funding under this proposal. If the state adopts a budget that cuts city funding, we may need to revisit these allocations. All organizations should develop contingency plans in case the Council makes emergency funding reductions later this fiscal year.

Arts Programs	\$105,600
Health/ Family/ Community Services	\$226,404
Homeless/ Housing Programs	\$111,435
Youth and Education Programs	\$237,500
Other Funding Increases	\$5,000
TOTAL RESTORATION	\$685,939

- **Arts Programs -- \$105,600**

The City has a vibrant cultural arts community and economy. In this budget, I recommend restoring approximately \$45,600 in arts program funding. I am also recommending \$10,000 for the Office of Economic Development to produce an arts newsletter to help publicize our many wonderful cultural events.

I am recommending that we restore \$50,000 of the cut made in funding for community events. For years, the city has been budgeting costs for community events far below their actual costs. Last year, we spent double the amount that had been budgeted for community events. The City Manager has recommended reducing our expenditures on community events from last year's total of \$269,542 to \$195,000 in fiscal year 2004. The City Manager will return in July with a recommendation on how to determine specific event funding allocations given the adopted budget.

In addition, I am asking the Council to place the funding earmarked for the Black Repertory Theater into a South Berkeley Arts Reserve until a comprehensive report on their organization can be completed.

- **Health/ Family/ Community Services -- \$226,404**

In this budget, I am requesting we add \$226,404 to our budget for health, family, and community services. This funding will improve detox services, help protect families

from domestic violence, help feed seniors, and keep the Ed Roberts Campus facility moving towards permit approval.

- **Homeless/ Housing Programs -- \$111,435**
With County and State cuts to front line homeless and housing programs, I am requesting that the City Council restore \$111,435 to protect these essential services. This funding will help provide food, clothing, and employment services to our homeless population. While I am recommending that we restore funding to the Coalition for Alternatives in Mental Health, I request that the Council direct the City Manager to withhold the second six months of funding pending programmatic and structural reforms.
- **Youth and Education Programs -- \$237,500**
In this budget, I am requesting we restore \$95,500 in funding to youth and education programs, including the Berkeley Youth Alternatives, Jubilee, Berkeley Cougars, and the Flaming Five Drill Team. In addition, I have set aside \$72,000 for the Athletes United for Peace (or other organization) to fund a midnight basketball program. If the Council approves this earmark, I would ask Athletes United and other organizations to submit proposals through the relevant Commission and staff review.

I am also requesting that \$70,000 be set aside for a Youth Services Volunteer Initiative. In response to a recommendation from the Youth and Education Summit, we are developing a centralized conduit for recruiting and matching community volunteers with youth in the community. This position would work hand-in-hand with the Berkeley Schools Volunteers (BSV), coordinating and matching tutors and mentors with students in need of one on one academic, social and emotional support. BSV would continue to coordinate and train volunteers placed via the schools (classrooms and after school). The **BERKELEY CHAMPIONS FOR KIDS** would focus effort on volunteers who want to work in community-based programs, such as libraries, recreation centers, community-based after school programs, faith-based organizations, neighborhood associations, etc.

Commission and Manager Review

For all allocation adjustments in excess of \$2,500, I request that the Council direct the City Manager and the relevant Commissions to review these allocation changes and report back to the Council with any concerns or recommendations. This review should be completed within 60 days from the budget adoption on June 24th.

If the Manager or Commissions recommend changes, they should be brought to the Council at its first meeting in September. In the interim, programs may request partial funding (up to a two month advance) from the City Manager. That interim funding will be provided at his discretion until the review is complete.

Mayor Bates Revised Budget Proposal

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State Budget Emergency Reserve

TABLE 3: Reserves	
State Budget Emergency Reserve	\$229,061

I also recommend setting aside \$229,061 in a "State Budget Emergency Reserve" as a buffer against possible state budget cuts. If any of this funding remains after the state adopts its budget, I request that it be transferred to the Housing Trust Fund and allocated as part of the normal process.

ATTACHMENT A: SUMMARY OF PROPOSED COUNCIL BUDGET ADDITIONS

	AMOUNT											
	Bates	Breland	Henry	Mazo	Ode	Shirk	Spring	Worthington	Wozniak	June 24 PROPOSAL		Note
Arts Programs												
Arts - Community Organizations	\$ 3,100									\$ 3,100		
Arts - Grants	6,250									\$ 6,250		
Berkeley Arts Center	1,250									\$ 1,250		
OBA Arts - Frost Row							2,500			\$ 2,500		
Shotgun Players	1,000									\$ 1,000		
Integrated Arts for Disabled	1,500						1,500			\$ 1,500		
North Shattuck Music Series							5,000			\$ 5,000		
*AW - Totland	25,000			25,000			25,000			\$ 25,000		
Office of Economic Development -- Arts Newsletter	10,000			10,000						\$ 10,000		
Restore Community Event Funding										\$ 50,000		City Manager will return with expenditure plan.
Black Rep Theater	\$ (22,500)									\$ (22,500)		Place funds in South Berkeley Arts Reserve pending report on the Theater Group.
Arts Subtotal										\$ 105,600		
Health/ Family/ Community Services												
Family Violence Law Center - DV Advocacy Project	\$ 3,800						7,000			\$ 3,800		
Family Violence Law Center - DV & Homelessness Prevention	3,680						Incl.			\$ 3,680		
Habitat	10,250			10,200			10,250		28,000	\$ 28,000		
Community Gardening Collaborative	10,000			10,000			10,000			\$ 10,000		
Center for Independent Living - Employment	3,374									\$ 3,374		
Fresh Choice Ecology Center	10,000						10,000			\$ 10,000		
Japanese American Services	2,450									\$ 2,450		
ERIC - Facility Planning	40,000						25,000			\$ 40,000		
Pacific Center - Facility Planning	25,000									\$ 25,000		
Restore 2 weeks of Summer Recreation Programs	60,000		60,000							\$ 60,000		
Litlong Medical Center - Detox Facility			5,000							\$ 5,000		
San Pablo Park - Climbing Wall			60,000							\$ -		Refer to the City Manager for review.
Restore funding for Mini-Bus Driver and Van		66,900								\$ -		Funding restored in Manager's recommendation
West Berkeley Neighborhood Development Corp.		25,000								\$ 25,000		Provide the second half of their annual funding only if the organization makes structural and programmatic reforms. Set aside funding to offset City Recreation fees increases for low income youth in South Berkeley.
Rec Program Fee Reduction						10,000				\$ 10,000		

Health/ Family/ Community Services									
Subtotal									
									\$ 226,404
Homeless/ Housing Programs									
Berkeley Ecum. Ministries - Arne Carter									
Free Clothing	10,400								\$ 10,400
Berkeley Emergency Food Project -									
Quarter Meal	27,504		27,504						\$ 18,004
Berkeley Emergency Food Project -									
Women's Shelter	1,234								
BOSS - Harrison House	14,550								\$ 4,367
BOSS - Housing Advocacy	21,433								\$ 21,433
Finch - HVC, Houshg Resources									
Counselor	5,671								\$ 5,671
Housing Rights, Inc - AHAP	15,000		15,000			15,000			\$ 15,000
Jobs for Homeless Consortium -	19,000								\$ 19,000
Suitcase Clinic	4,000		4,000			4,000			\$ 4,000
Coalition for Alternatives in Mental									
Health	13,560	13,500	13,560		13,500	11,000			\$ 13,560
Housing Trust Fund- provide addtl.									
funding			TBD			222,051			
Homeless/ Housing Programs									
Subtotal									
									\$ 111,435
Youth and Education									
BYA - Preschool Program/ After school									
program	27,500		27,500			35,000			\$ 27,500
BYA - Performing Arts	15,000		15,000						\$ -
BYA - Twilight Basketball	23,800		23,800						\$ 23,800
BYA - Parks - Youth employment	20,000		20,000						\$ 20,000
Jubilee - Interfaith Youth Initiative	6,000	6,000	6,000			6,000			\$ 6,000
Athletes United for Peace	72,000		72,000						\$ 72,000
Berkeley Cougars	15,000	15,000				15,000			\$ 15,000
Youth Services Volunteer Initiative	70,000								\$ 70,000
Flaming Five Drill Team		3,200							\$ 3,200
Youth and Education Subtotal									
									\$ 237,500
Infrastructure									
Sidewalk repair - restores proposed									
reduction			75,000						\$ -
Traffic Circles			Measure B	TBD					
			(\$225K)						
Street Smarts Pedestrian Safety Lights						2,500			\$ -

OTHER											
Public Financing of Campaigns								50,000		\$ -	Refer this request to City Clerk's on-going research into campaign reform options.
Neighborhood Ombudsman								80,000		\$ -	Program currently under review by Mayor's Permit Task Force. Await those recommendations before funding program.
Increase in Council Members Budget								10,000		\$ 5,000	Supplement for Council Member Spring to accommodate increased staff costs due to disability.
PROGRAM FUNDING TOTAL	\$ 575,906	\$ 129,600	\$ 125,000	\$ 354,364	\$ -	\$ 23,500	\$ 565,801	\$ -	\$ 28,000	\$ 685,939	
REVENUE SOURCES											
Parking Fine Increase										\$ 600,000	
Unallocated Community Funding										\$ 115,000	
TOTAL										\$ 815,000	
STATE BUDGET EMERGENCY RESERVE										\$ 229,061	Maintain reserve to buffer state budget impacts. After state budget adoption, transfer to the HTF.

*City Manager and the relevant Commissions review allocation changes over \$2500 and report back to the Council with any concerns or recommendations.

**City Manager's
Budget Reduction Proposals
FY 2004
Contingency "B" List**

Fund	Department	Program	Description	FTE	F/V	FY Reductions	Dept Totals
General Fund - Recurring Reductions							
<i>Expenditure Reductions</i>							
	Citywide		Reduce Citywide Facilities Maint. Costs			50,000	
	Citywide		Reduce Fleet Costs / No. of Vehicles and Maint. Costs			120,000	170,000
	Attorney		Reduce Legal Secretary	1.00	F	75,000	75,000
	City Clerk		Eliminate Assistant City Clerk	1.00	F	57,362	57,362
	City Manager		Delete NewsScan Service			24,900	
	City Manager		Delete Senior Staff Position	1.00	V	153,538	
	City Manager		Delete CIP funding in Neigh. Services			50,000	
	City Manager		Reduce Unallocated funding - Animal Services			35,000	
	City Manager		Delete Sr. Management Analyst	1.00	F	75,000	
	City Manager		Berkeley Alliance			80,000	418,438
	Finance		Delete 1.0 Assistant Magment Analyst (Customer Service)	1.00	F	93,296	
	Finance		Delete 1.0 Sr Accountant	1.00	V	52,500	
	Finance		Delete 1.0 Programmer Analyst	1.00	F	94,000	239,796
	Fire		Delete Asst. Fire Chief	1.00	V	180,000	
	Fire		Delete Fire Inspector	1.00	V	96,000	
	Fire		Reduce Overtime / Fire Suppression			100,000	376,000
	HHS		Director and Administration - Reduce admin support	0.75	V	44,245	
	HHS		Associate Management Analyst position elimination	1.00	F	86,178	
	HHS		Public Health - Delete P/T Home Service Aides	1.50	F	81,212	
	HHS		Senior Programs - Delete Mini Bus Driver	1.00	F	52,622	
	HHS		Reduce 50% Senior Service Assistant	0.50	V	29,286	
	HHS		Senior Programs - Restructure Operations	2.20		164,342	
	HHS		Employment and Youth - Reduce Youth Services Advisor	0.50		22,034	
	HHS		Employment Specialist	0.50	F	30,319	510,238
	Housing		Reduce Funding for Community Agencies (addtl. 5%)			139,000	
	Housing		Eliminate Housing Inspector and Permit Specialist	2.00	F/V	66,005	205,005
	Human Resources		Eliminate Professional Position (TBD)	1.00	V	83,822	83,822

Attachment A
EXHIBIT - 2

**City Manager's
Budget Reduction Proposals
FY 2004
Contingency "B" List**

Fund	Department	Program	Description	FTE	FM	Reductions	Dept Totals
	UT		Delete Sr. Management Analyst / Telecommunications	1.00	F	100,095	100,095
	OED		Admin. - Reduce Admin Support Line Items			58,301	
	OED		Reduce Arts Grants			56,250	
	OED		Civic Arts - Reduce Berkeley Art Center Contract (10%)			4,373	
	OED		South Berkeley - Misc. Prof. Services			10,875	
	OED		Econ./Sustainable Development - WBAIC			4,000	
	OED		Econ./Sustainable Development - SBA			10,000	
	OED		Telegraph Avenue Association			4,050	
	OED		Alameda County Economic Development Advisory Board			2,774	150,623
	PRW		Reduce YAP Non-Personnel Costs			15,000	
	PRW		Reduce Fee Waivers for Facility Rentals			10,000	
	PRW		Eliminate 1.0 OSII for YAP Program	1.00	F	65,100	
	PRW		Reduce Summer Programs			56,000	
	PRW		Eliminate 1.0 Asst. Recreation Coordinator	1.00	F	55,000	
	PRW		Delete One Admin.	1.00	F	100,000	301,100
	Police		Eliminate Berkeley Boosters / Guides			173,700	
	Police		Eliminate Berkeley Boosters / Escorts			40,500	
	Police		Reduce Overtime			150,000	
	Police		Special Enforcement Unit	2.00	V	278,998	
	Police		Property Crimes Unit	1.00	V	139,499	
	Police		School Resource Officers	1.00	V	139,499	922,196
	PRC		Reduce Clerical support	0.87		50,440	50,440
CITY-WIDE GENERAL FUND PROPOSALS						\$ 3,660,115	
A List Reductions						\$ 3,242,697	
Cummulative Reductions						\$ 6,902,812	
Annual		FTE			28.82		
Cumulative		FTE			44.32		
Sworn FTE						6	
Cumulative		FTE			6		

COMMUNITY AGENCY ADVANCES

Attachment C

AGENCY NAME	DEPT	FY 2004 Contract	FY 2004 Advance
1 Affordable Housing Assoc.	Housing	102,211	25,553
2 Ala Costa Center	Housing	32,839	16,420
3 AC Homeless Action Ctr.	Housing	42,700	21,350
4 Asian for Jobs Oppor.	Housing	156,000	39,000
5 Bay Area Comm. Resrcs.	Housing	17,000	8,500
6 Bay Area Hispano Inst.	Housing	116,803	29,201
7 B A O R P	Housing	28,047	14,023
8 Berkeley Adult School	Housing	27,560	13,780
9 Berk-Albany Licensed Day Care	Housing	287,500	71,875
10 Berkeley Arts Center Assoc	OED	54,977	9,163
11 Berkeley Booster Escort	Police	40,500	6,750
12 Berkeley Booster Guides	Police	173,585	28,931
13 Berkeley Community Media	IT	279,000	65,375
14 Berkeley Convention & Visitors Bureau	OED	228,375	38,063
15 Berkeley Dispute Resolution Serv.	Housing	77,700	19,425
16 Berk. Ecum. Min. Found.	Housing	52,000	13,000
17 Berk. Food & Housing Proj.	Housing	489,308	122,327
18 Berkeley Place	Housing	24,826	12,413
19 Berk. Youth Alternatives	Housing	80,720	20,180
20 Bonita House	Housing	25,020	12,510
21 Black Repertory Group	Housing	22,500	11,250
22 Building Opp. For Self-Sufficiency	Housing	437,129	94,282
23 Center for Access & Tech.	Housing	6,000	6,000
24 Center for Ind. Living	Housing	200,040	50,010
25 Christmas in April	Housing	110,360	19,742
26 Coal. for Alter. in Mental Health	Housing	75,000	18,750
27 Comm. Energy Services Corp.	Housing	338,097	84,524
28 Dorothy Day House	Housing	30,888	15,444
29 East Bay Asian Youth	Housing	293,494	73,374
30 East Bay Comm. Law Center	Housing	20,800	10,400
31 Easy Does It	Housing	688,948	172,237
32 Eden Council for Hope and Opp.	Housing	184,339	46,085
33 Ephesian Child Care Center	Housing	116,096	29,024
34 Family Violence Law Center	Housing	33,120	16,560
35 Family Violence Law Center	Police	39,000	6,500
36 Fred Finch Youth Center	Housing	43,250	21,625
37 Housing Rights, Inc.	Housing	35,147	17,574
38 Inter City Services	Housing	141,229	35,307
39 Japanese America Servs.	Housing	22,050	11,025
40 Jubilee Restoration	Housing	82,400	20,600
41 Lifelong Medical Care	Housing	280,401	66,350
42 Luther Church of the Cross	Housing	15,000	7,500

COMMUNITY AGENCY ADVANCES

Attachment C

AGENCY NAME	DEPT	FY 2004 Contract	FY 2004 Advance
43 McGee Ave. Baptist Church	Housing	21,611	10,806
44 Multi Cult. Institute	Housing	115,782	28,946
45 New Bridge Foundation	Housing	135,000	33,750
46 New Light Sr. Citizens, Inc.	Housing	83,150	20,788
47 Nia House Learning Center	Housing	36,471	18,236
48 Northern Cal. Land Trust	Housing	25,000	12,500
49 Options Recovery Services	Housing	54,304	13,576
50 Pac. Ctr. for Human Growth	Housing	27,000	13,500
51 Resources for Comm. Dev.	Housing	141,750	35,438
52 Saint John's Child Care	Housing	26,834	13,417
53 Sick Child Care Program	Housing	32,000	16,000
54 South Berk. Comm. Church	Housing	55,000	13,750
55 Stiles Hall	Housing	27,680	13,840
56 Telergraph Avenue Association	OED	54,000	9,000
57 Through the Looking Glass	Housing	35,000	17,500
58 Tinkers Workshop	Housing	20,000	10,000
59 United for Health	Housing	13,374	6,687
60 Women's Daytime Drop In Ctr.	Housing	87,710	21,928
61 Women's Employ. Res. Corp.	Housing	43,367	21,684
62 Women's Refuge, Inc.	Housing	21,060	10,530
Subtotal		6,608,052	1,763,878
Agencies Added via Budget Amendments			
a) Young Artists Workspace	Parks	25,000	4,166
b) Habitat	Parks	28,000	4,666
c) Community Garden Collaborative	Parks	10,000	1,666
d) Fresh Choice Ecology Center	Housing	10,000	1,666
e) Ed Roberts Campus	Housing	40,000	6,666
f) Pacific Center for Human Growth	Housing	25,000	4,166
g) West Berkeley Neighborhood Dev. Ctr.	OED	25,000	4,166
h) Jobs for Homeless Consortium	Housing	19,000	3,166
i) Athletes United for Peace	Parks	72,000	12,000
j) Berkeley Cougars	Parks	15,000	2,500
Subtotal		269,000	44,828
Totals		6,877,052	1,808,706

RESOLUTION NO. 63,166-N.S.

ALLOCATING ANTICIPATED, ONE-TIME GENERAL FUND REVENUE IN THE AMOUNT OF \$898,564 AND APPROVING ADDITIONAL STAFFING FOR PERMIT CENTER ACTIVITY

WHEREAS, the City Council adopted the FY 2006 & FY 2007 Biennial Budget on June 28, 2005; and

WHEREAS, Council referred a number of programs to the FY 2006 budget process (Exhibit A) for continued funding; and

WHEREAS, several non-discretionary costs have arisen (Exhibit A) since July 1, 2005 that require allocation of funds not currently included in the FY 2006 Adopted Budget; and

WHEREAS, General Fund revenues for FY 2006 are projected to be \$1.08 million more than the FY 2006 Adopted Budget; and

WHEREAS, activity at the Permit Service Center has increased and four additional positions are needed to maintain adequate service levels; and

WHEREAS, the Permit Service Center Fund has a sizeable fund balance that can accommodate the addition of four new positions at a cost of approximately \$500,000.

NOW THEREFORE, BE IT RESOLVED the Council of the City of Berkeley allocates anticipated, one-time General Fund revenue in the amount of \$898,564 to provide continued funding for specific programs and to fund non-discretionary costs that have arisen since July 1, 2005 identified in Exhibit A as amended, and approve additional staffing for Permit Center activity.

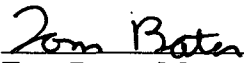
The foregoing Resolution was adopted by the Berkeley City Council on December 13, 2005 by the following vote:

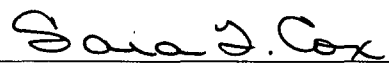
Ayes: Councilmembers Capitelli, Maio, Olds, Worthington, Wozniak and Mayor Bates.

Noes: Councilmember Spring.

Abstain: Councilmembers Anderson and Moore.

Absent: None.


Tom Bates, Mayor

Attest: 
Sara T. Cox, City Clerk

FY 2006 and FY 2007

Exhibit A

Recommended Budget Augmentations

	1-Time	Recurring	Total
REVENUES			
Available New Revenue			
Use of Reserve	\$ 247,000		
Revised FY 2006 Revenue Projections	\$ 1,083,261		
Total Available Revenues:	\$ 1,330,261		\$ 1,330,261
EXPENDITURES			
Homeless & Social Programs			
Paratransit Services		\$ (9,000)	
Civic Arts Coordinator		\$ (24,165)	
Pedal Express		\$ (12,500)	
Berkeley Boosters - BART Escorts		\$ (19,643)	
Japanese American Services of the East Bay		\$ (7,500)	
Berkeley Day Time Drop In Center		\$ (8,856)	
BOSS		\$ (31,000)	
Veterans Building Unbudgeted Costs for Agencies		\$ (112,000)	
Berkeley Boosters, Berkeley Guides Program		\$ (10,000)	
Subtotal	\$ -	\$ (234,664)	
Other Program Costs			
Police Crime Analyst		\$ (40,000)	
NewsScan		\$ (9,400)	
Lead Abatement Survey & Analysis		\$ (10,000)	
Subtotal	\$ -	\$ (59,400)	
Non-discretionary Costs Since 7/1/05			
Telephone Emergency Response System		\$ (7,500)	
PG&E Street Lights - outstanding bills	\$ (247,000)		
Hurricane Katrina - estimated non-reimbursable costs	\$ (100,000)		
Increased Fuel Costs (estimated)		\$ (250,000)	
Subtotal	\$ (347,000)	\$ (257,500)	
Total Recommended Expenditures:	\$ (347,000)	\$ (551,564)	\$ (898,564)
Total Remaining Available Revenue:			\$ 431,697

APPENDIX G

Commission on the Status of Women April 16, 2024 Presentations

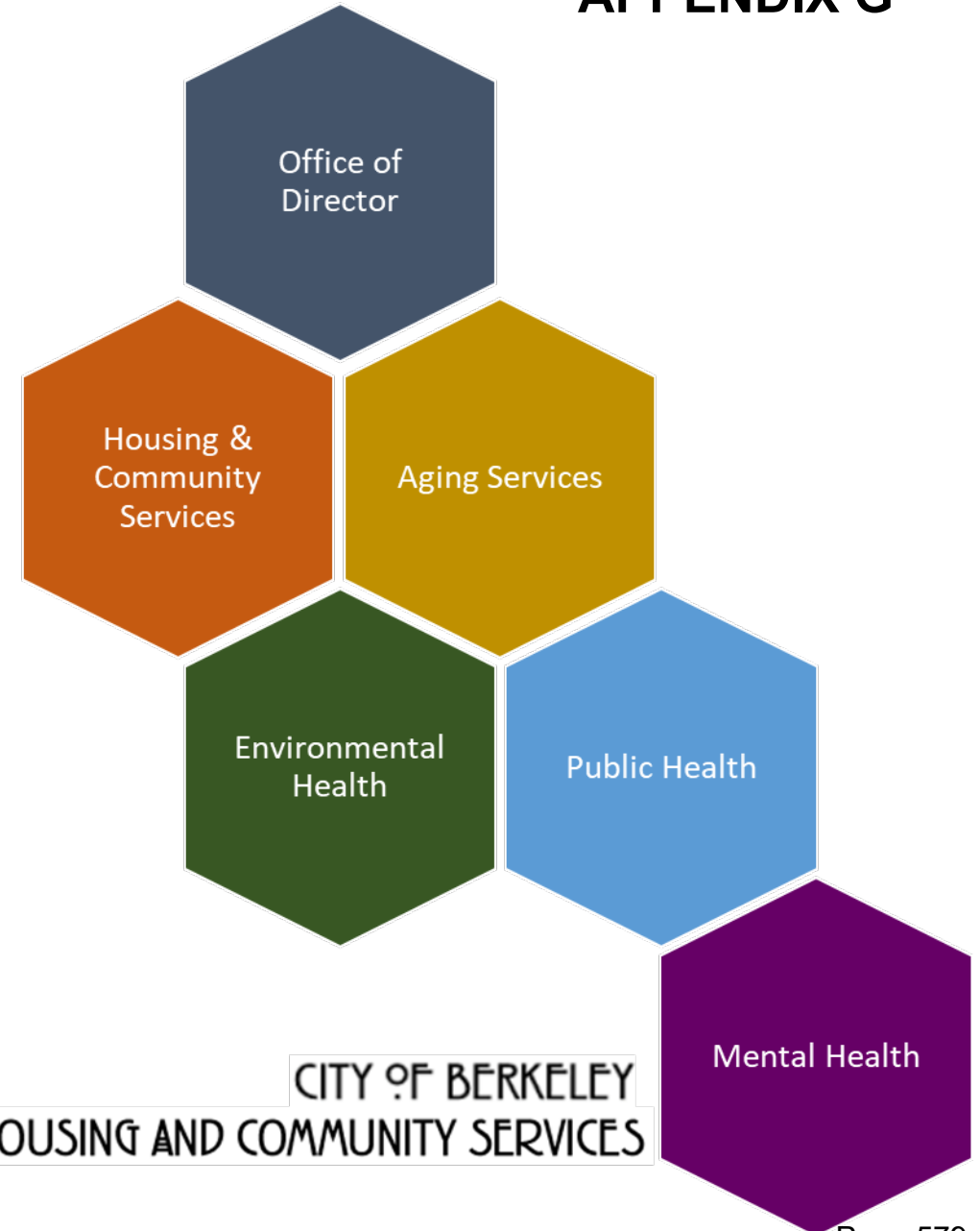


Recommendations for the City of Berkeley's Domestic, Intimate Partner and Gender-Based Violence Response

Sasha Gayle-Schneider (they/them)
Katie Hawn (she/her)

Office of the Director - Department of Health,
Housing & Community Services

DRAFT RECOMMENDATIONS FOR FEEDBACK



Commission on the Status of Women: DV Response Update

Agenda

High-Level Background

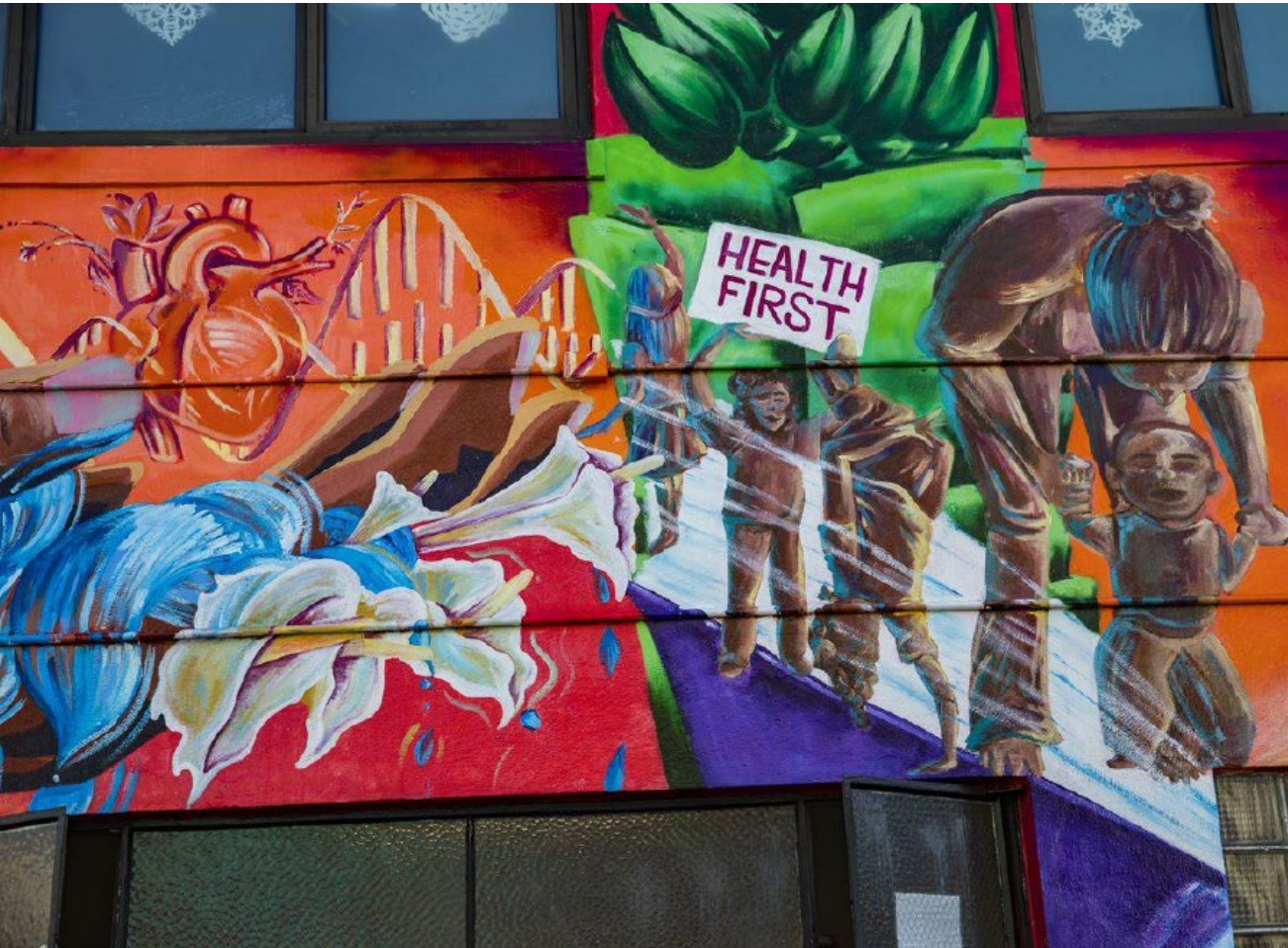
Recommendations & Progress Updates

Next Steps

Conversation & Feedback



Background



Background

- Budget referral from May 2022, as a component of the City of Berkeley's Reimagining Public Safety process.
- Domestic Violence recommendations dovetail with the Care First Jails Last recommendations on Crisis Stabilization and broad-based best practices.
- Identifying gaps in service and policy integration, in order to address needs long-term and stay sustainable.

Process

- Stakeholder engagement: of community leaders, service utilizers, public officials and people who have survived incidence of violence.
- The Alternatives to Incarceration workgroup compiled recommendations.

Evaluative Criteria

Harm Reduction: Does this recommendation reduce the number of people who cycle through crisis & carceral systems? Does this recommendation reduce the harm and trauma caused by those systems, to the individual?

Transformation: Does this recommendation reinforce the status quo, or would its implementation meaningfully create new pathways/investments in public safety (crisis diversion & stabilization)? Does this recommendation support healing and long-term positive change for everyone involved in the incidents of violence?

Political feasibility: Is this recommendation responsive to the needs and priorities of service utilizers?

Financial feasibility: Is the implementation of this recommendation financially possible given budgetary constraints?



Commission on the Status of Women: DV Response Update

Recommendation 1

Trauma Informed, Non-Carceral Crisis Response

Expand the Specialized Care Unit scope of work to include domestic violence calls for service.

Expand, diversify and strengthen non-crisis mobile response teams to address gaps, including assisting people who identify as TGI, LGBTQ+, and/or cisgender women who are in an emerging crisis and/or need community-based conflict resolution.

Internal Planning

- Liaising with the SCU on triage possibilities & best practices learned from other crisis programs
- Liaising with Berkeley Police Department for data analysis & policy evaluation





Recommendation 2

Restorative Justice & Circle Work Interventions

Establish effective restorative justice programs, crisis mediation and violence prevention programs to mediate incidence of Intimate Partner/Gender-Based/Domestic Violence.

Internal Planning

- Pursuing grant opportunities to explore possible funding streams
- Annual cost estimate: \$200k per year plus fringe benefits for 2 restorative justice circle staffers (social workers or peer counselors) + \$20K for program administration

Commission on the Status of Women: DV Response Update

Recommendation 3

Crisis Response & Stabilization Shelter Beds

Establish a 24/7 shelter bed facility, with short/medium term housing stabilization options, for survivors of domestic violence. This service would be operated by a contracted community-based organization, overseeing implementation (day-to-day operations, hiring & staffing, referrals, case management).

Internal Planning

- Pursuing grant opportunities to explore possible funding streams
- Annual cost estimate: \$700K for staffing, \$100K program supplies





Recommendation 4

Financial Stabilization and Independence for Survivors of Violence

Incubate new innovative employment programs for people who identify as survivors of domestic, intimate partner or gender-based violence. **Utilize tax credits, stipends, vouchers** (housing, transit or otherwise), **motel conversions and/or cash benefit programs to address the costs incurred** when cisgender women, LGBTQ+ people and TGI people seek safety away from abusive or violent relationships.

Internal Planning

- Liaising with Mental Health Division to identify pre-existing cash benefit programs
- Publish multi-lingual resources for survivors to access a wide range of financial support services

Commission on the Status of Women: DV Response Update

What's Next?



COSOW Commission Feedback

Discussion and feedback from the Commission on the Status of Women

Data & Criteria Analysis

Data inquiry for Alameda County Department of Public Health, internal BPD data on calls for service, literature review, and budgetary analysis

Implementation

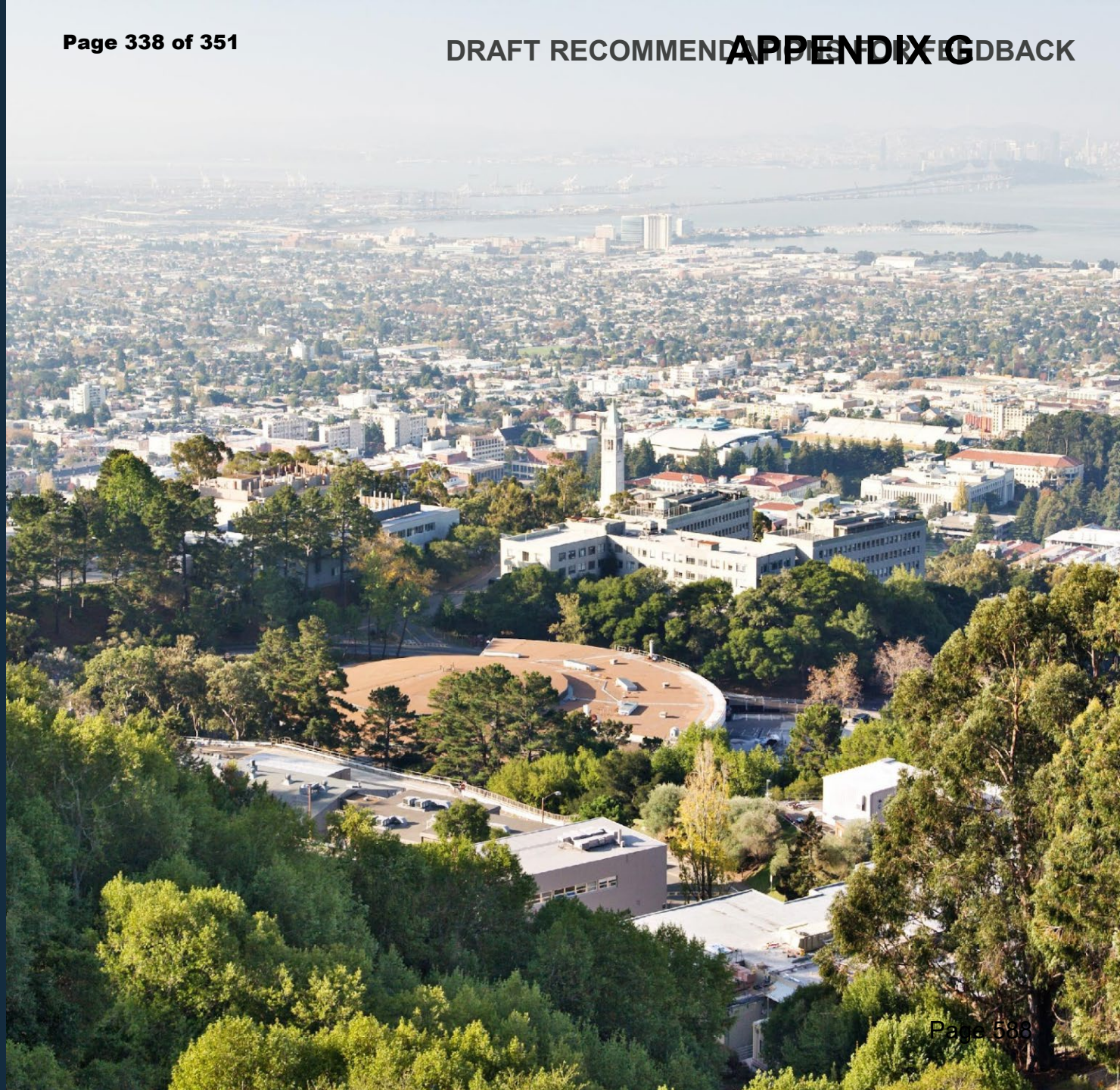
Present referral response recommendations to Mayor and City Council

Thank you!

Conversation &
Feedback



Department of Health,
Housing & Community
Services



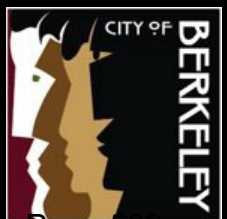
CITY OF BERKELEY

Reimagining Public Safety



Recommendation on Public Safety/Crime Prevention for Women

April 17th, 2024



Presenters



Dr. Carianna "Cari" Arredondo (she/ella/they)
Assistant to the City Manager
Reimagining Public Safety
carredondo@berkeleyca.gov



Arlo Malmberg (he/him)
Data & Policy Analyst at BPD
Strategic Analysis Team
amalmberg@berkeleyca.gov

Overview

Objective: *Present an overview of crime trends to inform next steps for the referral on Public Safety/Crime Prevention for Women.*


- **Background:**
 - *Context and Recommendations*
- **Violence Against Women and Older Persons in Berkeley:**
 - *Trends and Analysis*
- **Considerations and Next Steps:**

Recommended Actions

Develop plans to implement public safety crime prevention programs to address the current rising crime against women, particularly older women. These plans should include a budget referral to the Council Budget and Finance Committee for consideration in the June budget process.

These plans should include...

Page 1 of 102 12



Commission on the Status of Women

CONSENT CALENDAR
February 13, 2024

To: Mayor and Members of the Berkeley City Council
 From: Commission on the Status of Women
 Submitted by: Carole Marasovic, Chair, Commission on the Status of Women
 Subject: Recommendation on Public Safety/Crime Prevention for Women

RECOMMENDATION:
 That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address the current rising crime against women, particularly older women. These plans should include a budget referral to the Council Budget and Finance Committee for consideration in the June budget process.

These plans should include:

1. Developing a plan of safety escorts modeled on the Respect-BART Escorts Program passed by Council in 2003 to address the rash of muggings on Berkeley BART paths (North Berkeley and Ashby). As in that plan, where \$40,500 was approved by Council, the Council Public Safety Policy Committee should identify the current amount of monies needed for funding for this newly developed 2024 plan and Council refer to the June budget process. These safety escorts should be available throughout the entire community of Berkeley upon request. The Council Public Safety Committee should also identify if a RFP need be issued for this purpose;
2. Develop a plan to engage Berkeley community ambassadors working under the Downtown Berkeley Association, Telegraph Business Improvement District and any similar ambassador programs to provide safety escort services upon request through the business districts they serve and nearby residences that can be reached by foot;
3. Explore if the City ride-share funded program, Go-Go Grandparent, should be expanded and in what form to provide ride shares for women concerned about their safety. Consider cost share, if necessary, for some women and working with the ride-share companies to ensure that they watch for the woman to safely reach her door before leaving, Consider the feasibility of lifting age or disability requirements. Identify a budgetary recommendation to be directed to the Council Budget and Finance Committee.

Page 592

RECOMMENDATIONS

Data-Driven Approach

- Collaborate with Berkeley Police to identify key areas and times for safety escorts based on safety risks to women.

Community Forum

- Host a hybrid safety forum for women, led by Berkeley Police, focusing on older women with city-wide promotion planning.

Community Ambassadors

- Implement ambassador-led safety escorts in business areas and adjacent neighborhoods.

Safety Escorts

- Create a safety escort program inspired by the 2003 Respect-BART initiative to counter muggings on Berkeley BART paths.

Ride-share Program

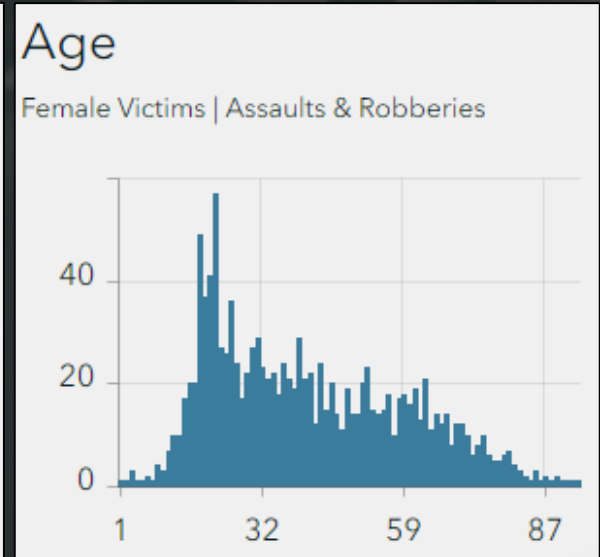
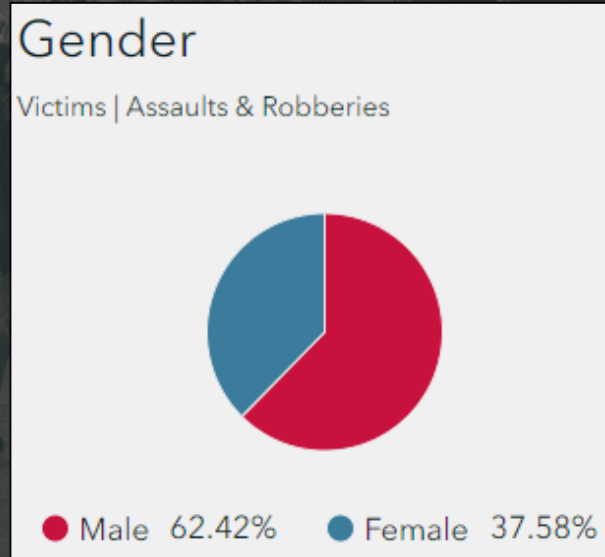
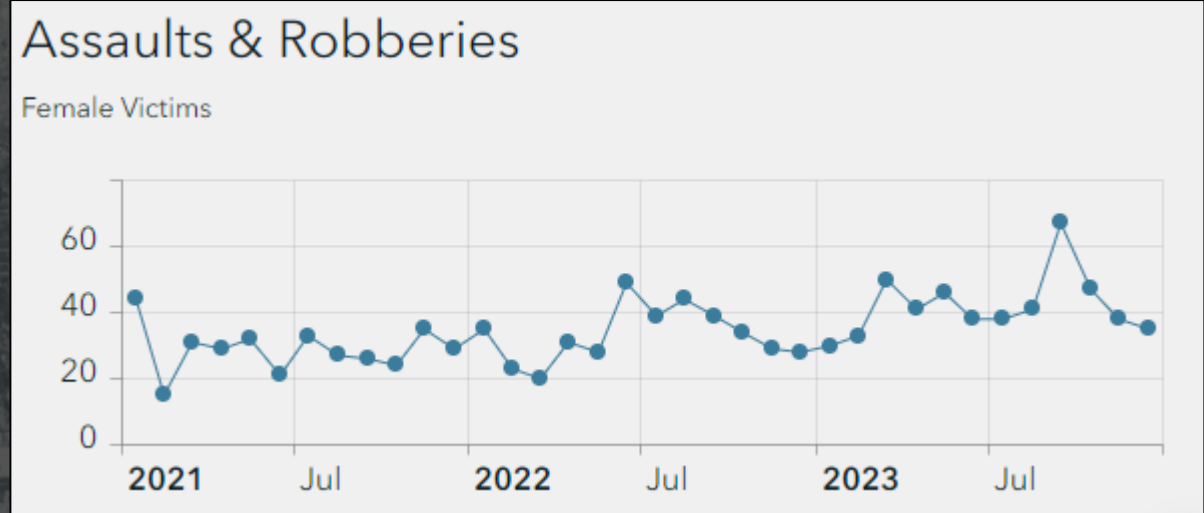
- Explore expanding Go-Go Grandparent for safer rides for women, considering cost-sharing, safe arrivals, and lifting restrictions for Council budget review.

VIOLENCE AGAINST WOMEN AND OLDER PERSONS IN BERKELEY

ASSAULTS AND ROBBERIES OF WOMEN

Assaults and robberies against women have increased in the last 3 years.

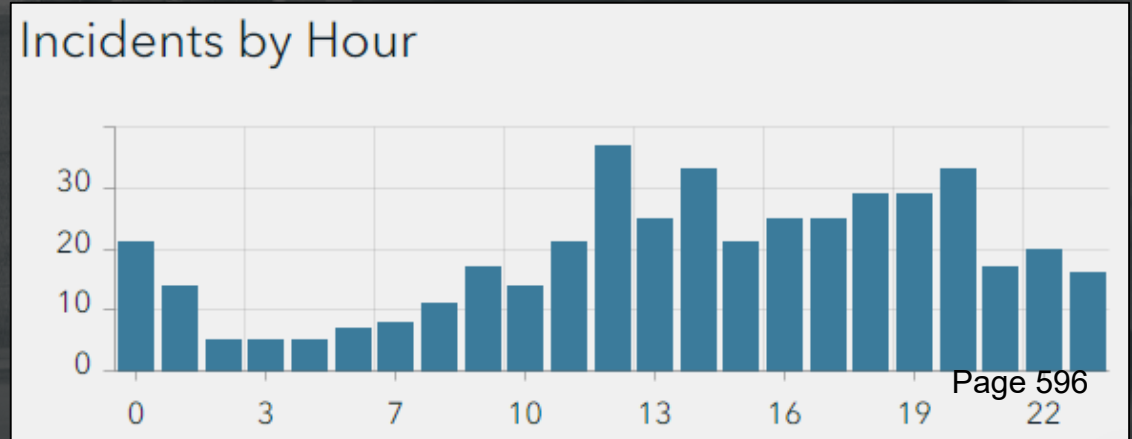
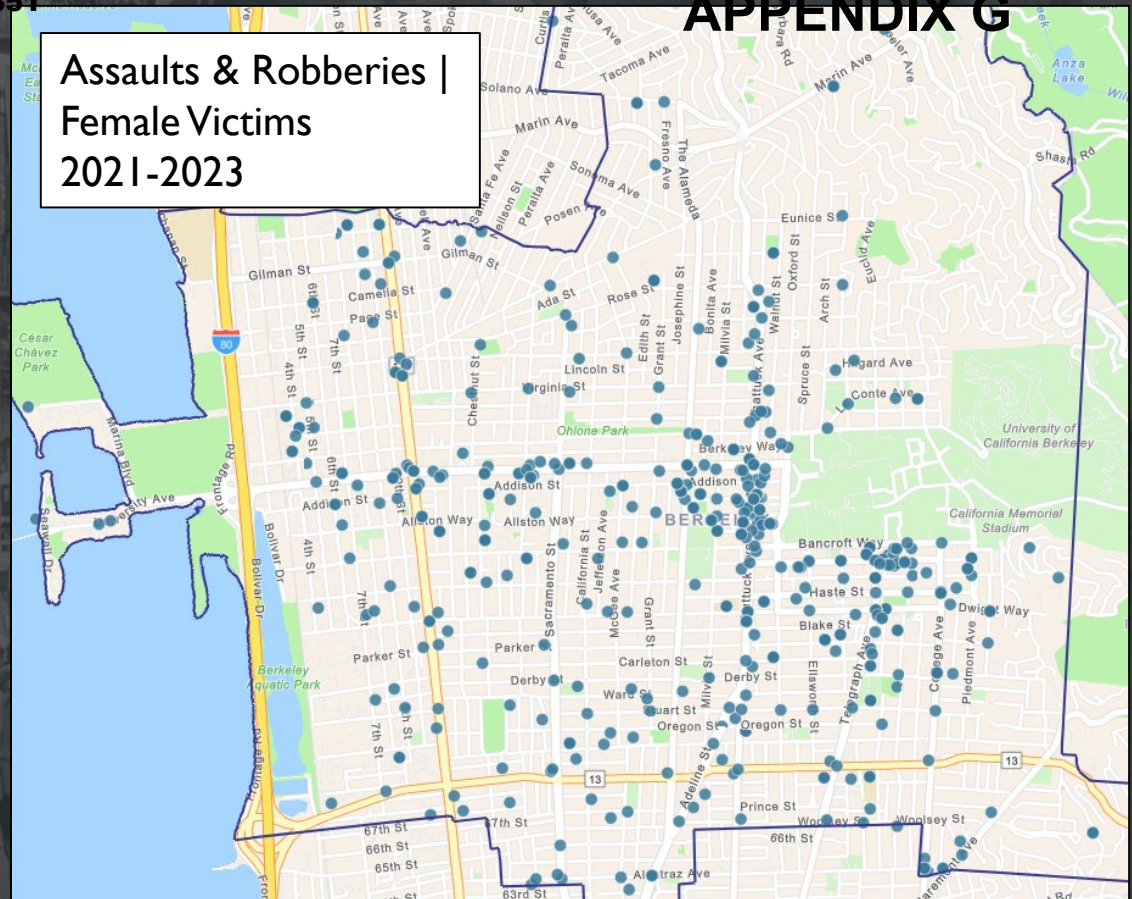
- This increase mirrors broader crime trends.
- Women represent 38% of all assault and robbery victims in that timespan.



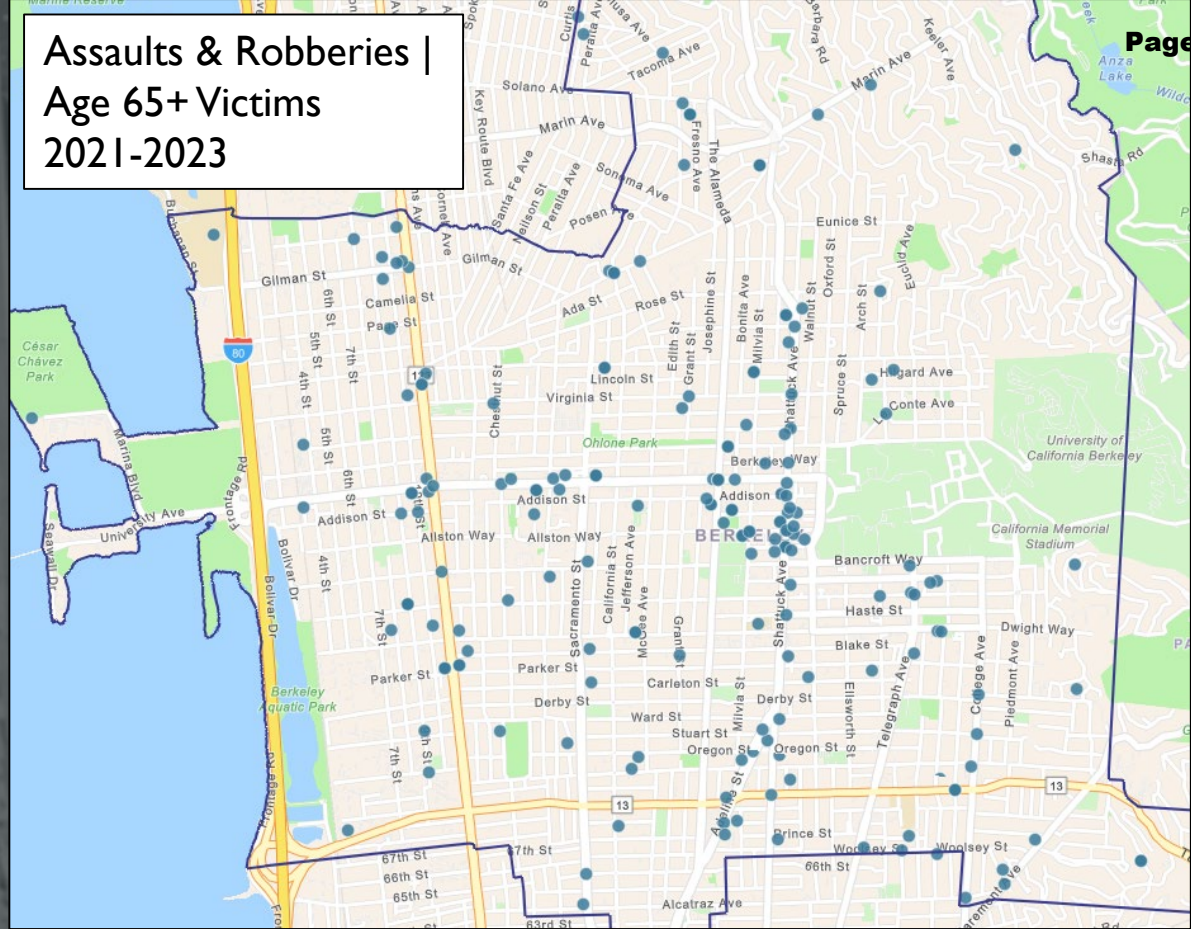
ASSAULTS AND ROBBERIES OF WOMEN

The Downtown area stands out as the primary location for assaults, batteries, and robberies targeting women.

- Crime peaks at lunchtime (11 am-2 pm) with high foot traffic.
- Night (9 pm-2 am) sees high crime with fewer people out.



Assaults & Robberies | Age 65+ Victims 2021-2023

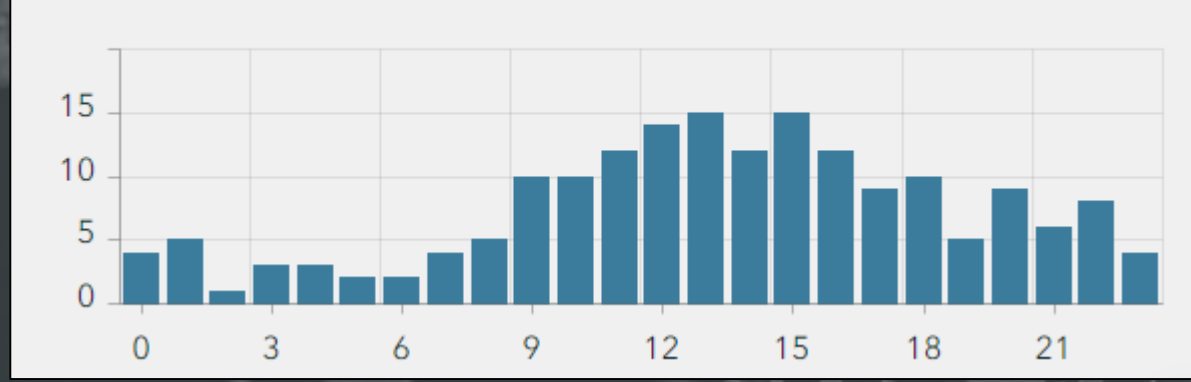


ASSAULTS AND ROBBERIES OF OLDER PERSONS

Assaults and robberies against older persons reflect general crime patterns.

- Downtown is the focal point for crimes targeting older people.
- Crime surges between 11 am and 2 pm, aligning with peak pedestrian presence.

Incidents by Hour



RECOMMENDATIONS

Data-Driven Approach

- Collaborate with Berkeley Police to identify key areas and times for safety escorts based on safety risks to women.

Community Forum

- Host a hybrid safety forum for women, led by Berkeley Police, focusing on older women with city-wide promotion planning.

Community Ambassadors

- Implement ambassador-led safety escorts in business areas and adjacent neighborhoods.

Safety Escorts

- Create a safety escort program inspired by the 2003 Respect-BART initiative to counter muggings on Berkeley BART paths.

Ride-share Program

- Explore expanding Go-Go Grandparent for safer rides for women, considering cost-sharing, safe arrivals, and lifting restrictions for Council budget review.

CONSIDERATIONS AND NEXT STEPS

Considerations and Next Steps

- **Considerations:**
 - *Scope of Work*
 - *Implementation Timeline*
 - *Budget Constraints*
- **Next Steps:**
 - *Stakeholder Engagement*
 - *Prioritization of Recommendations*





Dr. Carianna "Cari" Arredondo

Reimagining Public Safety

(510) 295-7706

Arlo Malmberg

Strategic Analysis Team

(510) 981-5799

amalmberg@berkeleyca.gov



Rashi Kesarwani
Councilmember, District 1

ACTION CALENDAR

May 14, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author); Councilmember Mark Humbert (Co-Sponsor); Councilmember Terry Taplin (Co-Sponsor)

SUBJECT: Increasing Entry Level Homeownership Opportunities:
Implementation of AB 1033 to Allow Accessory Dwelling Units (ADUs)
To Be Sold Separately

RECOMMENDATION

Refer to City Manager to implement AB 1033, which would allow Accessory Dwelling Units (ADUs) to be sold separately from a primary unit.

This referral would necessitate elimination of any mention of sales restrictions as they pertain to ADUs within the Berkeley Municipal Code and adoption of an ordinance allowing ADU sales separate from a primary unit(s).

CURRENT SITUATION AND ITS EFFECTS

AB 1033 Allows ADUs to be Sold Separately from a Primary Residence, Increasing Entry Level Homeownership Opportunities. State law AB 1033, effective January 1, 2024, eliminates the prior state law prohibiting the mapping and selling of a single-family home and its ADU as condominium units. While this prohibition on condominium conversion has been lifted, local agencies must opt-in and amend their codes to permit these entry-level homeownership opportunities. Congruent with the condominium homeownership model, property owners wishing to sell an ADU will need to notify their utility provider and establish a homeowners' association responsible for overseeing property maintenance. ADUs tend to be more affordable than a typical single-family home. By permitting the independent sale of ADUs, the City of Berkeley can increase the available stock of entry-level homeownership opportunities. Further, ADU condominium conversion purchases are eligible for federally guaranteed mortgages, easing financing opportunities for homebuyers.¹ AB1033 not only helps households seeking entry-level homeownership opportunities, it can also help existing homeowners to age in place by providing lump-sum resources from an ADU sale.

¹ Casita Coalition and Reuben, Junius & Rose LLP: AB 1033 - How to Implement New State ADU Condominium Laws, p. 1

<https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/65397c083ac9fc75cf8701fd/1698266121029/AB-1033-Casita-Coalition-RJR-ADU-Condos-memo.pdf>

BACKGROUND

California, particularly the Bay Area, faces an ongoing housing crisis, with affordability and accessibility becoming increasingly challenging for residents. As the state grapples with this issue, nearly 20 percent of housing units constructed in California today are ADUs, reflecting the significant contribution that ADUs are making in reducing the housing shortage.² According to the California Association of Realtors Housing Affordability Index, only 17 percent of households in the state can afford a single-family home, a figure that falls significantly below the national average.³

The California Legislative Analyst's Office, a nonpartisan entity, examined the state's exorbitant housing costs and delineated various factors contributing to it, notably a pronounced housing shortage, particularly in coastal California.⁴ Since 1980, housing construction in California has lagged significantly behind both national and historical averages. Despite a national housing boom in the mid-2000s, California's housing production remained relatively sluggish. Moreover, merely 10 percent of Berkeley's housing units were constructed after 1980.⁵ As construction slowed over time, California's housing costs escalated, surpassing the national average. Presently, home prices in Berkeley stand at \$1.4 million compared to the national average of \$354,000.⁶

In their report, "Closing California's Housing Gap," the McKinsey Global Institute proposed specific measures to alleviate housing insecurity in the state. They recommend tackling housing scarcity by identifying potential "hot spots" for housing creation, such as areas within a half-mile radius of transit hubs, underutilized urban lots, and the addition of extra units to single-family homes.⁷

While the impact of high housing costs disproportionately affects certain racial and socioeconomic groups, there is also a noticeable generational divide. The scarcity of affordable housing near employment opportunities, coupled with mounting student debt, has resulted in a net worth for young households that is 20 percent lower than that of baby boomers in 1989 and 40 percent lower than that of Generation X families in 2001. Additionally, homeownership is increasingly unattainable for younger generations, with millennials being 8 percent less likely to own homes compared to baby boomers and Gen Xers.⁸ Nearly half of households aged 18-34 are considered rent-burdened. The Urban

² Casita Coalition and Reuben, Junius & Rose LLP: AB1033 – How to Implement New State ADU Condominium Law, p.1

<https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/65397c083ac9fc75cf8701fd/1698266121029/AB-1033-Casita-Coalition-RJR-ADU-Condos-memo.pdf>

³ Casita Coalition and Reuben, Junius & Rose LLP: AB1033 – How to Implement New State ADU Condominium Law, p.1

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⁴ California's High Housing Costs, Causes and Consequences (2015) Legislative Analyst's Office. <https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.aspx>

⁵ 2015-2023 Berkeley Housing Element (2014). City of Berkeley.

<https://cityofberkeley.app.box.com/s/x7cfk49voo9hr56iw3exsqogx0w7e6y3>

⁶ Home Values (2024) <https://www.zillow.com/home-values/>

⁷ Woetzel, J., Mischke, J., Peloquin, S., and Weisfield, D. (2016, October). A Toolkit to Close California's Housing Gap: 3.5 Million Homes by 2025. McKinsey Global Institute:

<https://www.mckinsey.com/~media/mckinsey/industries/public%20and%20social%20sector/our%20in%20sights/closing%20californias%20housing%20gap/closing-californias-housing-gap-full-report.pdf>

⁸ Grabar, Henry. (2019). I Got Mine. Slate Magazine.

Institute conducted an extensive study on the barriers to millennial homeownership and recommended a series of policy changes, with a key recommendation being the alteration of land use and zoning restrictions, particularly in areas with rigid housing supply.⁹

Furthermore, moderate-income earners often find themselves unable to access Below Market Rate (BMR) housing, exacerbating the issue. Naturally affordable housing options, such as ADUs, often offer a pathway to more affordable living. An analysis by the Turner Center revealed that 58 percent of ADU owners rented their units at below-market-rate rent. Due to their smaller size and/or cost-effective construction, ADUs frequently provide more affordable options for both owners and renters compared to single-family homes.¹⁰

FISCAL IMPACT

Staff time to amend the Berkeley Municipal Code to eliminate mention of sales restrictions as they pertain to ADUs and to prepare an ordinance allowing ADU sales separate from the main unit(s).

ENVIRONMENTAL SUSTAINABILITY

The recommendation to promote ADUs has significant implications for environmental sustainability, particularly through the concept of infill housing, especially near transit hubs. By encouraging the construction of ADUs, cities can capitalize on existing infrastructure and minimize urban sprawl by using underutilized parcels within established neighborhoods. This approach to infill housing not only optimizes land use but also reduces the need for further development on undeveloped land, preserving natural habitats and open spaces.¹¹ Moreover, siting ADUs near transit promotes alternative modes of transportation, such as walking, biking, or public transit, thus reducing reliance on cars and lowering greenhouse gas emissions associated with commuting. Overall, the strategic implementation of ADUs as infill housing near transit contributes to a more sustainable urban environment, aligning with efforts to combat climate change and promote eco-friendly living practices.

Expanding housing options plays a crucial role in addressing environmental concerns, aligning with the City of Berkeley's Climate Action Plan. Researchers from the University of California have developed a climate policy tool for local governments to evaluate policies'

<https://slate.com/business/2019/05/californiahousing-crisis-boomer-gerontocracy.html>

⁹ Choi, j., Zhu, J., Goodman, L., Ganesh, B., and Stochak, S. (July 2018). Millennial Homeownership. The Urban Institute.

https://www.urban.org/sites/default/files/publication/98729/millennial_homeownership.pdf

¹⁰ Garcia, D. (2017). ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes. Turner Center for Housing Innovation. <https://turnercenter.berkeley.edu/research-and-policy/adu-update-early-lessons-and-impacts-of-californias-state-and-local-policy-changes/>

¹¹ The Environmental Center September 24, 2020 Blog Post: Accessory Dwelling Units: A Sustainable Housing Solution: <https://envirocenter.org/accessory-dwelling-units-a-sustainable-housing-solution/#:~:text=Since%20these%20units%20tend%20to,more%20sustainable%20and%20livable%20community.>

effectiveness in reducing carbon footprints. Their study of 700 cities revealed that infill housing has the most significant impact.¹²

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

Attachments:

Casita Coalition and Reuben, Junius & Rose LLP: AB 1033 - How to Implement New State ADU Condominium Law. Pages 3-5 include required text in ADU condominium ordinances – Cal. Govt. Code Section 65852.2(a)(10)

¹² Jones, C, Wheeler, S, and Kammen, D. (2018) California Local Government Climate Policy Tool. Cool Climate Network. <https://coolclimate.berkeley.edu/ca-scenarios/index.html>



AB1033 – HOW TO IMPLEMENT NEW STATE ADU CONDOMINIUM LAW

Today, nearly 20% of housing units built in California are accessory dwelling units (“ADUs”). According to the California Association of Realtors Housing Affordability Index, only 17% of households can afford a single-family home, less than half of the national average. In many States across the country, ADU condo conversion projects are re-enabling a generation of home buyers to live in the communities of their choice near work and family. The State of Washington recently required all local agencies to allow conversions of a primary unit and ADU to condominiums for sale. Consequently, in Seattle and Portland 40% to 50% of ADUs constructed are sold as condominiums to new homebuyers, where they are bought for approximately half the value of a stand-alone single-family home. Such ADU condo conversion purchases are eligible for federally guaranteed mortgages, making them easy to finance for ordinary homebuyers.

The California State Legislature recently adopted a new law, AB1033, that creates affordable options for homeownership by allowing ADU’s to be sold separately from a primary unit. AB1033 removes the previous State law prohibition against mapping and selling a single-family home and its ADU as condominiums. Even though this prohibition on condo conversion has been eliminated, it is up to Local Agencies to amend their codes to allow these entry-level home ownership opportunities.

WHAT NEEDS TO BE DONE TO ALLOW SALE OF ADUS?

Respecting local control, the Legislature left it up to Local Agencies to amend their municipal code(s) to allow these entry-level home ownership opportunities through the sale of ADUs. The Casita Coalition and Reuben, Junius, and Rose, LLP have developed this guidance to encourage your Local Agency to make the following changes to your code(s), procedures and policies to re-enable Californians priced out of many of our communities to once again have a dream of buying a home by enabling more naturally-affordable condominiums for sale.

RECOMMENDED STEPS TO IMPLEMENT SALE OF ADUS

1. **Eliminate Sale Restrictions.** Remove all provisions in your municipal code that prohibits the sale or other conveyance of an ADU. These restrictions are typically included in local Condominium Codes and Zoning Codes.



2. **Adopt Legislation Expressly Allowing ADU Sales.** To align local rules with State law, adopt changes to the municipal code that allow conversion of a home and its ADU into condominiums subject to the requirements of the Davis-Stirling Common Interest Development Act (Cal. Civ. Code Sec. 4400-6150.) Appropriate amendment text will differ depending on the existing municipal code, but AB1033 requires a list of express provisions be included in such local ordinance, attached at the end of this document.
3. **Publish ADU Checklists.** Provide a comprehensive checklist for any ADU building permit and for ADU condominium/subdivision projects, indicating Subdivision Map Act compliance and lender subordination information.
4. **First Right of Offer to Owner Occupants.** To further encourage new homeownership, consider including a condition of approval for establishing condominiums of a primary unit and ADU giving a first right of offer for a period of 45 days on publicly accessible databases, e.g., MLS, to buyers indicating an intent to live in the property (either themselves or their immediate family). To avoid issues with lenders, however, do not require owner occupancy.
5. **Create “Grow Homeownership” Program.** Establish a program with dedicated staff that expedites ADU condominium processing with first comments to be issued within 45 days of submission of a complete application.
 - Consider waiving or reducing application and impact fees otherwise applied to condominiums.
 - The Grow Homeownership Program could be paired with other funding programs your jurisdiction may have, e.g., through SB2 (2017) funds.

If you have any questions or would like to discuss any of the above, please do not hesitate to reach out to Justin A. Zucker from Reuben, Junius & Rose, LLP at 415.656.6489 or jzucker@reubenlaw.com.

AB1033 – Required Text in ADU Condominium Ordinances – Cal. Govt. Code Sec. 65852.2(a)(10)

(A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(C) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(D) (i) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(I) A lienholder may refuse to give consent.

(II) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(ii) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

(iii) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(I) The lienholder's signature.

(II) The name of the record owner or ground lessee.

(III) The legal description of the real property.

(IV) The identities of all parties with an interest in the real property as reflected in the real property records.

(iv) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(E) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

(a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

(F) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(G) (i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(ii) For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

(H) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to Section 65852.26.



Office of the City Manager

INFORMATION CALENDAR

May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: UPDATE: HR Response: Audit Directive(s) for Comprehensive Domestic Violence Policy to Support City Employees

INTRODUCTION

This report is an informational update on progress toward goals recommended by a City Auditor report titled “Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees” issued on October 10, 2019.¹ Specifically, the report tracks progress toward goals articulated by the Audit’s Corrective Action Plan within the broader context of a workplace violence prevention policy being developed by the Human Resources Department.

CURRENT SITUATION AND ITS EFFECTS

The audit set forth six recommendations, of which five have been integrated into a working draft of a revised domestic violence policy. These revisions pertain to the title of the policy (to reflect a broader scope), pertinent definitions, factors to be considered in assessing accommodations, supporting documents required for accommodations, and best practices in implementing such a policy.

As to a sixth recommendation regarding staff training for compliance with the policy, HR is looking to incorporate such training into a redesigned Supervisor Training curriculum. Moreover, the department is developing a comprehensive Workplace Violence Prevention Policy focused on threat assessment and mechanisms for reporting suspicious behavior/activity.

¹ Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees:
<https://berkeleyca.gov/sites/default/files/2022-01/Domestic-Violence-Response-Report.pdf>

BACKGROUND

The City Auditor's Office issued its report on October 10, 2019. HR's first informational update was provided on November 3, 2022. This report is HR's second informational update.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.

Attachments:

1. Audit Findings, Recommendations, and Status Updates

Audit Title: Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees						
Finding	Recommendation		Department	Expected or Actual Implementation Date	Status of Audit Recommendations, Corrective Action Plan, and Progress Summary	Last Period: Status
Policy Does Not Completely Reflect State Requirements	1.1	Define and include sexual assault, stalking, and witnesses' rights.	Human Resources	Ongoing	<u>Partly Implemented:</u> Human Resources has made proposed updates to terms and definitions in the policy. Policy is in draft form and awaiting approval.	Partly Implemented
Policy Does Not Completely Reflect State Requirements	1.2	State that when assessing safety accommodations, Human Resources takes into consideration danger to the employee and undue burden to the employer.	Human Resources	Ongoing	<u>Partly Implemented:</u> Human Resources has made proposed updates to terms and definitions in the policy. Policy is in draft form and awaiting approval.	Partly Implemented
Policy Does Not Completely Reflect State Requirements	1.3	Revise the policy title to reflect the comprehensive scope of the policy.	Human Resources	Ongoing	<u>Partly Implemented:</u> Policy title is updated in draft form and is awaiting approval.	Partly Implemented

<p>Policy Does Not Completely Reflect State Requirements</p>	<p>1.4</p>	<p>Clarify that requirements for employees to document their use of leave or request for accommodations are at the discretion of Human Resources and may include self-certification when appropriate. We also recommend that Human Resources clarify that employees are encouraged to come to Human Resources for assistance even if they do not initially have the documentation that may be requested.</p>	<p>Human Resources</p>	<p>Ongoing</p>	<p><u>Partly Implemented:</u> Policy is updated in draft form and is awaiting approval.</p>	<p>Partly Implemented</p>
<p>Policy Does Not Address Key Workplace Domestic Violence Issues</p>	<p>2.1</p>	<p>Incorporate the model policy and all best practice elements described in this finding, and communicate this guidance to city staff.</p>	<p>Human Resources</p>	<p>Ongoing</p>	<p><u>Started:</u> The policy update is in draft form and is awaiting approval. In addition, Human Resources will assess the feasibility of adopting additional elements from model policies and will add as appropriate at a later date.</p>	<p>Started</p>

<p>Berkeley Needs to Prepare All Staff to Comply with the Policy</p>	<p>3.1</p>	<p>Implement best practices, including:</p> <ul style="list-style-type: none"> • Training supervisors and Human Resources staff about their role in responding to employees experiencing domestic violence and providing information for employees about the domestic violence response policy; • Conducting periodic outreach to employees to inform them about the policy, encourage them to come forward, and provide general information about domestic violence; • Facilitating collaboration among city staff who have a role in implementing the policy, and convening a domestic violence response team to advise on policies, ongoing outreach and education, and Human Resources' implementation of recommendations from this audit; and • Adopting a trauma-informed and inclusive approach. 	<p>Human Resources</p>	<p>Ongoing</p>	<p><u>Started:</u> Human Resources may add policy review to supervisor training to include revised domestic violence policy.</p>	<p>Started</p>
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INFORMATION CALENDAR

May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *zw*

Subject: Audit Follow-up Status Update

INTRODUCTION

This item provides a status update on the audit follow-up of all recommendations since the Auditor’s Office published a public audit recommendation dashboard. Municipal code allows the City Auditor to follow up with audited departments on the status of audit recommendations. Additionally, administrative regulations require the City Auditor to monitor the status of outstanding audit recommendations and periodically report to City Council.

CURRENT SITUATION AND ITS EFFECTS

We follow up on audits to assess whether city departments implemented the audit recommendations. The Auditor’s Office periodically issues follow-up audit reports to City Council on the status of our recommendations. Our expectation is that the City should take no more than two years to implement our audit recommendations, unless specified. On September 8, 2022, we launched a public dashboard¹ to track the status of audit recommendations. This report provides an update on audit follow-up activities since we launched the recommendation dashboard.

For subsequent audit follow-up status reports, our office is working with departments to transition to an annual schedule for these starting in fall 2024. In the past, we have asked departments to provide updates on implementation to Council every six months. Now that the audit recommendation dashboard displays updates to recommendation status on a rolling basis and provides ongoing transparency, departments will submit a Council report once a year going forward.

Audits with Open Recommendations

The following table summarizes follow-up activity since September 8, 2022 for audits that are currently open.

Department	Audit	Release Date	Date of Department Report to Council
City Manager, Human Resources	Staff Shortages - City Services Constrained by Staff Retention Challenges and Delayed Hiring	6/22/2023	3/12/2024

¹ To view the dashboard, visit <https://berkeleyca.gov/your-government/city-audits>; “Progress on Recommendations.”

Finance	Berkeley's Financial Condition (FY 2012 - FY 2021): Pension Liabilities and Infrastructure Need Attention	5/5/2022	12/13/2022; 6/27/2023
Fire	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance	5/9/2019	11/3/2022; Did not report in 2023
Human Resources	Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees	10/10/2019	11/3/2022; Did not report in 2023; 5/14/2024;
Library	Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed	8/27/2020	The Library reports to the Board of Library Trustees
Police	Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities	3/3/2022	9/29/2022; 5/23/2023; 11/7/2023
Public Works	Fleet Replacement Fund Short Millions	6/2/2021	11/3/2022; Did not report in 2023; 3/19/2024
Public Works	Rocky Road: Berkeley Streets at Risk and Significantly Underfunded	11/19/2020	11/3/2022; Did not report in 2023; 3/19/2024

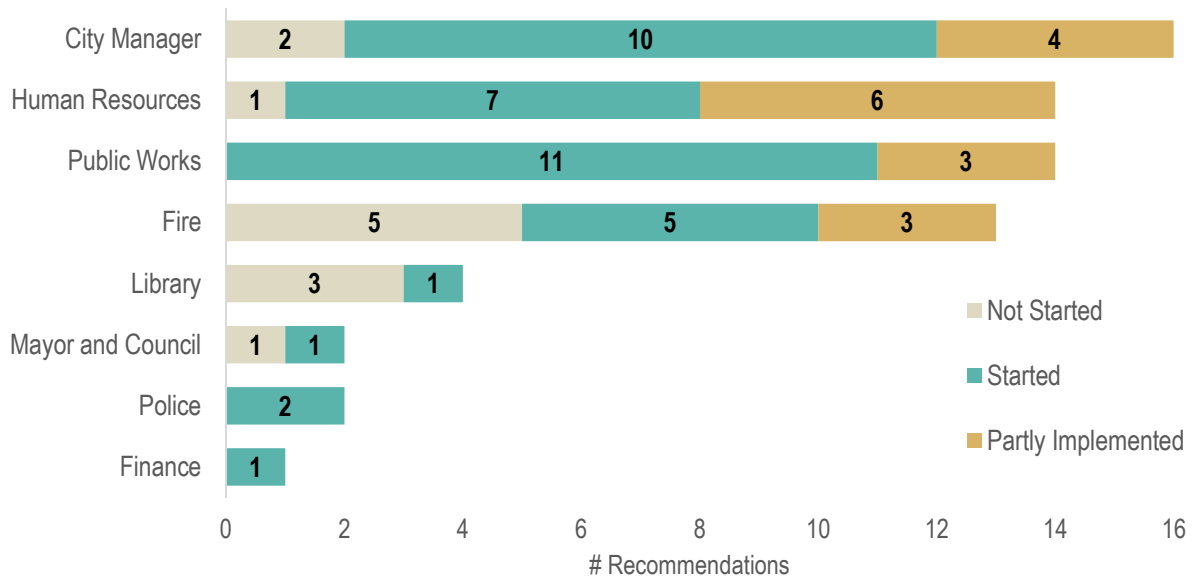
Some departments have not regularly reported on their progress to Council or made progress on the recommendations. According to some departments, one reason for this is that the staffing challenges we highlighted in our retention audit prevent them from prioritizing responding to audits.

We use the following statuses to report on the implementation of audit recommendations:

- **Implemented:** The auditee has addressed the audit risk by completely implementing the recommendation.
- **Partly implemented:** The auditee has implemented 50 percent or more of the recommendation.
- **Started:** The auditee has started to address the recommendation but has not reached the 50 percent threshold.
- **Not started:** The auditee has not yet taken action to implement the recommendation.
- **Dropped:** The auditee has accepted the risk to the city that the recommendation is meant to address and is unable or unwilling to implement the recommendation. Additionally, all open recommendations will be reported as dropped if they are not implemented within five years of audit issuance.

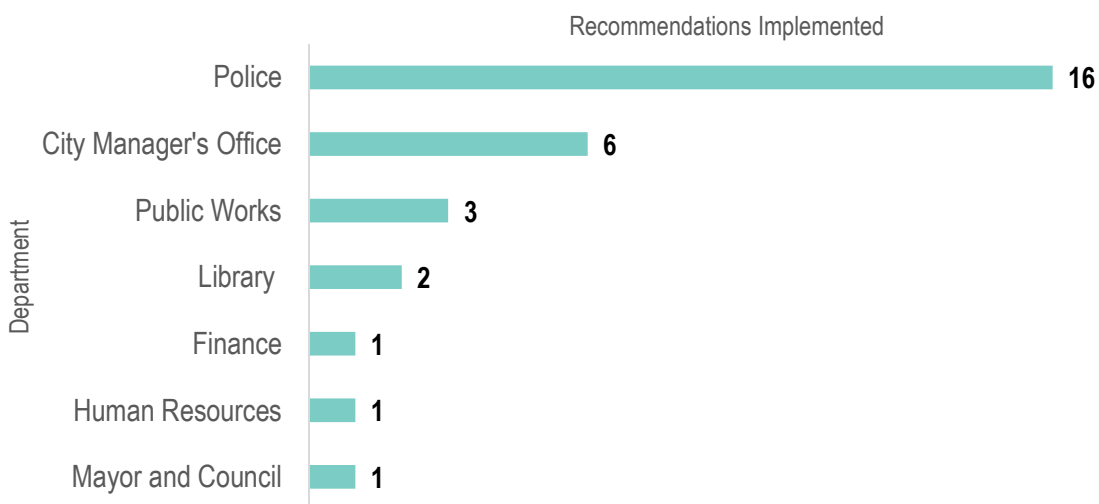
There are currently 66 open recommendations across eight departments. The following graphic shows the status of open audit recommendations as of May 14, 2024:

There are currently 66 open audit recommendations across eight departments.



We additionally marked 30 outstanding audit recommendations as implemented this cycle. The following graphic shows the number of recommendations implemented this cycle by department:

Recommendations Implemented between September 8, 2022 and May 14, 2024



Closed Audits

During this audit follow-up cycle of September 8, 2022 – May 14, 2024, we closed 11 out of 19 audits that were still open at the beginning of that time period. Audits are closed when all recommendations are implemented, or if they are older than five years. After five years, recommendations that are not implemented are marked as “dropped” on the online dashboard. The following table summarizes follow-up activity since the launch of our online dashboard on September 8, 2022 for audits that are now closed:

Department	Audit	Release Date	Date of Department Report to Council
City Manager (HR)	Berkeley’s Ethical Climate Rated Strong Overall and Management Working to Make it Better	3/14/2017	Implemented 3 out of 5 outstanding recommendations but did not provide final report to Council
City Manager (Finance)	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)	7/19/2016	Did not provide final report to Council
City Manager	Most Contracts Executed Timely but Contract Project Managers Could Use Better Tools and Guidance	10/6/2015	Did not provide final report to Council
City Manager, IT	City at crossroads as long-standing need for structured approach to line of business experts function intersects with ERP implementation	1/24/2017	Did not provide final report to Council
City Manager, Mayor and Council	Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight	6/26/2018	9/20/2022; Did not report in 2023; 3/19/2024
City Manager, Public Works	Leases Audit: Conflicting Directives Hinder Contract Oversight	6/2/2009	11/3/2022
Finance	Credit Card Use: Clearer Guidance Needed	6/26/2018	Implemented last outstanding recommendation but did not provide final report to Council
IT, Public Works	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal	7/1/2014	11/3/2022

Police	Data Analysis of the City of Berkeley's Police Response	7/2/2021	11/3/2022; 5/23/2023
Police	911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale	4/25/2019	11/3/2022; 5/23/2023
Public Works	Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity	9/20/2016	11/3/2022

BACKGROUND

The City Auditor’s Office has a mission to promote transparency and accountability in Berkeley government. We conduct independent performance audits to evaluate city operations and programs and make recommendations to improve operations and services and ensure productive use of taxpayer funds. We focus on equitable, efficient, and effective use of city resources to achieve goals and objectives. Generally, we follow up on recommendations for up to five years after they are issued. On September 8, 2022, our office launched an online dashboard to track the status of outstanding audit recommendations.

Following up on audit recommendations is an important part of the audit process that helps hold departments accountable for implementing agreed-upon audit recommendations. While we understand that some departments face staffing challenges that make it difficult to prioritize audit recommendations, not implementing the recommendations can mean that the City is not addressing the risks identified in audits or making needed improvements to operations or services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

While there may be environmental impacts associated with some audit recommendations, there are no identifiable environmental effects or opportunities associated with the audit follow-up process.

CONTACT PERSON

Jenny Wong, City Auditor, (510) 981-6750

Attachment:

- 1: Audit findings, recommendations, and status updates for audits for which departments have not updated Council between September 8, 2022 and May 14, 2024.

Audit Title: Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better			
Issue Date: 3/14/2017			
Finding	Recommendation	Department	Status of Audit Recommendations, Corrective Plan, and Progress Summary
The City can improve service delivery, employee morale, and public trust by further strengthening its ethical climate	1.1 Establish a formal, public-sector-values based, ethics program by: 1) Adopting a code of ethics that identifies important ethical principles or values and how to integrate the code into day to day practices; 2) Designating high-level personnel (a specific individual or individuals) to ensure the organization has an effective ethics program; 3) Identifying City staff member(s) or an external resource to whom employees can turn for ethics advice; 4) Providing staff with guidance on how to tackle ethical dilemmas	City Manager	<u>Implemented</u> : CMO issued new code of ethics; created and convened a formal ethics committee consisting of management personnel; announced ethics committee and ethics hotline in 2.15.19 Berkeley Matters as viable resources for staff to reach out to with ethics concerns; and announced new code of ethics in 2.15.19 Berkeley Matters and reference training sources, regulations, and viable contacts when faced with an ethics issue.
The City can improve service delivery, employee morale, and public trust by further strengthening its ethical climate	1.2 Promote ethical standards to employees and the public by: 1) Including the City's ethics statement in the new employee packet and discussing the City's commitment to ethical standards in new employee orientation 2) Providing all employees with training covering the City's ethics related policies and incorporating key aspects of the Fair Political Practices Commission ethics training 3) Providing a variety of ways to access ethics information and resources for employees, including those with no regular computer access at work, such as: • Posters and wallet cards • Centralized, intranet based ethics resource center • Periodic inclusion of ethics statement in Berkeley Matters 4) Emphasizing the City's commitment to workplace ethics during formal meetings, informal staff discussions, and regular communications with outside parties 5) Making the code of ethics available to the public, such as including the ethics code and related material in a centralized location on the City's public internet.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City has not implemented them within five years.

	1.3	Provide supervisors and midlevel management with written guidance and training on how to: <ul style="list-style-type: none"> • Initiate and encourage discussions of ethical issues to help dispel misconceptions and alert management to actual problems • Report concerns or complaints to management or an external resource, and conduct investigations of ethics related complaints according to the City's procedures 	City Manager	<u>Implemented</u> : HR has developed and scheduled trainings for supervisors and management.
The City can improve service delivery, employee morale, and public trust by further strengthening its ethical climate	1.4	Develop a system for tracking, analyzing, and reporting on suspected misconduct, including written guidance and forms (or similar) to assist employees in making reports.	City Manager	<u>Implemented</u> : Human Resources established a third-party ethics reporting website that allows employees to make reports. HR resumed Ethics Committee Meetings in which members review reported ethics concerns.
The City can improve service delivery, employee morale, and public trust by further strengthening its ethical climate	1.5	Provide employees and the City Council with summary reports about investigation and resolution of employee ethics complaints, such as the reports already provided about EEO complaints, taking care to protect confidential and identifying information.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City has not implemented them within five years.
The City can improve service delivery, employee morale, and public trust by further strengthening its ethical climate	1.6	Monitor and regularly evaluate the effectiveness of the ethics program and make improvements based on results.	City Manager	<u>Implemented</u> : Human Resources resumed convening meetings of the Ethics Committee that monitors and evaluates the City's ethics program.

Audit Title: Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)			
Issue Date: 7/19/2016			
Finding	Recommendation	Department	Status of Audit Recommendations, Corrective Plan, and Progress Summary
Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	1.1 Issue an internal policy assigning the division responsible for overall grants accounting (e.g., billing and monitoring receivables) and reporting. Make it clear to project managers that they are responsible for providing information on the grants they manage to the appointed division to assist with grants accounting.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.
Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	1.2 Create a work team of Public Works staff who administer and manage grants. Team members should include the position responsible for overall grants accounting and reporting, and staff from the divisions that manage grants (e.g., Engineering and Transportation). The team should work collectively to evaluate their respective functions and their interrelated roles and responsibilities for grants management, billing, and accounting; and work towards developing an effective workflow that provides for accurate and timely grants accounting and reporting.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.
Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	1.3 Require the grants team to work collectively to develop a written procedures manual that clearly explains roles, responsibilities, and workflows. The manual should: <ul style="list-style-type: none"> ▪ provide guidance on the overall grant application, approval, and monitoring process within the department ▪ refer to other applicable policies and procedures such as City Administrative Regulation 1.17 and Contracts Online ▪ describe the specific tasks performed within divisions and/or by job classification ▪ identify the forms and data sheets that staff are to use for recording, tracking, and monitoring grants (also see Recommendations 5.1 and 6.2) ▪ describe coordinating efforts needed between divisions and with the grant coordinator in Finance ▪ identify timelines and requirements for reporting, performing reconciliations, and providing information to the Finance grant coordinator (also see Recommendation 2.2) ▪ provide enough detail to more easily train new hires or staff with new responsibilities As with all procedures, the work team should consider the manual a living document that they review and update regularly to reflect changes in practices, procedures, and assignments.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.

<p>Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented</p>	<p>1.4 Require the grants work team to have regular meetings to share information and discuss workflows between their divisions. These meetings may need to be more frequent at first, e.g., quarterly, and less frequent over time, e.g., annually. The team should invite the Finance grant coordinator to their meetings to ensure the coordinator is receiving the necessary information for recording grants to the central repository and issuing grants receivables reports.</p>	<p>City Manager</p>	<p><u>Dropped</u>: Audit recommendations are considered dropped if the City does not implement them within five years.</p>
<p>Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented</p>	<p>2.1 Provide the Finance grant coordinator with a list of personnel who are responsible for grants management, accounting, and reporting so that they can be notified when the grant coordinator posts the grants reports to the City's shared drive.</p>	<p>City Manager</p>	<p><u>Dropped</u>: Audit recommendations are considered dropped if the City does not implement them within five years.</p>
<p>Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented</p>	<p>2.2 Require the division responsible for grants accounting and reporting to use Finance's grant reports to:</p> <ul style="list-style-type: none"> ▪ reconcile Public Works' grant financial records with FUND\$ to ensure that the department is recording expenditures and payments to the correct accounts ▪ work with Finance to make any necessary corrections to FUND\$ financial data when they identify discrepancies and errors ▪ track grants receivables and follow up with grantors on outstanding receivables 	<p>City Manager</p>	<p><u>Dropped</u>: Audit recommendations are considered dropped if the City does not implement them within five years.</p>
<p>Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented</p>	<p>3.1 Take ownership of City Administrative Regulation 1.16 and:</p> <ul style="list-style-type: none"> ▪ review and update the regulation so that it is consistent with City practices and procedures, and cross reference the regulation to other guidance and policies, e.g., Contracts Online and City Administrative Regulation 1.17 ▪ reissue the updated guidance to all City staff with emphasis on ensuring that project managers and those responsible for identifying and applying for grant funding are notified of the update 	<p>City Manager</p>	<p><u>Dropped</u>: Audit recommendations are considered dropped if the City does not implement them within five years.</p>
<p>Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented</p>	<p>4.1 Request that all department directors notify their grant management and accounting staff of City Administrative Regulation 1.17, and their expectations that staff adhere to the guidance.</p>	<p>City Manager</p>	<p><u>Dropped</u>: Audit recommendations are considered dropped if the City does not implement them within five years.</p>

Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	5.1	Require those responsible for grant accounting use the summary of charges sheet and work with project managers and the Finance grant coordinator to obtain the data they need to populate the sheet (also see Recommendations 1.3 and 1.4).	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.
Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	6.1	Require that all department directors ensure that their staff with grants management and fiscal responsibilities receive the following training: <ul style="list-style-type: none"> ▪ City Administrative Regulation 1.17: Pre-Award Authorization and Post-Award Grant Requirements ▪ Contracts Online, in particular, the revenue contract requirements 	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.
Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	6.2	Require all departments that receive financial assistance from a third-party to ensure that their written procedures clarify that all such awards are consider grants and must be packaged in accordance with Contracts Online, and to follow City Administrative Regulation 1.17 to ensure that the grant coordinator receives the grant accounting data sheet (also see Recommendation 1.3).	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.
Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	6.3	Notify department directors when the grant coordinator finds that project managers and administrative staff are not providing grant information in accordance with City policy. Request that the department directors refer their staff to City Administrative Regulation 1.17, Contracts Online, and departmental procedures for guidance on ensuring they adhere to required grant policies and procedures.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.
Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	6.4	Add language to the revenue contract section of Contracts Online that clarifies all awards of financial assistance are considered grants and must be packaged in accordance with Contracts Online no matter the nomenclature used by the awarding agency.	Finance	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.
Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	6.5	Survey project managers and administrative staff who are responsible for grants management, reporting, and accounting to identify ways to improve the current grant database and reporting so that data are current and accurate, and reports are more user-friendly.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.

Of our six original recommendations, only one is currently implemented, two are partially implemented, and three are unimplemented	6.6 Use the information learned from surveying project managers and administrative staff (Recommendation 6.5) to identify critical business needs for the purchase of a comprehensive grants management system. Provide this information to the Department of Information Technology to use as part of Enterprise Resource Planning.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City does not implement them within five years.
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Audit Title: Most Contracts Executed Timely but Contract Project Managers Could Use Better Tools and Guidance			
Issue Date: 10/6/2015			
Finding	Recommendation	Department	Status of Audit Recommendations, Corrective Plan, and Progress Summary
The City vastly improved its performance in securing fully executed agreements before contract work commences, but barriers to full compliance must be addressed	1.1 Design two timeline graphics to visually display the length of time project managers should expect it to take to execute the average boilerplate contract and non-boiler plate contract (i.e., routine vs. non-routine contracts). Identify the full length of time from request for proposal to City Manager approval. Include the average review times for the departments involved with contract review to provide user departments with a structure for their contract needs planning. Post the timelines to Contracts Online.	Finance	<u>Implemented:</u> A “contract preparation date estimate” tool was created in MS Excel. It includes two timeline estimators to help project managers estimate the amount of time they will need to process both boilerplate and non-boilerplate contracts. The tool was implemented in June 2016.
The City vastly improved its performance in securing fully executed agreements before contract work commences, but barriers to full compliance must be addressed	1.2 Continue providing semiannual reports of expiring contracts to project managers and work with the Department of Information Technology to convert the ad hoc query into an On Demand report that identifies all contracts set to expire within six months from the date of the query. Provide project managers with access to the On Demand feature so that they can run the report as needed.	Finance	<u>Implemented:</u> The city’s new financial system, Erma, allows for project managers to run reports of expiring contracts. Finance developed procedures for doing so and provided this information to city staff.
The City vastly improved its performance in securing fully executed agreements before contract work commences, but barriers to full compliance must be addressed	1.3 In collaboration with the Department of Information Technology and key contract review and approval departments, include contract management in Enterprise Resource Planning (ERP) needs. Work with key personnel in the contract review and approval departments, and with project managers who typically execute and manage a large number of contracts, to identify critical business needs, and methods for eliminating redundancies and streamlining the contract preparation, review, and approval process.	Finance	<u>Implemented:</u> Part of Erma implementation included having the Tyler Technologies manager meet with key city stakeholders to document the contracting processes, identify process redundancies, and note pain points. The all-day session included future state requirements and recommended business process changes that would exploit the new system’s delivered functionality and drive efficiencies. Erma was implemented with the capacity to prepare, review, and approve contracts.

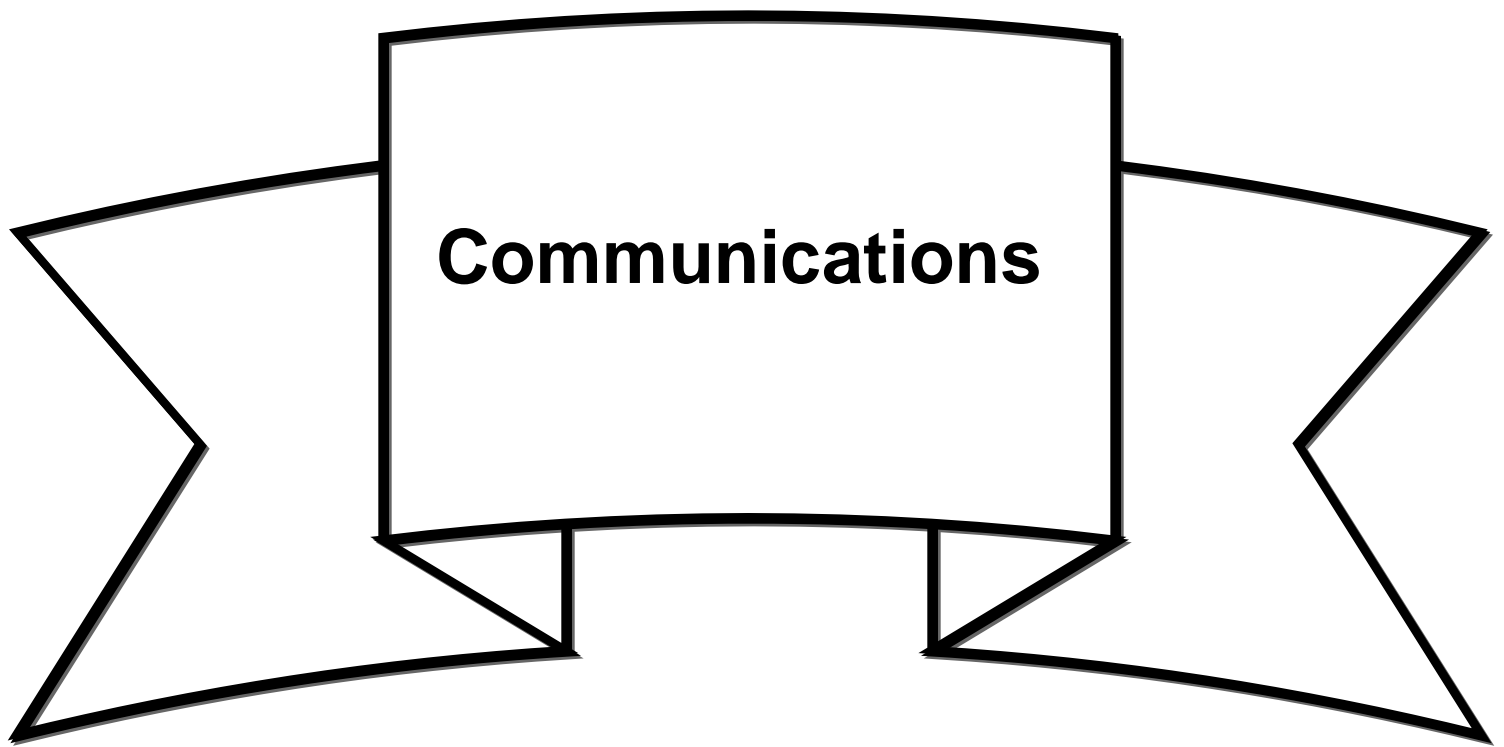
<p>The City vastly improved its performance in securing fully executed agreements before contract work commences, but barriers to full compliance must be addressed</p>	<p>1.4</p>	<p>In coordination with the Department of Finance, enhance City training to include guidance for contract planning as part of project management. Once training is established, obtain feedback from training attendees and modify the training on an ongoing basis to meet the needs of project managers. Example training topics include:</p> <ul style="list-style-type: none"> • planning for contract needs by aligning them with department work plans • structuring contract preparation needs with citywide approval timelines (also see recommendation 1.1) • developing simple contract tracking systems to monitor contract timelines, expirations, and funding needs 	<p>City Manager</p>	<p><u>Implemented:</u> Complementary to the timelines attached to created in response to recommendation 1.1 and an integrated contract management system within the ERP system, Finance’s RFP/IFB and Contracts Procedures trainings courses encourage more continuous Q&A feedback during sessions that concentrate on discussing the actual timelines, roadblocks, and steps of planning, preparing, and executing solicitations and contracts versus simply presenting a slideshow detailing how the process is designed to work. Training sessions were scheduled twice per month (the 1st Friday morning and the 2nd Wednesday afternoon) beginning September – December 2016, and will continue going forward based on demand. At minimum, the sessions will be offered quarterly.</p>
<p>The City vastly improved its performance in securing fully executed agreements before contract work commences, but barriers to full compliance must be addressed</p>	<p>1.5</p>	<p>Require departments to document their specific procedures for contract preparation, oversight, and management. Procedures should include:</p> <ul style="list-style-type: none"> • planning for department specific actions, e.g., obtaining management’s approval • tracking contract status and funding needs • attending City training courses when offered, e.g., contract preparation and FUND\$ 101 • describing shared contract management responsibilities between project managers and support staff • requiring projects managers to coordinate with and respond to support staff’s needs for contract administration • requesting contract extensions • aligning contract needs with department work plans <p>* using Finance's contract process timelines and On Demand report of expiring contracts for contract planning * minimum level of documentation needed to effectively manage contracts</p>	<p>City Manager</p>	<p><u>Dropped:</u> Audit recommendations are considered dropped if the City hasn't implemented them within five years.</p>

Audit Title: City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP			
Issue Date: 1/24/2017			
Finding	Recommendation	Department	Status of Audit Recommendations, Corrective Plan, and Progress Summary
Underdeveloped line of business experts function poses risks for City's ERP implementation	1.1 Clearly define the purpose, responsibilities, minimum qualifications, and training requirements for the line of business experts function.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City has not implemented them within five years.
Underdeveloped line of business experts function poses risks for City's ERP implementation	1.2 Work with Information Technology to establish written policies and procedures for the line of business experts function at the appropriate organizational level based on the guiding principles established in Recommendation 1.1.	City Manager	<u>Dropped</u> : Audit recommendations are considered dropped if the City has not implemented them within five years.
Underdeveloped line of business experts function poses risks for City's ERP implementation	1.3 Create boilerplate service level agreements that, at a minimum, define the: <ul style="list-style-type: none"> - general purpose of the agreement; - roles and responsibilities of the parties involved; - goals and objectives; - provisions for monitoring the agreement; and - procedures for amending the agreement. <p>The standard boilerplate should also include a cost section that allows for quantifying service charges and payment provisions in as much detail as possible to help justify costs.</p>	Information Technology	<u>Implemented</u> : IT developed Service Level Agreements (SLA) that include the description of services provided by each division, service hours, resources in each division and contact information during and after hours.

Underdeveloped line of business experts function poses risks for City's ERP implementation	1.4	Negotiate and execute service level agreements with client departments.	Information Technology	<u>Implemented</u> : The Cost allocation was presented to all departments with staff from budget office, IT and department managers and fiscal team members.
Underdeveloped line of business experts function poses risks for City's ERP implementation	1.5	Work with Human Resources to revise the job classification used for the portfolio coordinator position. Minimum qualification factors might include, but are not limited to: - IT Governance/Portfolio Management experience; - Project Management Professional certification; - Project coordination experience; and - Excellent verbal and written communication skills.	Information Technology	<u>Dropped</u> : Audit recommendations are considered dropped if the City has not implemented them within five years.

Audit Title: Credit Card Use Audit: Clearer Guidance Needed			
Issue Date: 6/26/2018			
Finding	Recommendation	Department	Status of Audit Recommendations, Corrective Plan, and Progress Summary
Credit Card use practices out of alignment with City purchasing policies	<p>1.1 Issue written credit card use policies and procedures that:</p> <ul style="list-style-type: none"> • Reflect the City’s expectations regarding credit card use, e.g., for immediate needs that cannot wait for the purchase order process. • Clarify acceptability, or not, of creating accounts with third party payment groups, e.g., PayPal. • Address the use Amazon or similar organizations that offer cheaper prices but may result in noncompliance with procurement restrictions. • Incorporate current practices used by Finance to issue and manage credit cards. • Include best practices, for example, spending limits and reconciliation requirements. • Require staff provide itemized receipts to support purchases. • Require the City Manager approve department head credit card purchases. <p>* Require the Finance Director approve the City Manager's credit card purchases.</p> <p>* Require staff verify that a purchase order is not the more appropriate procurement option in circumstances that do not clearly warrant the use of a credit card.</p> <p>* Require indication of the need to use a credit card vs purchase order on supporting documentation when it is not clear based on the purpose. Require Accounts Payable staff report to the Finance Director or any City Manager and department head purchases that do not agree with City policies.</p> <p>* Require that credit card use be included in existing training programs, for example Accounts Payable processing.</p>	Finance	<p><u>Implemented:</u> Alternatively Implemented: Finance issued a memo covering each of the topics listed in the City Auditor’s recommendation. The memo identifies the purchases for which credit cards may be used and the documentation needed for support, and references Administrative Regulation (A.R.) 3.26. The information from the memo will be incorporated into all relevant purchasing policies, including A.R. 3.26, when Finance aligns all purchasing policies as recommended in recommendation 1.3 below.</p>

		<ul style="list-style-type: none"> • Outline steps for reporting disallowed or questionable purchases to higher management and taking appropriate action to prevent further occurrence. • Require demonstrating that travel costs represent the lowest, reasonable fare available when costs do not reflect the most common economical purchase. 		
Credit Card use practices out of alignment with City purchasing policies	1.2	Create and issue a written policy regarding food purchases. This policy should cover when food purchases are allowable, identify purchase limits, and require staff obtain itemized receipts.	Finance	<u>Implemented:</u> Finance issued Administrative Regulation (A.R.) 3.27. The A.R. covers when food purchases are allowable, identifies purchase limits, and requires staff obtain itemized receipts.
Credit Card use practices out of alignment with City purchasing policies	1.3	Align City policies and procedures reflecting purchasing requirements and restrictions: purchasing; travel and attendance; petty cash; credit card use; food purchases; and any others that, if not updated, would create disconnect regarding the City's expectations and create confusion for City staff expected to adhere to City policy.	Finance	<u>Implemented:</u> Finance updated its purchasing policies to align with the credit card policy and each other.



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City Clerk Department

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5. Communication packets matching the entered criteria will be returned
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