



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

**MONDAY, OCTOBER 23, 2023  
2:30 P.M.**

2180 Milvia Street, 6<sup>th</sup> Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf  
Alternate: Councilmember Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1604511264>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter Meeting ID: **160 451 1264**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

To submit a written communication for the Committee's consideration and inclusion in the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

# **AGENDA**

## **Roll Call**

## **Public Comment**

## **Review of Agendas**

- 1. Approval of Minutes: September 26, 2023**
- 2. Review and Approve Draft Agenda:**
  - a. 11/7/23 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

## **Scheduling**

- 5. Council Worksessions Schedule**
- 6. Council Referrals to Agenda Committee for Scheduling**
- 7. Land Use Calendar**

## **Referred Items for Review**

- 8. Discussion and Possible Action on City Council Rules of Decorum and Remote Public Comments**
- 9. City Council Legislative Systems Redesign**

## **Unscheduled Items**

- 10. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
- 11. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
- 12. Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

## Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

### Adjournment – Next Meeting Monday, October 30, 2023

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#### Additional items may be added to the draft agenda per Council Rules of Procedure.

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



#### COMMUNICATION ACCESS INFORMATION:

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.

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, October 19, 2023.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## Communications

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



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

**TUESDAY, SEPTEMBER 26, 2023**

**2:30 P.M.**

2180 Milvia Street, 6<sup>th</sup> Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

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**Roll Call:** 2:33 p.m. All present.

**Public Comment** – 2 speakers

## **Review of Agendas**

1. **Approval of Minutes: September 18, 2023**  
**Action:** M/S/C (Hahn/Wengraf) to approve the minutes of 9/18/23.  
**Vote:** All Ayes.
2. **Review and Approve Draft Agenda:**
  - a. 10/10/23 – 6:00 p.m. Regular City Council Meeting  
**Action:** M/S/C (Arreguin/Hahn) to approve the agenda of 10/10/23 as submitted.  
**Vote:** All Ayes.
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**  
- None Selected
4. **Adjournments In Memory** – None

## **Scheduling**

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

## **Referred Items for Review**

- 8a. **Discussion of Potential Changes and Enhancements to the City Council Legislative Process including the concepts referred by Council at the March 14, 2023 meeting**
- 8b. **Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**  
  
**Action:** 2 speakers. Council discussed the format and materials for the October 10 worksession meeting. The agenda packet materials will include 1) cover memo, 2) revised presentation with Appendix B, 3) comparison matrix, 4) previously published materials.

## Unscheduled Items

9. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
10. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
11. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 3:31 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on September 26, 2023.

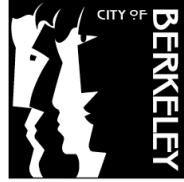
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Mark Numainville, City Clerk

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**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 7, 2023**  
**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 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
 DISTRICT 6 – SUSAN WENGRAF  
 DISTRICT 7 – RIGEL ROBINSON  
 DISTRICT 8 – MARK HUMBERT

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*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).*

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

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@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 this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**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.*

## Consent Calendar

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

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

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

## Consent Calendar

### 1. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of September 11 (special closed), September 12 (regular), September 18 (special closed), September 19 (regular), September 26 (special closed and special), October 2 (special closed), October 3 (regular) and October 10 (special closed, special and regular).

**Financial Implications:** None

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

### 2. Police Accountability Board – Appointment of New Member

**From: City Manager**

**Recommendation:** Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Kesarwani.

**Financial Implications:** None

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

### 3. Grant-Funded Expenditure Contract with O2X Human Performance to Hire a Behavioral Health and Nutritional Health Specialist in Support of NFPA 1582 and 1583

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with O2X Human Performance to provide full-time behavioral and nutritional health services for the Berkeley Fire Department for a two (2) year contract period that starts November 1, 2023 and ends on October 31, 2025, in an amount not to exceed \$840,000 with the option to extend two (2) additional years via FEMA's amendment process to October 31, 2027.

**Financial Implications:** FEMA Fund - \$840,000

Contact: David Sprague, Fire, (510) 981-3473

## Consent Calendar

- 4. Purchase Order: Water Tender from Golden State Fire Apparatus, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order with Golden State Fire Apparatus, Inc in an amount not to exceed \$504,110.40 for the purchase of 3,000-gallon water tender to support the City's efforts improve its capacity to respond to wildfire.  
**Financial Implications:** Measure Q - \$504,110  
Contact: David Sprague, Fire, (510) 981-3473
- 5. Appointment of Interim Health Officer**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager to appoint Dr. Anju Goel, M.D., as the Interim Health Officer for the City of Berkeley.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 6. Reallocation of Unspent FY 2023 Child Care Subsidy Funding**  
**From: City Manager**  
**Recommendation:** Adopt three resolutions authorizing the City Manager or her designee to reallocate \$232,362 in unspent child care subsidy funds awarded through the FY 2020 community agency contract process and amend three existing contracts by increasing their contract limits for the period beginning July 1, 2023 and ending June 30, 2024 by \$77,454 per agency, as follows: BAHIA, Inc. (from \$82,143 to \$159,597); Ephesian Children's Center (from \$45,507 to \$122,961); and Nia House (from \$39,999 to \$117,453).  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 7. Resolution of Intention to Amend the Miscellaneous CalPERS Contract Pursuant to California Government Code Section 20516 to Reduce the Additional Cost Share Contribution Made by Unrepresented Employees on Behalf of the City**  
**From: City Manager**  
**Recommendation:** Adopt the Resolution of Intention to eliminate the additional cost share contribution made by Unrepresented Employees, who are classified as Public Employees Pension Reform Act (PEPRA) members of the California Public Employees' Retirement System (CalPERS), on behalf of the City to CalPERS pursuant to California Government Code Section 20516.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800



## Consent Calendar

8. **Appointment of Tanir Ami to the Board of Library Trustees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing Tanir Ami to the Board of Library Trustees (“BOLT”) for a term of four years beginning November 8, 2023.  
**Financial Implications:** None  
Contact: Tess Mayer, Library, (510) 981-6100
9. **Audit Recommendation Status - Data Analysis of the City of Berkeley’s Police Response** *(Reviewed by the Public Safety Committee)*  
**From: City Manager**  
**Recommendation:** See policy committee recommendation.  
*Policy Committee Recommendation: Send the item to Council with a positive recommendation.*  
**Financial Implications:** None  
Contact: Jennifer Louis, Police, (510) 981-5900

## Council Consent Items

10. **United Against Hate Week 2023**  
**From: Mayor Arreguin (Author)**  
**Recommendation:**  
1. Adopt a Resolution declaring November 12th – 18th, 2023 as United Against Hate Week.  
2. Adopt a Resolution approving the D-13 expenditure in an amount not to exceed \$250 per Councilmember, to support the cost associated with the Berkeley event at the UC Theatre. The total cost is \$3,000.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
11. **Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund’s annual campaign with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** Mayor’s Discretionary Fund - \$500  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

- 12. Budget Referral: Supplemental Funding for Housing Retention Program**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer \$1,000,000 from Measure P tax receipts to the Fiscal Year 2024 AAO1 Budget Process to augment the Housing Retention Program, (administered by the Eviction Defense Center, EDC) as part of the City's anti-displacement programs (launched in 2017), for the purpose of providing rental assistance to tenants.  
**Financial Implications:** Measure P Fund - \$1,000,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 13. Transgender Awareness Month and Day of Remembrance Resolution**  
**From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution declaring November as Transgender Awareness Month and November 20 as Transgender Day of Remembrance in the City of Berkeley.  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 14. Budget Referral: Refer \$6,000 to the November 2023 AAO #1 for Two Pilot Special Mentoring and Violence Prevention Events for Berkeley Youth**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$6,000 to the November AAO #1 to fund two pilot special mentoring and violence prevention events for Berkeley youth as organized by the Berkeley Jr. Jackets and the Young Lives Matter Foundation.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 15. Resolution Supporting Efforts to Exonerate the Port Chicago 50**  
**From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a new resolution supporting local, State, and federal efforts to exonerate the Port Chicago 50; 50 Black sailors who were wrongfully convicted of mutiny during WWII in the wake of a massive, devastating explosion at the Port Chicago naval base near Concord, CA.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

## 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.*

## Action Calendar

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

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

## Action Calendar – 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

### 16. Initiative Petition – Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations in the City of Berkeley

**From: City Manager**

**Recommendation:**

1. Take action on the initiative petition to:

a) Adopt the provisions of the measure without alteration.

**-OR-**

b) Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.

2) Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282(b).

**Financial Implications:** None

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

### 17. Northern California Land Trust – 2321 Tenth Street Housing Trust Fund Reservation

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Reserving an additional \$1,703,585 in Housing Trust Fund program funds for a development loan for Northern California Land Trust (NCLT)'s 2321-2323 Tenth Street and: a) waiving Sections I.A.1 and IV.C.1 of the Housing Trust Fund Guidelines; b) applying the Small Sites Program standards to the project's development and operating budgets; and c) requiring partial repayment of the loan through the energy efficiency rebates NCLT pursues. 2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

**Financial Implications:** See report

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

## Action Calendar – New Business

18. **Pursuant to Chapter 2.99 of the Berkeley Municipal Code Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance**  
**From: City Manager**  
**Recommendation:** Pursuant to Chapter 2.99 of the Berkeley Municipal Code Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance Video Cameras.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900, Liam Garland, Public Works, (510) 981-6300
19. **Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*  
**From: Energy Commission**  
**Recommendation:** The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.  
*Policy Committee Recommendation: to send the item to the City Council with a qualified positive recommendation, and that the Council consider the following:*  
*1. Planning Department's request to continue funding the position of Green Building Program Manager.*  
*2. Specific recommendations in the item around integrating low carbon mobility into the Street Maintenance budget.*  
*3. For the one-time funded pilot programs and positions, assess their effectiveness and consider on-going funding.*  
*4. Direction to staff to look at grant opportunities, in particular the Federal Inflation Reduction Act, to create charging infrastructure particularly at the Zero Waste Facility as the transfer station is being rebuilt.*  
**Financial Implications:** See report  
Contact: Billi Romain, Commission Secretary, (510) 981-7400

## Action Calendar – New Business

**20a. Referral of Two Health Educator Positions to the COB FY 2024 Budget Process**  
*(Reviewed by the Budget & Finance Committee)*

**From: Peace and Justice Commission**

**Recommendation:** Refer to the budget process a request for estimated \$150,000 annually, beginning in FY 2024 or as early as the AAO #2 process in spring 2023, for staffing, materials, and supplies to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities, as proposed by the Peace and Justice Commission.

*Policy Committee Recommendation: To send the commission item and companion report to the City Council with a negative recommendation, express thanks to the Peace and Justice Commission for their work, and recognize that there is a need for community- and school-based public health outreach, and that the City should consider the recommendation after the completion of the community health assessment.*

**Financial Implications:** See report

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

**20b. Companion Report: Referral of two health educator positions to the COB FY 2024 budget process**  
*(Reviewed by the Budget & Finance Committee)*

**From: City Manager**

**Recommendation:** Refer to the Peace and Justice Commission's request for \$150,000 annually for staffing, materials, and supplies for health education and outreach to the Budget and Finance Policy Committee for further deliberation.

*Policy Committee Recommendation: To send the commission item and companion report to the City Council with a negative recommendation, express thanks to the Peace and Justice Commission for their work, and recognize that there is a need for community- and school-based public health outreach, and that the City should consider the recommendation after the completion of the community health assessment.*

**Financial Implications:** None

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

## Action Calendar – Policy Committee Track Items

- 21. Just Transition Framework for West Berkeley Plan Amendments**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager and Planning Commission to study and recommend Amendments to the West Berkeley Plan pursuant to California Government Code Section 65302(h) to advance the city's environmental justice goals under a Just Transition Framework.  
At a minimum, consider the following concepts: -Just Transition principles adopted by City Council in Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal”; -EcoDistricts Protocol and possible EcoDistricts certification incorporated into a Community Engagement Plan; -Climate Resilience Hubs; -Indigenous Land Rematriation; -Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030; -Promoting and protecting arts and cultural uses. Consider robust incentives, development standards and/or mitigations in Protected Uses (Berkeley Municipal Code 23.206.050) for Media Production, Theater, Live Entertainment, Art/Craft Studio, and/or other cultural uses.  
In addition, apply the above concepts for the consideration of a Master Plan, Natural Resources Management Plan, or other comprehensive plan for the protection and maintenance of Aquatic Park.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 22. Modernizing and updating outdated & unnecessary language in the BMC related to transportation**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Adopt first reading of an Ordinance amending BMC Chapters 6.32, 14.32, and 14.68 to: 1. Rescind outdated or unnecessary regulations pertaining to jaywalking, skateboarding, bicycle licenses, and bicycle establishment requirements; 2. Allow 24/7 use of public paths by pedestrians and bicyclists for the purpose of transportation; 3. Allow bicyclists on non-electric bicycles to ride on the sidewalk while exercising due care and yielding right-of-way to pedestrians when no Class I, Class II, or Class IV bicycle facility is available; 4. Align the penalty for bicycle violations with other moving violations by amending it from a misdemeanor to an infraction; 5. Update definitions of bicycles and scooters to align with definitions in the California Vehicle Code.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar – Policy Committee Track Items

23. **Referral: Neighborhood-Scale Commercial**  
**From: Councilmember Robinson (Author), Councilmember Bartlett (Author), Councilmember Taplin (Author)**  
**Recommendation:** 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. Staff and the Planning Commission should consider conditions to avoid detrimental impacts on surrounding residential uses and neighborhoods, including but not limited to limitations on operating hours, signage, loading/unloading activity, limitations on selling alcohol, restricting applicants to businesses with fewer than three locations, and establishing different permitting requirements depending on square footage, proposed use, or other factors.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Information Reports

24. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900

## Public Comment – Items Not Listed on the Agenda

## Adjournment

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

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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,  
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Office of the Mayor

CONSENT CALENDAR  
November 7, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: United Against Hate Week 2023

RECOMMENDATION

1. Adopt a Resolution declaring November 12<sup>th</sup> – 18<sup>th</sup>, 2023 as United Against Hate Week.
2. Adopt a Resolution approving the D-13 expenditure in an amount not to exceed \$250 per Councilmember, to support the cost associated with the Berkeley event at the UC Theatre. The total cost is \$3,000.

BACKGROUND

Starting in Berkeley in 2017 in response to far-right rallies, United Against Hate was originally a poster campaign and spread throughout Alameda County. It has since transformed into an annual statewide event. The goal for United Against Hate Week is to provide communities with the tools, resources, and support they need to create locally driven actions to stand united against growing intolerance. This annual week of activities and follow up events are designed to not just raise awareness about the dangers of hate and the need for respect and civil discourse, but to help community members build stronger connections with civic leaders, businesses, and schools, so that deeper engagement can continue year-round. ([www.unitedagainsthateweek.org](http://www.unitedagainsthateweek.org))

Not in Our Town ([www.niot.org](http://www.niot.org)) is a non-profit that serves communities across the country working to build safety, inclusion and equity for all. They are, once again, facilitating the organization for United Against Hate Week, and have recently received a Stop the Hate grant award from the State of California for the ongoing administration of United Against Hate Week for the next 2 years. This will be the foundation for a long-term and sustainable week of action.

Additionally, this year, United Against Hate Week has formed a new partnership with CA vs. Hate, an initiative out of the California Civil Rights Department, who will be helping with coordinating outreach and amplifying the work across the state.

Berkeley will be hosting an event on Monday, November 13<sup>th</sup> in partnership with Berkeley Unified School District at 3pm at the UC Theatre that will include a short film and panel discussion for teachers, students and their families. Proceeds from Council

United Against Hate Week 2023

CONSENT CALENDAR

November 7, 2023

office contributions will be used to offset the cost of expenses associated with the set-up and labor for the event. The UC Theatre is donating the venue.

FINANCIAL IMPLICATIONS

\$500 from the Mayor's D-13 account and up to \$500 from other Councilmembers who wish to contribute.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Resolution Proclaiming November 12 – 18, 2023 as United Against Hate Week
- 2: D-13 Resolution

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

COMMEMORATING UNITED AGAINST HATE WEEK 2023

WHEREAS, the United States is a nation of immigrants, whose strength comes from its diversity; and

WHEREAS, the Constitution enshrines equality on all individuals, regardless of race, gender, orientation, religion, or political view; and

WHEREAS, rhetoric continues to generated a toxic environment that encourages the propagation of racist, xenophobic, anti-Semitic, sexist, homophobic, Islamophobic, and other bigoted views by emboldened hate groups and individuals;

WHEREAS, deep divisions within our country are the result of extreme ideology, further strengthening a cycle of mistrust and suspicion fueled by fear, anxiety, and insecurity; and

WHEREAS, the number of hate crimes across the United States continues to increase with hate crimes against African Americans and Asian Americans especially increasing; and

WHEREAS, the City of Berkeley is dedicated to preventing and opposing hate and intolerance in our communities. Berkeley started United Against Hate Week in 2017, which has since expanded into a national movement; and

WHEREAS, education, compassion, and cooperation are key to unlocking understanding and embracing differences between people, with United Against Hate Week an important step in bridging divisions and strengthening our communities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby proclaims November 12 - 18, 2023 as United Against Hate Week in the City of Berkeley.

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR NOT IN OUR TOWN'S UNITED AGAINST HATE WEEK

WHEREAS, Mayor Jesse Arreguin has surplus funds in his office expenditure account; and

WHEREAS, Berkeley will be hosting an event on Monday, November 13<sup>th</sup> in partnership with Berkeley Unified School District at 3pm at the UC Theatre that will include a short film and panel discussion for teachers, students and their families. Proceeds from Council office contributions will be used to offset the cost of expenses associated with the set-up and labor for the event at the UC Theatre. The UC Theatre is donating the venue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that up to \$3,000 in funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the UC Theatre.



Office of the Mayor

CONSENT CALENDAR

November 7, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguín to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguín and any other Councilmembers who would like to contribute.

BACKGROUND

The Berkeley Holiday Fund has helped make the holiday season happier for hundreds of Berkeley's neediest residents for 110 years. An all-volunteer organization, the Berkeley Holiday Fund has been partnering with 27 social service agencies to identify Berkeley citizens in need of help during the holidays. By keeping operating costs to a minimum, the Berkeley Holiday Fund ensures that all contributions go directly to help those who need it the most. Last year, they were able to bring a little cheer into the lives of more than 1,100 Berkeley families distributing almost \$167,000.

The Mayor's office has actively participated in this program for over 25 years, along with generous support from the City Council. This year the Berkeley Holiday Fund anticipates distributing approximately 1,200 checks to individuals and families. This item requests the City Council approve an expenditure, not to exceed \$500 of funds from the from the Mayor's office budget to help cover these costs.

FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from the Mayor's office budget discretionary account.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Berkeley Holiday Fund 2020

CONSENT CALENDAR  
November 7, 2023

**Attachments:**

1: Resolution

2: Letter from Berkeley Holiday Fund

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

BERKELEY HOLIDAY FUND 2023

WHEREAS, the Berkeley Holiday Fund has been making small grants to Berkeley's neediest citizens for 110 years; and

WHEREAS, last year, the Berkeley Holiday Fund distributed almost \$167,000 to more than 1,100 Berkeley families; and

WHEREAS, Berkeley Holiday Fund partners with 27 social service agencies to identify Berkeley citizens in need of help during the holidays; and

WHEREAS, the Berkeley Mayor's Office has supported the Berkeley Holiday Fund's efforts for over 25 years, along with generous support from the City Council; and

WHEREAS, Mayor Arreguín has surplus funds in his office expenditure account; and

WHEREAS, the Berkeley Holiday Fund seeks funds in the amount of \$500 to help cover the costs of providing checks to Berkeley Holiday Fund recipients; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of providing services to low-income residents of the City of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the Berkeley Holiday Fund for helping cover the costs of providing checks to Berkeley Holiday Fund recipients.



# BERKELEY HOLIDAY FUND

Post Office Box 9779 ♦ Berkeley, California 94709

www.BerkeleyHolidayFund.org

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Jesse Arreguin, Mayor of Berkeley

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Bibi Tiphane  
Susan Wengraf  
William and Mary Alice Yund

September 18, 2023

The Honorable Jesse Arreguin  
Mayor of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Dear Mayor Arreguin:

On behalf of the Board of the Berkeley Holiday Fund, I want to thank the Mayor's office for its continuing, generous support for the Fund's annual disbursement of holiday gifts to Berkeley's neediest citizens. And to you personally for serving as the Honorary Chairperson of the Fund. For 110 years the Fund has solicited donations from the citizens of Berkeley and now partners with twenty-seven local social service agencies to identify Berkeley citizens in need of help during the holidays.

Last year, with your help, we were able to offer much needed cheer during the holiday season by sending checks totaling almost \$167,000 and to more than 1,100 individuals and families in Berkeley.

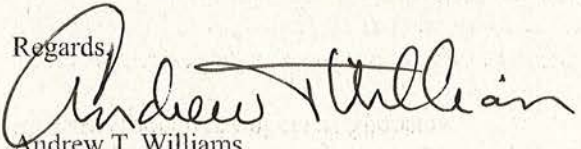
We are requesting that you continue your longstanding support for our efforts. For more than twenty-five years the Mayor's Office has aided the Holiday Fund. We are grateful for your support of the Berkeley Holiday Fund as our Honorary Chairman and the support of the City Council members as Sponsors.

This year we anticipate distributing approximately 1,200 checks to individuals and families. While we fund every request we receive, the number of requests from agencies varies from year-to-year, and we only send one check to individuals families recommended by multiple agencies.

Since this expenditure requires Council approval, we are formally requesting \$500 in support and are asking for your help in obtaining that approval.

In past years some council members have added funds from their office accounts. We deeply appreciate their support.

Thank you again for all the support and encouragement you have provided in the past to this truly unique Berkeley institution.

Regards,  
  
Andrew T. Williams  
Co-Chairperson





Office of the Mayor

CONSENT CALENDAR

November 7, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Budget Referral: Supplemental Funding for Housing Retention Program

RECOMMENDATION

Refer \$1,000,000 from Measure P tax receipts to the Fiscal Year 2024 AAO1 Budget Process to augment the Housing Retention Program, (administered by the Eviction Defense Center, EDC) as part of the City's anti-displacement programs (launched in 2017), for the purpose of providing rental assistance to tenants.

BACKGROUND

The Housing Retention Program is an essential tool in preventing tenant displacement and preserving Berkeley's racial, economic and cultural diversity. In 1993, the City of Berkeley began the Homeless Prevention Grants Program, which in 2008 became the Housing Retention Program (HRP).

The program was reconstituted and bolstered in 2017 with an increased allocation of \$250,000 annually which was continued in all budgets since FY 2019. The City Council's annual allocation of General Fund revenues was made possible due to the passage of Measure U1 in 2016 which increased the business license tax for large rental properties, generating between \$4-7 Million annually.

At the onset of the COVID-19 pandemic and resulting shelter in place order, the City Council launched the Berkeley Relief Fund and allocated \$3 Million to initially capitalize the fund, to be split three ways between rental assistance, grants for arts non-profits and grants to small businesses. Tenant rent assistance was funded \$1,000,000 to expand the Housing Retention Program during this emergency with an additional \$900,000 added as private donations came in through the East Bay Community Foundation. Approved households were eligible to receive up to \$5,000 as a one-time grant, and an additional one-time grant of up to \$10,000 during the specified COVID-19 emergency. Additional funding was provided through a CBDG CARES grant from the Federal Government. A separate budget referral to continue funding of the COVID Emergency Rental Assistance Program with funds available through the American Rescue Plan Act (ARPA) was approved at the April 26, 2022 City Council meeting. Additional funding of \$1,800,000 (\$900,000 annually) was added to the programs in the FY2023 - 2024 budget cycle.

Funding for this program is needed as many low-income households remain in massive debt that has accrued over the course of the pandemic. As Berkeley's eviction moratorium

has ended, people can be evicted for lack of payment of rent. Additionally, there are tenants who owe back rent that accrued during the moratorium. Inflation and cost of living, which disproportionately impacts low-income households, could put some people in a position of falling behind on rent in the coming months.

In March 2023, Council approved a budget referral to include an additional \$2 million to supplement the Housing Retention Program, which was included in the budget approved in June. Given both the high success and high demand of the program, it is anticipated that funding will run out by January 2024. Therefore, additional funding in the amount of \$1 million is needed to continue this vital program and prevent evictions.

With the end of the eviction moratorium on September 1<sup>st</sup>, data from the Rent Stabilization Board shows a sharp increase in eviction notices. Between September 1<sup>st</sup> and September 29<sup>th</sup>, the Rent Board received 130 eviction notices. For comparison, in 2019, the last year before the eviction moratorium went into effect, there was an average of 70 eviction notices a month. In 2021, when the eviction moratorium was in full effect, there was an average of 10 a month. During the Transition Period between May and August 2023, there was an average of 40-50 a month. While many of these notices are three day or thirty-day notices to pay rent or quit – a precursor to an unlawful detainer (a lawsuit to evict a tenant) – six of the notices are for unlawful detainers. In many of the cases where a notice to pay rent or quit were made, tenants have relied on the Housing Retention Program to resolve the situation.

FINANCIAL IMPLICATIONS

Total allocation of \$1,000,000 from Measure P tax receipts.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100



CONSENT CALENDAR  
November 7, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author) and Councilmember Rashi Kesarwani and Councilmember Sophie Hahn (Co-Sponsors)

Subject: Transgender Awareness Month and Day of Remembrance Resolution

RECOMMENDATION

Adopt a resolution declaring November as Transgender Awareness Month and November 20 as Transgender Day of Remembrance in the City of Berkeley

BACKGROUND

Between 1995 and 1998, Chanelle Pickett, Monique Thomas, and Rita Hester, three Black transgender women, were murdered in acts of anti-transgender violence. In 1999, the first Transgender Day of Remembrance was held to honor their lives. Additionally, the week leading up to this occasion is observed as Transgender Awareness Week to honor, celebrate, and uplift the transgender community while addressing the numerous issues they face. The City of Berkeley stands with our transgender community members and is proud to raise the Transgender Pride Flag throughout the month of November.

ENVIRONMENTAL IMPACTS

N/A

FISCAL IMPACTS

Costs associated with staff time necessary to organize the flag raising ceremony.

CONTACT

Councilmember Terry Taplin, District 2, (510) 981-7120, [TTaplin@cityofberkeley.info](mailto:TTaplin@cityofberkeley.info)

ATTACHMENTS

1. Resolution

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

**DECLARING THE MONTH OF NOVEMBER AS TRANSGENDER AWARENESS  
MONTH AND NOVEMBER 20 AS TRANSGENDER DAY OF REMEMBRANCE IN  
THE CITY OF BERKELEY**

**WHEREAS**, Transgender Day of Remembrance, November 20, is an annual observation that began in 1999 with a vigil honoring the memories of Chanelle Pickett, Monique Thomas, and Rita Hester, three Black transgender women murdered in years prior, and honors the memory of those whose lives were lost in acts of violence; and

**WHEREAS**, Transgender Awareness Week, observed from November 13 to 19, is an annual occasion to honor, celebrate, and uplift the transgender community while addressing the numerous issues they face, including, but limited to, barriers in receiving medical treatment, discriminatory housing and employment practices, and a lack of adequate and appropriate representation across various facets of society; and

**WHEREAS**, since 2013, the Human Rights Campaign has tracked incidents of fatal transgender violence, the same year that the Federal Bureau of Investigation began reporting on hate crimes motivated by anti-transgender bias, and in 2023 so far, at least 19 transgender and gender non-conforming lives have been tragically and inhumanely taken through violent means, including through gun and interpersonal violence; and

**WHEREAS**, although the City of Berkeley honors the bravery and resilience of the transgender individuals who live in their authentic gender and is proud of the existing protections we have in place for transgender individuals to pursue their lives free from discrimination in the San Francisco Bay Area, we reaffirm our commitment to ongoing efforts to promote full inclusion of transgender individuals in Berkeley and beyond; and

**WHEREAS**, the City of Berkeley is grateful to the organizations that provide valuable resources to transgender individuals, such as care navigation, counseling, mentorship, and legal services, including, but not limited to, the Berkeley Free Clinic, East Bay Sanctuary Covenant, Oasis Legal Services, Pacific Center for Human Growth, Partnerships for Trauma Recovery, and UC Berkeley's Gender Equity Resource Center.

**THEREFORE, BE IT RESOLVED**, that the Berkeley City Council does hereby declare the month of November as Transgender Awareness Month and November 20 as Transgender Day of Remembrance in the City of Berkeley and authorizes the city manager to fly the Transgender Pride Flag annually at the Civic Center in November.



Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR

November 7, 2023

To: Honorable Members of the City Council

From: Councilmember Harrison

Subject: Budget Referral: Refer \$6,000 to the November 2023 AAO #1 for Two Pilot Special Mentoring and Violence Prevention Events for Berkeley Youth

RECOMMENDATION

Refer \$6,000 to the November AAO #1 to fund two pilot special mentoring and violence prevention events for Berkeley youth as organized by the Berkeley Jr. Jackets and the Young Lives Matter Foundation.

BACKGROUND

The Berkeley Junior Jackets was founded in 2017 and is a division of the Young Lives Matter Foundation, an all-volunteer-supported nonprofit 501(c)3 NorCal American Youth Football and Cheer sanctioned football and cheer program. These programs serve more than 150 Black and Latino underserved youth through competitive football and cheerleading—the majority of whom attend school within Berkeley Unified School District (BUSD). The Jr. Jackets is the largest organized gathering of Black students and parents across the district.

Jr. Jackets community events are used as an opportunity to (1) bring in a wide range of services and activities to meet the needs of the families and (2) listen to the families and help organize the desired changes they wish to see within BUSD and the wider community. Their programs are open to everyone regardless of gender, sexual orientation, gender identity, or ability to pay. The collective power of the Jr. Jackets community has only begun to be realized to leverage the changes that Berkeley needs to implement to bring peace to our streets, schools, homes, and families.

Berkeley Jr. Jackets and the Young Lives Matter Foundation are requesting funding from the City of Berkeley to support two additional special mentoring and violence prevention events for Berkeley youth. Both organizations have a proven track record of delivering critical mentoring and violence prevention events throughout the year, such as football and cheer program practices and games. Their use of the Berkeley Unified School District fields is currently subsidized by the City of Berkeley.

While existing sports programs deliver mentoring and violence prevention throughout

the year, these two special events underscore the deeper mission of the organization: to support underserved youth with life skills and culturally attuned relationships that teach life skills and promote positive development.

The two annual events are described below and will be piloted next year. In the future, Jr. Jacket and the Young Lives Foundation would like to provide ongoing dedicated programming in these areas in support of the City’s violence prevention and community building programs.

**Boys2Men** is an evening dinner event designed to inspire and instruct the boys in Berkeley Jr. Jackets and Young Lives Matter to grow into healthy, strong, purposeful men. The boys and their parents dress up for the event, enjoy a catered meal, and hear from a range of speakers on the topics of: conflict resolution, childhood trauma and mental health, violence prevention, and emotional intelligence. The coaches and leaders of Jr. Jackets and the guest speakers model healthy manhood while teaching the young men the life skills to grow into their best selves.

|                                                    |
|----------------------------------------------------|
| Space rental: \$250                                |
| Catered meal: \$2000                               |
| DJ: \$300                                          |
| 2 guest speakers, 1 singer: \$600 (\$200 each)     |
| Decorations (table clothes, balloons, etc.): \$500 |
| <b>Total: \$3,650</b>                              |

**Girl Talk** is a girls empowerment program for the girls in Berkeley Jr. Jackets cheer program. The event is designed to empower girls to become the strong leaders they can be. Through speakers and a presentation, art journal processing, and small group discussion, leaders address topics such as conflict resolution, violence prevention, mental health, childhood trauma, and emotional intelligence.

|                                                    |
|----------------------------------------------------|
| Space rental: \$150                                |
| Catered meal: \$1000                               |
| Art supplies and journals: \$150                   |
| Trainers: \$300                                    |
| DJ: \$300                                          |
| Singer: \$200                                      |
| Decorations (table clothes, balloons, etc.): \$100 |
| <b>Total: \$2,200</b>                              |

It is in the public interest to ensure that underserved youth in Berkeley receive the support they need to thrive and prevent violence.

FISCAL IMPACTS OF RECOMMENDATION

\$6,000 in General Funds for two community events to provide youth with training in conflict resolution, childhood trauma and mental health, violence prevention, and emotional intelligence.

Budget Referral: Refer \$6,000 to the 2023 AAO #1 for Pilot Special Mentoring and Violence Prevention Events for Berkeley Youth

CONSENT CALENDAR  
November 7, 2023

ENVIRONMENTAL SUSTAINABILITY

No identifiable impact.

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140





**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 (510) 981-7150  
 shahn@cityofberkeley.info

CONSENT CALENDAR

November 7, 2023

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Sophie Hahn (Author); [Mayor Arreguin, Councilmembers Bartlett and Taplin (Co-Sponsors)]  
 Subject: Resolution Supporting Efforts to Exonerate the Port Chicago 50

RECOMMENDATION

Adopt a new resolution supporting local, State, and federal efforts to exonerate the Port Chicago 50; 50 Black sailors who were wrongfully convicted of mutiny during WWII in the wake of a massive, devastating explosion at the Port Chicago naval base near Concord, CA.

SUMMARY

The Port Chicago Disaster, a deadly munitions explosion that occurred in 1944 and killed 320 mostly-African American sailors and civilians, led to the wrongful and racist convictions of 50 Black sailors for so-called mutiny. President Bill Clinton granted the Port Chicago 50 a Pardon in 1999, which excuses but does not undo a wrongful conviction. There is a movement to set the record straight by obtaining a full exoneration for the wrongful and racist convictions.

The Port Chicago 50 were not responsible for the disastrous explosion and loss of life, and their refusal to continue working under the same hazardous conditions was an act of extreme courage, not mutiny. This item asks Berkeley City Council to join the cities of Albany, Antioch, Brentwood, Concord, Danville, Lafayette, Martinez, Orinda, Pittsburg, Pleasant Hill and Walnut Creek by adopting a resolution in support of formal exoneration of the Port Chicago 50, and encourages other Alameda County jurisdictions to do the same.

BACKGROUND<sup>1</sup>**The Port Chicago Disaster and the Protest of Port Chicago Sailors**

During World War II, nearly a million Black Americans served in the U.S. Armed Forces, but the military at that time was racially segregated, and Black servicemen in the Navy were restricted to non-combat assignments. These assignments were usually the least desirable duties deemed unfit for White sailors, which ranged from menial tasks to the most back-breaking work. At Port Chicago Naval Magazine near Concord, California, newly-arriving Black sailors hoped to serve at sea and engage in combat, but quickly learned their duties would be limited to the hazardous task of loading ammunition and explosives into Navy ships.

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<sup>1</sup> "The Port Chicago Disaster and the Protest of the Port Chicago Sailors." Port Chicago Alliance. Accessed October 16, 2023. <https://portchicago50.com/history.html>.

The naval base was racially segregated, so the commanding officers at Port Chicago were all White and the sailors loading were all Black. The work was grueling, and Jim Crow segregation policies were strictly enforced. For example, Black sailors were prohibited from using the "Whites only" restrooms aboard the ships they were loading, so they were made to walk a half-mile to use the restroom. Although loading bombs and explosives is extremely dangerous work, the Navy neglected to provide the sailors with adequate resources to safely carry out their duties. The sailors were not given specialized training in handling explosives. Basic gear like gloves to grip the grease-slathered bombs were not provided. Sailors who looked to officers for guidance on safest methods for carrying explosives were erroneously told the munitions could not explode because they had no fuses or detonators.

Ships were loaded non-stop, 24 hours a day with sailors working in three 8-hour shifts. Commanders at Port Chicago wanted the ships loaded as quickly as possible, and following Naval safety regulations slowed production, so federally-mandated safety codes were ignored. Sailors lifted live bombs by hand and were encouraged to roll heavier bombs along the dock. Powered winches were used to lift heavy loads, and although the machinery was often in disrepair — with broken levers, valves, and even brakes — sailors were instructed to load these devices beyond their weight capacity to speed up the process. Naval officers also raced divisions of sailors against each other, betting on which group could load explosives the fastest.

Practices that prioritized speed over safety led to a dangerous working environment at Port Chicago, and many sailors felt the working conditions were unacceptable. Actor, singer, and civil rights icon Harry Belafonte, who served briefly at Port Chicago in 1944, wrote in 2011 about the dangers of loading munitions:

"Not only was this menial work, it was incredibly dangerous, the more so because none of us had had any training for it. We knew exactly why we'd been chosen. This was scut work for the lowliest and most expendable sailors in the U.S. Navy: the black ones."

The sailors filed complaints with the Navy about unsafe procedures, requested a change of assignment, and asked to be transferred. Complaints and requests were ignored or denied. A year before the disaster, in a letter to a local attorney asking for assistance, the sailors wrote: "We, the Negro sailors of the Naval Enlisted Barracks of Port Chicago, California, are waiting for a new deal. Will we wait in vain?"

### **The Port Chicago Disaster**

On the night of July 17, 1944, two Liberty ships, the SS Quinault Victory and SS E.A. Bryan, were being loaded with explosive incendiary bombs, depth charges, and ammunition. At 10:18pm, two massive explosions at the docks, just seconds apart, lit up the sky. Fiery debris and chunks of metal rained down on the base and surrounding areas. Smoke and fire extended nearly two miles into the air.

All 320 of the men on duty that night died instantly, almost two thirds of whom were African American, amounting to 15% of all Black American military deaths during World War II. 390

civilians and military personnel were injured, many seriously. The Naval Magazine was completely destroyed.

As Port Chicago sailor Robert Routh recalled, "These were the kind of young Blacks that made the conditions tolerable because of their attitude and ready to joke and make you glad to be alive. And now to know that in three to four seconds their lives were just snuffed out... There was nothing said about this, the tragic loss of life. Where was the reporters then, writing about that?"

The nearby town of Port Chicago was severely damaged and the blast caused structural damage and broken windows in surrounding communities. The explosions were felt as far away as Nevada. It was the largest homefront disaster of the war.

The surviving Black sailors were off-duty that night, and many of them were injured from the blast as windows shattered in their barracks. Uninjured sailors fought valiantly to put out fires and contain the damage caused by the explosions. Afterwards, a Rear Admiral proclaimed, "I am gratified to learn that, as was expected, Negro personnel performed bravely and efficiently in the emergency."

In the days that followed, many of the surviving injured Black sailors, still shaken from the traumatic event, were tasked with cleaning up the remnants of the disaster, including the body parts of their brothers-in-arms. Port Chicago 50 sailor Jack Crittenden described the traumatic experience:

"It was a sight that you don't want to talk about. Arm here, leg here, head here, a shoe with a foot in it. This is on the water and on the ground and, oh man. Awful."

Meanwhile, as the Black sailors were made to clean up the grisly scene, their White counterparts were granted a 30-day survivor's leave to return home, heal from their wounds, and visit family and loved ones. The Black sailors were never granted such a leave.

### **The Port Chicago Protest**

Within days after the gruesome cleanup, with the war raging on and our troops still needing munitions overseas, the sailors were sent to Mare Island Naval Shipyard about 25 miles from Port Chicago in Vallejo, California. There they learned they would soon be again tasked with loading explosives onto ships. The Navy's investigation into the cause of the disaster was not yet complete, so sailors and commanding officers did not know what precautions to take in order to prevent another disaster. The sailors would be serving under the same leadership responsible for previous safety violations and there would be no changes to procedures, conditions, or safety practices.

On August 9, 1944, when 328 sailors were directed to march toward the ships to load munitions, the sailors all stopped in their tracks. When asked if they would resume handling explosives, the majority of them resisted. Some sailors were too traumatized from the events to continue

working with explosives. Others wanted to be assigned to different duties. Still others were tormented by the fact that White sailors were granted leave while Black sailors were not only denied leave but made to clean up body parts after the explosions. They all wanted their lives to be valued the same as the White sailors who were being safeguarded from the dangers of loading munitions.

When asked individually if they would follow orders to load, about 70 of the sailors agreed to return to loading duties. The remaining sailors explained to the officers they would serve their country performing other duties, they'd accept transfers, or fight overseas in combat, but would not continue loading munitions under the same dangerous conditions.

Rather than train the sailors, bring working conditions up to code, or reassign White sailors to loading duties, the Naval officers packed 258 of the Black sailors onto a prison barge and threatened them with death-by-firing-squad if they did not return to loading munitions. After over two days on the overcrowded barge, 208 of the sailors reluctantly returned to loading.

In an act of nonviolent civil disobedience, fifty of the sailors, now known as the Port Chicago 50, stood firm and refused to continue loading munitions until the Navy changed their policies and practices.

As sailor Freddie Meeks later recalled, "We said, 'If we're going to be shot, we'll be shot.' We were not going back to those conditions."

For this, the fifty sailors were to be charged with mutiny. Although the standard charge for disobeying an order is "insubordination," which carries a punishment of forfeiture of pay and dishonorable discharge, Port Chicago leadership pushed for a more severe charge of "mutiny" which carried a maximum wartime punishment of death.

### **The Navy's Court of Inquiry**

A Naval Court of Inquiry, or official investigation, began on July 21 but wasn't completed until August 29, twenty days after the sailors were directed to return to loading munitions. As part of the investigation, three senior officers and a judge advocate interviewed 125 witnesses over a month, only five of whom were Black sailors.

The inquiry report found Port Chicago leadership had shown a "general failure to foresee and prepare for the tremendous increase in explosive shipments." It also cited leadership's "failure to provide an adequate number of competent petty officers or even personnel of petty officer caliber."

In regard to hazardous working conditions and practices on the base, the report confirmed leadership's "failure to assemble and train the officers and crew for their specialized duties prior to the time they were required for actual loading." It found that Port Chicago leadership had violated safety code and regulations, encouraged competition, and promoted criminalized loading practices.

The facts and evidence included in the report were interpreted by Navy captains and commanders in a final "opinions" section. Although the report was unable to find evidence of a specific cause for the explosions, the "opinion" section theorized that if the explosions were caused by human error, it was likely caused by the deceased Black sailors themselves. Specifically, the opinion was that the explosions were caused by "rough or careless handling by an individual or individuals", not any failures of leadership. To back this theory, Naval leadership included a racist theory that Black sailors were inherently inferior to White sailors, including the opinion that Black sailors were "neither temperamentally [nor] intellectually capable of handling high explosives."

The report ultimately absolved all White officers of wrongdoing by stating the aforementioned illegally-unsafe practices "were contrary to the Coast Guard ship loading regulations [but] were not dangerous and did not increase the hazards."

### **The Mutiny Trial**

Following the release of the inquiry report on August 29, which confirmed negligence and hazardous working conditions at Port Chicago, it became clear to many why the sailors were hesitant to return to loading explosives. On September 2, just three days after the inquiry report was released, President Franklin D. Roosevelt sent a letter to Secretary of the Navy James Forrestal outlining his opinion on the sailors. The President's letter read:

"It seems to me we should remember in the summary court martials of these 208 men that they were motivated by mass fear and that this was understandable. Their punishment should be nominal."

Although the reasons for the sailors' collective disobedience was understandable to President Roosevelt, the Navy would grant no leniency for the Port Chicago 50. The mutiny trial was scheduled to take place at Treasure Island in the San Francisco Bay on September 14, 1944. It would be the largest mass mutiny trial in American history.

The U.S. military does not typically send public invitations to military trials, however the Navy made an exception in order to invite the national press to cover the mutiny trial. One member of the public attending the trial was future Supreme Court Justice Thurgood Marshall, then a young civil rights lawyer for the National Association for the Advancement of Colored People (NAACP), who observed the trial and heard statements from each of the sailors. He publicly stated that the Navy was mishandling the case and was attempting to cover up its racist policies and blatant negligence by shifting blame for the disaster onto the Black sailors. Unfortunately, as a civilian lawyer, Marshall could not represent the sailors in a military trial.

The fifty sailors were not granted the right to choose their own representation, and were denied their right to individual counsel, as the Navy appointed five Naval attorneys who represented blocks of ten sailors each. Additionally, the Navy-appointed attorneys were all made to play by Navy rules, which barred evidence of hazardous conditions and necessitated the young men be

instructed not to testify about things that could incriminate the Navy or Port Chicago leadership. This left the sailors with very little recourse to prove their innocence, as the reasons they spontaneously refused to load munitions had much to do with hazardous working conditions caused by Port Chicago leadership's negligence and disregard for the Black sailors' safety. As a result, subjects like safety violations, unsafe practices, and racial discrimination were disallowed from the trial and not part of witness examination.

As the sailors were instructed to limit their answers to their own actions and behavior and not the mistakes of Naval leadership, many sailors could only respond to questioning with testimony of their personal feelings of fear and confusion or what we would now call post-traumatic stress disorder or PTSD. These testimonies of fear and confusion were used to further Port Chicago leadership's racist narrative that Black sailors were inherently emotionally unstable, unintelligent, untrainable, and mistake-prone. To this end, officers testified about the sailors' mishandling of bombs and inability to be trained. From a legal perspective, this narrative had very little to do with proving a mutiny occurred, and more to do with establishing that the Black sailors, and not the Navy, were responsible for the Port Chicago disaster. Although this narrative had no bearing on the trial itself – and inadvertently made the sailors' case for granting them reassignment – the narrative of blame would be a stigma the sailors would find hard to shake.

After weeks of proceedings, evidence of a mutiny was scant, as an attempt to usurp power had not occurred and the sailors continued to follow all orders other than loading munitions. The "mutiny" narrative was especially hard to maintain once officers testified that sailors were respectful and followed every order except requests to load munitions. With the prosecution unable to present sufficient evidence of a mutiny, one would expect the Navy to proclaim the sailors innocent of mutiny, however the prosecution changed tactics mid-trial and attempted to prove the sailors were guilty of "conspiracy to commit mutiny." This charge inherently suggests that a mutiny never occurred, so prosecution would try to prove the sailors planned to eventually attempt a mutiny.

Reaching a verdict about collective planned action would theoretically require a careful examination of evidence and testimony for each sailor's alleged role in that action; a complicated task with fifty individual defendants. Additionally, a conspiracy charge would require the prosecution to show evidence of private conversations and alleged agreements, of which there were none. Making the task more difficult, was Naval leadership's inability to match the faces of the Black sailors to specific actions or events. Sailors testified that commanders never gave them direct orders to load munitions, only asked them questions about their willingness to perform the duties. A petty officer backed up the sailors' claims, saying he had never heard his division officer give the men an order to load ammunition. When the sailors' lead attorney asked a Naval commander if he could identify any of the fifty men he gave an order to, he replied, "No, I cannot."

In a flagrant violation of the sailors' rights to a fair trial, judges allowed the prosecution to submit unsubstantiated hearsay evidence and coerced involuntary confessions, while the defense was

not allowed to submit evidence of illegally-unsafe working conditions or unlawful orders. As Port Chicago sailor Joseph Small once said:

"That's why I always knew that the verdict was mandatory. The Navy was coming up with it regardless of what was brought out during the trial or what testimony was brought out, or who was found to be guilty of what, the verdict would have been the same. Not because the verdict would have been justified, but because it was the only way to save face."

On October 24, 1944, after six weeks and 32 days of proceedings, the 7-member jury, composed of an Admiral and six high-ranking Navy officers, would need to arrive at a verdict. There was insufficient evidence of a mutiny, insufficient evidence there was a plot to eventually attempt mutiny, and insufficient evidence that the sailors present in the courtroom were ever given a direct order at all. Nevertheless, the Naval jury deliberated for 80 minutes over lunch – which amounts to about 96 seconds deliberation per sailor – before delivering their verdict. The men were pronounced guilty of "conspiracy to commit mutiny" and were indiscriminately sentenced to 15 years prison and hard labor.

### **Desegregating the Navy**

Mainstream press coverage of the mutiny trial widely reported the Navy's point-of-view that the sailors were cowards and traitors to their country. It also opened the Navy up to scrutiny for its policies of racial segregation. Many Black and liberal publications questioned the Navy's treatment of the Black sailors, as many Americans were unaware that segregation was being so strictly enforced in states like California where Jim Crow segregation was outlawed. These publications focused on the unethical treatment the sailors were subjected to because of the color of their skin. For many, the post-traumatic stress the sailors were experiencing after the disaster and cleanup was understandable, and some believed their request to be reassigned to alternative duties following the disaster was a reasonable request and should have been granted.

The ongoing trial was exposing racial inequality in the Navy for the first time. Under intense scrutiny, Naval leadership realized it needed to take steps to avoid future incidents like the one at Port Chicago. They concluded the Port Chicago protest could have been handled differently, and so in extreme cases commanders should be encouraged to assign Black sailors to alternative assignments, even if that means serving alongside White sailors.

As a result, on October 9, 1944, while the mutiny trial was still being conducted, the Navy's Bureau of Personnel released a directive titled "Negro Enlisted Personnel - Abolishment of Restrictions on the Assignment Of" which lifted restrictions for Black American assignments where "personnel problems" were present:

"In order to enable overall commands to deal successfully with personnel problems brought about by changing conditions and needs, authority is hereby granted addressees to assign Negroes under their cognizance to such activities, and in such numbers, as they see fit."

As a result, while the Port Chicago 50 were still on trial, the Navy ordered the formation of two divisions of White sailors to load munitions at Port Chicago and Mare Island. The racial integration of the Navy had officially begun, and it was in direct response to the Port Chicago protest.

For Black American military personnel around the world, the mutiny trial and verdict had a profound effect. It reinforced the perception that Black lives were not valued by the military, and it resulted in morale dropping to new lows. In the months following the verdict, resentment and frustrations with racially-discriminatory policies led to acts of protest throughout the military. These acts of protest included a race riot in Guam in December 1944, a hunger strike of 1000 Navy Seabees in Port Hueneme in March 1945, and the Freeman Field "Mutiny" of April 1945 in which Black airmen refused to leave an all-White officers club.

The case of the Port Chicago sailors began to serve as an example of everything that was wrong with racial segregation in the military. The Navy's mistreatment of the sailors was being written about and published across the country with photographs, and it didn't sit well with many Americans, including those in military leadership.

Many in the Navy were becoming convinced that segregating enlisted men by race was no longer viable, and integrating personnel only under extreme circumstances was simply not enough. Some believed integration was good for national morale and harmony, while others believed all-Black divisions needed to end because they increased the potential for collective action and protest. Regardless of the reason, there was agreement on what needed to be done, and plans to fully integrate the Navy were underway.

In the months following the verdict, the NAACP publicly advocated for the Port Chicago 50 to be released from prison with their widely-distributed Mutiny pamphlet. The publication was distributed far and wide, including to First Lady Eleanor Roosevelt who supported the campaign to have the men released. Letters from organizations were calling for justice for the Port Chicago 50 while organized drives were being held at churches to sign petitions to end segregation in the military.

In April 1945, on behalf of the fifty sailors, Thurgood Marshall appealed the case directly to the Navy's Judge Advocate General's Office in Washington DC. Although the Navy refused to publicly concede that racial discrimination and bias influenced its judgment of the sailors, just 205 days after Marshall's appeal case was denied, the sailors' sentences were commuted and they were quietly released from prison. Rather than allow the sailors to go home and join their families, the young men were given the "opportunity to complete their enlistments" serving the Navy overseas performing menial tasks like sweeping, picking up trash, and other menial tasks.

Just one month after they were released from prison, in February 1946, after intense public pressure initiated by the Port Chicago protest, subsequent protests, and a public appeal campaign, the Navy became the first branch of the military to end racial segregation. Two years later, the remaining branches of the U.S. Armed Forces integrated.



### **The 1994 Navy Review**

45 years later, with the release of Robert Allen's definitive book "The Port Chicago Mutiny" in 1989, people were hearing the full history of Port Chicago for the first time. Many felt the sailors were unfairly treated and wrongfully convicted. Advocates like Robert Allen, Sandra Evers-Manly, and Reverend Diana McDaniel were joined by lawmakers Rep. George Miller, Senator Dianne Feinstein, and Senator Barbara Boxer in urging the Navy to re-examine the mutiny case.

In 1992, after much advocacy from supporters – including high-profile entertainers Morgan Freeman, Danny Glover, and Louis Gossett Jr. – the Navy agreed to "examine all aspects of the allegations of racial prejudice and discrimination." Following a two year review, the final report found that "racial discrimination did play a part in the assignment of African-American sailors to load munition." According to the Navy's report, assignments were the only aspect of Naval life that was affected by racial discrimination. The report concluded that "neither racial prejudice nor other improper factors tainted the original investigations and trials" and "no error or injustice occurred."

At the time, one of the Port Chicago survivors said the Navy's ruling was "like saying it's raining everywhere but right here." Port Chicago sailor Harry Belafonte said "The Port Chicago mutiny was one of America's ugliest miscarriages of justice and a national disgrace. Those sailors were court-martialed... because they'd dared to stand up to blatant institutional racism."

Advocates continued to make the case that, despite the Navy's conclusions, policies of racial segregation didn't just affect working assignments, but normalized racial discrimination throughout the Navy and encouraged behavior that devalued Black sailors. They maintained that documented racial prejudice and bias tainted the original investigation, charges, and trial.

### **Repairing the Sailors' Legacies**

Unrelenting in their goal to bring the sailors of Port Chicago justice, advocates next approached the sailors with the idea of requesting pardons from the President of the United States. Many of the sailors turned it down. On that subject, Port Chicago sailor Joseph Small once said, "We don't want a pardon because that means, 'You're guilty, but we forgive you.' We want the decisions set aside and reimbursement of lost pay."

By 1999, 47 of the 50 sailors had died. As one of the last three survivors, sailor Freddie Meeks believed seeking a presidential pardon would be a meaningful and lasting way to set the record straight and bring public attention to this little-known history. "After all these years, the world should know what happened at Port Chicago," he said. In December 1999, President Bill Clinton honored the Port Chicago 50 by granting Freddie Meeks a presidential pardon. The remaining two sailors declined, with sailor Jack Crittenden explaining that he refused to ask forgiveness for a crime he didn't commit.

Today, the sailors have all passed away, yet efforts to seek justice for their legacies continue. Naval historians now say the heroic actions of the 50 sailors probably prevented another

disaster and likely saved lives. Acknowledging the racism the sailors experienced, President Barack Obama once wrote, "Faced with tremendous obstacles, they fought on two fronts – for freedom abroad and equality at home."

A growing chorus of Americans believe our nation owes the sailors a debt of gratitude for drawing attention to issues of racial inequality within the Navy and our society as a whole.

### **Celebrating the Sailors**

The Port Chicago 50 are now being honored and celebrated as heroes in schools, parks, and public institutions. In 2021, the East Bay Regional Park District, the largest park district in the country, named a regional park in honor of Thurgood Marshall and the Port Chicago 50. The 2,540-acre Thurgood Marshall Regional Park - Home of the Port Chicago 50 in Concord, California will teach of the Port Chicago 50's courage and how their act of protest, and Marshall's public appeal campaign, forever changed our country for the better.

In 2022, Treasure Island Museum announced they are working with the National Park Service to honor and memorialize the fifty sailors at Yerba Buena Island in the San Francisco Bay where the mutiny trial took place. Plans for a hilltop park on the island include exhibits, panels, plaques, and an American flag waving in their honor.

Through education and advocacy, the legacies of the Port Chicago 50 and the brave fallen sailors of Port Chicago Naval Magazine lives on.

### **Previous action by the Berkeley City Council**

In 2015, the Berkeley City Council adopted a resolution calling on President Obama to support justice for the Port Chicago 50 and exoneration for the convicted Port Chicago sailors. In light of renewed interest and momentum for exoneration, this item seeks to provide a more robust and updated statement of continued support.

### FISCAL IMPACTS

N/A

### ENVIRONMENTAL SUSTAINABILITY

N/A

### CONTACT

Sophie Hahn, Council District 5, (510) 981-7150

**RESOLUTION TO SUPPORT LOCAL, STATE, AND FEDERAL EFFORTS TO EXONERATE  
THE PORT CHICAGO 50**

WHEREAS, on July 17, 1944, the deadliest home front disaster of World War II took place when a tragic explosion occurred at the Port Chicago Naval Magazine killing 320 men (of whom 202 were African American) and wounding 390 (of whom 233 were African American); and

WHEREAS, Port Chicago Naval Magazine was racially segregated and all sailors loading munitions at the time of the explosion were African American; and

WHEREAS, the surviving sailors were entitled to standard survivors' leave but were denied leave and ordered to clean up after the disaster; and

WHEREAS, the surviving sailors were ordered back to handling high explosives before an investigation could determine the cause of the deadly explosion; and

WHEREAS, 258 ammunition handlers engaged in peaceful work stoppage rather than return under the same unsafe working conditions; and

WHEREAS, fifty of these men were unlawfully charged with mutiny, prosecuted as guilty and sentenced to prison; and

WHEREAS, three weeks after the work stoppage, a Naval Court of Inquiry report confirmed working conditions and practices enforced by Port Chicago leadership were in violation of Naval safety regulations and federal safety code; and

WHEREAS, the actions of the sailors, the public mutiny trial, and public advocacy from their champion Thurgood Marshall, initiated the desegregation of the Navy in February 1946; and

WHEREAS, there have been several attempts over the years to appeal the decision, but all have failed; and

WHEREAS, starting in the 1990s, Congressman George Miller worked to preserve the history of the Port Chicago 50 and worked towards their exoneration, and in 1992, his legislation designated the site of the Port Chicago Naval Magazine as a national memorial, which is managed by the National Park Service; and

WHEREAS, in 2009, President Obama signed legislation to incorporate Port Chicago Naval Magazine National Memorial as a full and permanent unit of our National Park System; and

WHEREAS, the East Bay Regional Park District received part of the Concord Naval Weapons Station through a Public Benefit Conveyance on July 19, 2019, and has named the park the Thurgood Marshall Regional Park – Home of the Port Chicago 50, which honors the courage

and legacy of the Port Chicago 50 and all those who sacrificed their lives in our nation's ongoing struggle for social justice, racial equality, and workers' rights; and

WHEREAS, Naval historians now recognize the actions of the Port Chicago 50 potentially saved lives and changed the Navy for the better; and

WHEREAS, in 2022, the City of Concord, the City of Albany, the Contra Costa County Board of Supervisors passed resolutions supporting local, state, and federal efforts to exonerate the sailors wrongfully convicted of mutiny following the Port Chicago disaster of 1944.

WHEREAS, in 2022, the State of California successfully passed SJR-15 urging the President of the United States and Congress to restore honor to the sailors unjustly blamed for, and the sailors convicted of mutiny following, the Port Chicago disaster, and to rectify any mistreatment by the military of those sailors, including the full exoneration of those who were convicted at court-martial; and

WHEREAS, in 2023, US Representative Mark DeSaulnier (CA-11), US Representative Barbara Lee (CA-12) and US Representative John Garamendi (CA-08) introduced a resolution recognizing the victims of the Port Chicago disaster and calling for the exoneration of the Port Chicago 50; and

WHEREAS, in June 2023, the Philadelphia 15 were exonerated by Assistant Secretary of the Navy Franklin Parker. This case serves as an example and pathway to exonerate the Port Chicago 50.

WHEREAS, in August 2023, Vice President Kamala Harris praised the Port Chicago 50, writing that they "pushed for progress, and our Armed Forces are stronger today because they reflect the diversity of our country."

NOW, THEREFORE, The City of Berkeley DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City of Berkeley does hereby support all efforts to exonerate the Port Chicago 50 and recognize their service to our country.

Section 2. The City of Berkeley recognizes the efforts that this case presents in our nation's struggle for social justice, racial equity, and workers' rights.

Section 3. The City of Berkeley urges all Alameda County cities and the County of Alameda to adopt similar resolutions of support, and directs the City Manager to share this Resolution with all such jurisdictions and with Berkeley's State and Federal representatives.

Section 4. The City of Berkeley affirms support for all future efforts which urge the President, Congress of the United States, and Secretary of the Navy to take all necessary actions to restore honor to, and rectify the mistreatment by the United States Military of, any sailors who were unjustly blamed for and convicted of mutiny after the Port Chicago disaster, which occurred in the town of Port Chicago, California, in 1944.



Energy Commission

ACTION CALENDAR  
November 7, 2023

To: Honorable Mayor and Members of the City Council

From: Energy Commission

Submitted by: Bentham Paulos, Chairperson, Energy Commission

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

RECOMMENDATION

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

POLICY COMMITTEE RECOMMENDATION

On September 14, 2023, the Budget and Finance Committee adopted the following action: M/S/C (Arreguin/Harrison) to send the item to the City Council with a qualified positive recommendation, and that the Council consider the following:

1. Planning Department's request to continue funding the position of Green Building Program Manager.
2. Specific recommendations in the item around integrating low carbon mobility into the Street Maintenance budget.
3. For the one-time funded pilot programs and positions, assess their effectiveness and consider on-going funding.
4. Direction to staff to look at grant opportunities, in particular the Federal Inflation Reduction Act, to create charging infrastructure particularly at the Zero Waste Facility as the transfer station is being rebuilt.

Vote: All Ayes.

SUMMARY

In this memo, the Energy Commission (which disbanded March 31, 2022, and was merged with the Community Environmental Advisory Commission in April 2022) provides details on specific budget and funding priorities for: staffing an Electric Mobility Coordinator and the Green Buildings Program Manager; fully funding the Building Electrification and Just Transition pilot project (especially to avoid risking loss of state

funding); accelerate funding for the City's delayed fleet replacement with electric vehicles, residential electric vehicle charging infrastructure, and electric bike parking infrastructure; expanding public engagement and outreach; leveraging street maintenance budgets to incorporate and promote low-carbon mobility; and adopting policies and creating incentive programs to advance transportation and building electrification such as using the Transportation Network Company (TNC) User Tax General Fund revenue to fund bike and pedestrian projects and using a portion of the Transfer Tax to create an incentive program for residential building electrification.

### FISCAL IMPACTS OF RECOMMENDATION

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

### CURRENT SITUATION AND ITS EFFECTS

Berkeley has been a world leader on climate change and building electrification, as well as on zero waste. The City has already adopted an ambitious climate action plan and greenhouse gas (GHG) emission reduction goals.<sup>1</sup> Between our Building Emissions Savings Ordinance<sup>2</sup>, 2019 ban on gas in new construction, the 100% renewable option with East Bay Community Energy, and the Existing Buildings Electrification Strategy<sup>3</sup> (BEBES), approved by the Council last year<sup>4</sup>, we continue to lead the world with our thoughtfulness and action.

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

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

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

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

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/Berkeley%20Existing%20Bldg%20Elect%20Strategy\\_Final\\_102021.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Berkeley%20Existing%20Bldg%20Elect%20Strategy_Final_102021.pdf)

<sup>4</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/12\\_Dec/Documents/2021-12-14\\_Item\\_06\\_Minutes\\_for\\_Approval.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/12_Dec/Documents/2021-12-14_Item_06_Minutes_for_Approval.aspx)

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

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

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

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

### **Budget Priorities Recommended by the Energy Commission**

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

- 1. Fund and Hire Staff to Implement the Electric Mobility Roadmap.** The City had previously approved the hiring of an Electric Mobility Coordinator within the Public Works Department<sup>6</sup> to assist with implementation of the Berkeley Electric Mobility Roadmap adopted in July 2020<sup>7</sup>; but, at the time of writing, no position has been posted, now a year and a half after approval of the Roadmap.

<sup>5</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2022/02\\_Feb/Documents/2022-02-08\\_Presentations\\_Item\\_17\\_Pres\\_Planning\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2022/02_Feb/Documents/2022-02-08_Presentations_Item_17_Pres_Planning_pdf.aspx)

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

[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-30\\_Item\\_25\\_Budget\\_Referral\\_Allocate\\_Funding.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-30_Item_25_Budget_Referral_Allocate_Funding.aspx)

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

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

- 2. Increase Staff Necessary to Implement the Berkeley Existing Buildings Electrification Strategy, and Ensure Durable Funding for Critical Staff Positions.** In addition to the Electric Mobility Coordinator position, the Energy Commission believes it should also be a priority for the City to enhance staff capacity for implementing other climate and clean energy initiatives, such as, but not limited, to the Berkeley Existing Building Electrification Strategy<sup>11</sup> and Climate Equity Action Fund.<sup>12</sup>

City staff has and continues to do impressive work with limited staff. However, the scope of the task ahead of us is massive. As laid out by the BEBES, there are no fewer than 57 policy actions (Table 3-5, BEBES) that the City should take in order to

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<sup>8</sup> *Ibid.*

<sup>9</sup> 59% of GHG emissions in Berkeley come from transportation, followed by 39% from buildings.. [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_05\\_Climate\\_Action\\_Plan\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx) (July 21, 2020).

<sup>10</sup> This single staff person will have an outsized impact, as they will be responsible for establishing and coordinating the Electric Mobility Roadmap Implementation Working Group as called for in the Roadmap. This Working Group was supposed to be convened within six months of the Roadmap's approval, but in the absence of staff capacity, it still has not been done. The Working Group's mandate includes tracking and evaluating Roadmap implementation progress. Without the Working Group, there is no accountability for the City to deliver against its stated electric mobility plans.

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

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



decarbonize the building sector by 2045, let alone by 2030, which the science demands of comparatively wealthy municipalities such as ours. Many of these actions involve substantial education and regulatory initiatives, which can only be achieved with the addition of dedicated, skilled staff.

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

- Ensuring durable, long-term funding for the Green Buildings Program Manager. Although hiring has only recently begun, this role was approved as part of the 2019 gas ban,<sup>13</sup> and its extension will be critical in helping to develop future code amendments and help to reduce permitting overhead, improve compliance, and address the myriad other regulatory questions identified in the BEBES.
- Supporting and expanding staffing across the City for programs related to tenant protections and anti-displacement, such as those listed in Appendix C of the BEBES. As we electrify our existing building stock, we will need to evolve and augment our existing policies to protect marginalized communities at risk of displacement (CC-9, BEBES). We cannot afford for these policies to lag behind the pace and scale of electrification measures in the city.
- Supporting and expanding OESD staff to facilitate updates to the 2009 Climate Action Plan as appropriate and programs to facilitate Berkeley's ambitious new greenhouse gas limit goals. For example, last year the Council passed a Resolution establishing a 2030 emission reduction target that reflects Berkeley's fair share of the 50% global reduction in CO<sub>2</sub>e – 60.5% from 2018 levels by 2030.<sup>14</sup> Council is also actively considering more stringent and binding targets across its sector-based and consumption inventories. These new initiatives will have significant implications for the City's approach to building decarbonization. While we fully support these ambitious targets, efforts to implement them have been largely unfunded and understaffed. Achieving these targets will require a significant expansion of the City's climate staff capacity.

## II. Budget Priorities to Advance Clean Transportation in Berkeley

1. **Fund City Fleet Electrification and Charging.** On June 29, 2021, the City adopted item 25 approving the recommendations in the City Auditor's report "Fleet Replacement Fund Short Millions"<sup>15</sup>, which directed staff to adjust the fleet

<sup>13</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/12\\_Dec/Documents/2019-12-03\\_Supp\\_2\\_Reports\\_Item\\_24\\_Supp\\_Arrequin\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/12_Dec/Documents/2019-12-03_Supp_2_Reports_Item_24_Supp_Arrequin_pdf.aspx)

<sup>14</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/Documents/2021-11-30\\_Item\\_14\\_Cities\\_Race\\_to\\_Zero\\_Campaign\\_\\_2030\\_emission\\_reduction\\_target.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-30_Item_14_Cities_Race_to_Zero_Campaign__2030_emission_reduction_target.aspx)

<sup>15</sup> Fleet Replacement Fund Short Millions, Berkeley City Auditor, June 29, 2021. [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/06\\_June/Documents/2021-06-29\\_Supp\\_2\\_Reports\\_Item\\_25\\_Supp\\_Auditor\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/06_June/Documents/2021-06-29_Supp_2_Reports_Item_25_Supp_Auditor_pdf.aspx).

replacement funding model and budget, ensuring that the City's transition to electric vehicles (EVs) aligns with its adopted GHG emissions goals. On September 14, 2021, the Council adopted the recommendation from item 27 "Recommendations for Fleet Electrification Policy and Financing",<sup>16</sup> made by the Energy Commission, which referred to the City Manager to update the Municipal Fleet Electrification Assessment and EV charging funding priorities to respond to the City Auditor's Report and align with the objectives stated in the Electric Mobility Roadmap and prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility where feasible.

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

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

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

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

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<sup>16</sup> Recommendations for Fleet Electrification Policy and Financing, From Energy Commission, Sept 14, 2021. [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/09\\_Sep/City\\_Council\\_\\_09-14-2021\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/09_Sep/City_Council__09-14-2021_-_Regular_Meeting_Agenda.aspx) - Item 27

Energy Commission recommends that the Council prioritize these municipal fleet EV replacements, along with the associated EV charging infrastructure, in the FY 2023 budget.

2. **Expand Infrastructure for Residential EV Charging and E-Bike Parking.** The City should prioritize funds to address solutions for residential curbside EV charging. The City's Residential Curbside EV Charging Pilot Program<sup>17</sup> sunset in 2020. The development model the pilot used – private ownership of a charger on the side of a public street – was not successful. While 62 residents applied for the program, only four on-site and seven curbside chargers were installed - high permitting fees, restrictive engineering requirements, lack of control of the parking space adjacent to the charger, and poor access to electrical supply resulted in high costs.<sup>18</sup> Given the number of Berkeley residents who do not have access to a driveway or garage, the Electric Mobility Roadmap identified as a high priority the need to deploy curbside charging for electric cars, particularly in neighborhoods with high rates of multifamily and rental housing. The next phase of curbside charging will incorporate lessons learned from the Pilot, investigate alternative strategies, identify state and federal funding sources, and explore partnerships with EBCE and EV charging companies.

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

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

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

The Council has approved multiple plans to promote safe, equitable, and low-carbon mobility for all. These “complete streets” concepts are captured in the Bicycle Plan,

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<sup>17</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/Manual%20with%20attachments%2012-1-14.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Manual%20with%20attachments%2012-1-14.pdf)

<sup>18</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/02\\_Feb/Documents/2018-02-27\\_Item\\_16\\_Residential\\_Curbside\\_Electric.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/02_Feb/Documents/2018-02-27_Item_16_Residential_Curbside_Electric.aspx)

Pedestrian Plan, Vision Zero Action Plan, and analysis of Safe Routes to School.<sup>19</sup> But many of the measures in these plans have been implemented slowly, if at all. The Council should direct the Public Works Department to follow these plans to the letter, and integrate all low-cost and rapidly deployable concepts from the plans into their ongoing maintenance. The timing of deploying higher cost measures may necessarily depend on funding.<sup>20</sup>

On January 18, 2022, the Council adopted item 19, referring a budget item to use Transportation Network Company (TNC) User Tax General Fund revenue to build and maintain protected bicycle lanes and crossings, pedestrian street crossings, and quick-build public transit projects under the Street Repair Program. The Energy Commission recommends that the Council follow through on its plan to use this revenue to benefit transportation projects in Berkeley.

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

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

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

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

<sup>21</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/City\\_Council\\_11-30-2021\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/City_Council_11-30-2021_-_Regular_Meeting_Agenda.aspx)

<sup>22</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/12\\_Dec/Documents/2021-12-14\\_Supp\\_2\\_Reports\\_Item\\_44\\_Supp\\_Mayor\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/12_Dec/Documents/2021-12-14_Supp_2_Reports_Item_44_Supp_Mayor_pdf.aspx)

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

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

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

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

First, would be to model a rebate program after the Seismic Retrofit Refund Program<sup>26</sup> that would rebate a percentage of the transfer tax with a value up to the cost of a typical electrification package for electrification measures completed within one year of transfer. This would incentivize electrification at a time when there is large access to capital, and could lay the groundwork for an ultimate requirement to retrofit at time of sale. OESD staff have already provided Council with a draft ordinance and indicate that each year on average 800 units would qualify through this mechanism.<sup>27</sup>

The Energy Commission recommends that Council move forward with this ordinance but with a cap on the amount of eligible homeowner rebates per year. These rebates

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

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

<sup>26</sup> [https://www.cityofberkeley.info/Finance/Home/Real\\_Property\\_Transfer\\_Tax\\_Seismic\\_Refunds.aspx](https://www.cityofberkeley.info/Finance/Home/Real_Property_Transfer_Tax_Seismic_Refunds.aspx)

<sup>27</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_03\\_Referral\\_Response\\_Ordinance\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_03_Referral_Response_Ordinance_pdf.aspx)

are critical to the City's long-term strategy of phasing in potential electrification mandates as feasible.

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

3. **Adopt Policies to Promote Implementation of Low-cost, Partial Electrification measures.** In addition to enacting full retrofit programs, we recommend that the Council consider low-cost, partial electrification measures to maximize the immediate climate and health impacts of electrification measures. For example, a requirement that any AC installation instead be a heat pump (TR-7, BEBES) could be coupled with a subsidy for LMI communities to pay for the cost difference between an AC and an equivalent heat pump model, which is estimated to be between just \$200 and \$500 wholesale.<sup>28</sup> An installer subsidy of \$676 alone could be enough to nearly double heat pump market share even absent a mandate<sup>29</sup>. Other low-cost measures might include the purchasing and distribution of portable heat pumps to provide cooling to households on our increasing number of hot days (newer inverter models offer substantial energy savings over traditional portable ACs<sup>30</sup>), portable induction units as both a gateway into electric cooking and a mechanism to reduce indoor NOx pollution that has been demonstrated to cause asthma in small children,<sup>31</sup> as well as weatherization work to make homes safer, more comfortable, and to reduce energy use. Council might also consider rebates for electrification at time of replacement, or provide access to equipment purchased under bulk purchasing agreements as part of the Building Electrification and Just Transition pilot program.

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

1. **Expand Sustainability Outreach Events.** In conjunction with implementation of the Electric Mobility Roadmap and Existing Building Electrification Strategy, it is

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

<sup>29</sup> *ibid*

<sup>30</sup> <https://www.midea.com/us/air-conditioners/portable-air-conditioners/midea-duo-smart-inverter-portable-air-conditioner-map12s1tbl>

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

appropriate for the City to continue and expand public engagement on alternative transportation and green building solutions.

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

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

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

## BACKGROUND

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

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<sup>32</sup> Berkeley Electric Mobility Roadmap, p. 43.

<sup>33</sup> Berkeley Existing Building Electrification Strategy, p. 42.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

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

However, if the Council further delays investments in staffing, fleet electrification and electric vehicle charging infrastructure, building maintenance and retrofits, and public education in the FYE 2023 and 2024 budget, it puts at risk the health and safety of Berkeley's residents, the City's achievement of its adopted and mandated climate, clean energy, and transportation goals, and its national and global leadership on addressing climate change in innovative ways. The Energy Commission thus urges the City Council to incorporate the above stated priorities into its FYE 2023 and 2024 budget.

### ALTERNATIVE ACTIONS CONSIDERED

We did not consider excluding these items from the budget.

### CITY MANAGER

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

### CONTACT PERSON

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





Peace and Justice Commission

ACTION CALENDAR  
NOVEMBER 7, 2023

To: Honorable Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted by: George Lippman, Chairperson, Peace and Justice Commission

Subject: Referral of two health educator positions to the COB FY 2024 budget process

RECOMMENDATION:

Refer to the budget process a request for estimated \$150,000 annually, beginning in FY 2024 or as early as the AAO #2 process in spring 2023, for staffing, materials, and supplies to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities, as proposed by the Peace and Justice Commission.

POLICY COMMITTEE RECOMMENDATION

On September 14, 2023, the Budget and Finance Committee adopted the following action: M/S/C (Harrison/Kesarwani) to send the commission item and companion report to the City Council with a negative recommendation, express thanks to the Peace and Justice Commission for their work, and recognize that there is a need for community- and school-based public health outreach, and that the City should consider the recommendation after the completion of the community health assessment. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

Estimated annual cost: \$150,000. This estimate was given by Dr. Lisa Warhuus, HHCS Director, for staffing, materials, and supplies to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities.

CURRENT SITUATION AND ITS EFFECTS:

According to HHCS Director Dr. Lisa Warhuus, “the overriding health challenge in Berkeley are health disparities....For many years, we have seen significant disparities between the health status of our white community members (generally well above national averages), and our BIPOC community members. Geographically, this shows up with generally excellent health outcomes for people living in the hills, with less ideal outcomes in zip codes in South and West Berkeley (although this is shifting somewhat with gentrification). In recent years, other high-risk populations would include people

experiencing homelessness and, to some extent, the LGBTQ+ community (though we need more research on the latter as it can very dependent upon circumstances).

“One of the biggest challenges we have in addressing health disparities is in the communications and outreach (prevention) component of the work. We need to do more culturally responsive outreach to those most negatively impacted by disparities, **engage and listen to what people feel is most needed**, and work with them to fill that gap. In doing so over the years, our Public Health division has often found that what is most missing is trust in the system, information and education done in a culturally responsive way, and clear access points for medical insurance, coverage, and a medical home.

“For instance, in a health assessment conducted by the Public Health Division in 2018, the highest priority identified by Berkeley participants to achieve a healthy community was communities that had access to basic needs and services (i.e. healthcare, housing, healthy food, transportation, etc.), felt connected and was treated with openness, tolerance, and inclusion, and had resources and up to date information on services. “The greatest threats to optimal health that community members identified were high costs of living, food security, and stress/mental wellness with recurring barriers being lack of or limited information and resources available to community members.”

At its regular meeting January 9, 2023, the Peace and Justice Commission adopted the following recommendation proposing the hiring of two health educator positions for the next fiscal year.

M/S/C: Bohn, Jaquin.

Ayes: Lippman, Jacquelin, Bohn, Lee, Morizawa, Gussmann.

Noes: None.

Abstain: Maran.

Absent: Leon-Maldonado.

ENVIRONMENTAL SUSTAINABILITY

N/A

BACKGROUND

Peace and Justice commissioners, along with members of the Commission on the Status of Women and the Community Health Commission, recently met with HHCS Director Dr. Lisa Warhuus and Public Health Manager Janice Chin, at Council’s request, to discuss resources for and obstacles to reproductive health services and education. Dr. Warhuus clarified that “from the lens of HHCS, the work in Berkeley needs to be centered on health disparities in the larger context first,” and to “ensure that our Public

Health Division continuously includes Reproductive and Sexual Health (RSH) work as a part of their broader health education, prevention, and outreach strategy.”

HHCS is bringing on a consultant who will organize and engage community members and other stakeholders to create a Community Health Assessment and a Community Health Improvement Plan, including a pilot program to create a health innovation zone to work toward remedying severe health inequities. Performance measures will be tracked through a new web-based population data health platform that will be rolled out as part of this process.

RATIONALE FOR RECOMMENDATION

HHCS would benefit from hiring staff and paying for materials and supplies out of general fund to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities.

The department is facing the lack of sufficient resources to do culturally responsive outreach, engagement, and prevention on an unconstrained basis. Engagement of these educators would assist with Reproductive and Sexual Health (RSH) outreach as part of the larger health outreach program.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

See companion report.

CONTACT PERSON

George Lippman, Chairperson, Peace and Justice Commission  
Okeya Vance-Dozier, Commission Secretary, (510) 684-0503





CONSENT CALENDAR  
November 7, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Bartlett (co-sponsor), Councilmember Kesarwani (co-sponsor)

Subject: Just Transition Framework for West Berkeley Plan Amendments

### RECOMMENDATION

Refer to the City Manager and Planning Commission to study and recommend Amendments to the West Berkeley Plan pursuant to California Government Code Section 65302(h) to advance the city's environmental justice goals under a Just Transition Framework.

At a minimum, consider the following concepts:

- Just Transition principles adopted by City Council in Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal”;
- EcoDistricts Protocol and possible EcoDistricts certification incorporated into a Community Engagement Plan;
- Climate Resilience Hubs;
- Indigenous Land Rematriation;
- Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030;
- Promoting and protecting arts and cultural uses. Consider robust incentives, development standards and/or mitigations in Protected Uses (Berkeley Municipal Code 23.206.050) for Media Production, Theater, Live Entertainment, Art/Craft Studio, and/or other cultural uses.

In addition, apply the above concepts for the consideration of a Master Plan, Natural Resources Management Plan, or other comprehensive plan for the protection and maintenance of Aquatic Park.

### FINANCIAL IMPLICATIONS

Staff time TBD, est. \$125,000 for 1 FTE Senior Planner. Planning staff estimates that capacity for additional Specific Area Plan work to be available in Fiscal Year 2025 at the earliest. Currently, San Pablo Avenue Specific Area Plan work is supported by grant funding from the Metropolitan Transportation Commission’s Priority Development Area (PDA) program. Other grant funding opportunities, such as the Priority Conservation Area (PCA) and Priority Production Area (PPA) programs<sup>1</sup>, or the California Strategic

<sup>1</sup> Metropolitan Transportation Commission: Land Use Programs. <https://mtc.ca.gov/planning/land-use>

Growth Council's Transformative Climate Communities<sup>2</sup> program, may also be available in future grant cycles.

### CURRENT SITUATION AND ITS EFFECTS

Since the passage of SB 1000 (2016), California Government Code Section 65302(h) requires an Environmental Justice Element and/or related Elements in municipal General Plans to:

*(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.*

*(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.*

*(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities. (See Attachment 6)*

The City of Berkeley has incorporated Environmental Justice policies in its plans, most recently in its 2023 Housing Element Update. However, the most recent update to the West Berkeley Plan<sup>3</sup>, adopted in 2011 (see Attachment 7), predates SB1000 requirements.

This and other factors will contribute to a growing need to update the West Berkeley Plan, including: a renewed Development Agreement with Bayer<sup>4</sup> (formerly Miles Corp) in 2021, which funded a West Berkeley Fund for community infrastructure and resilience; removal of minimum parking requirements, expansion of Research and Development (R&D)<sup>5</sup> uses to Manufacturing zones, including development of a Manufacturing - Research & Development (M-RD)<sup>6</sup> zone; development of a San Pablo

<sup>2</sup> California Strategic Growth Council: Transformative Climate Communities.

<https://sgc.ca.gov/programs/tcc/>

<sup>3</sup> City of Berkeley. (1993, Dec. 14.) Resolution 57,301-N.S. Adopting the Certification of Environmental Impact Report for the West Berkeley Plan...The West Berkeley Plan as an Area Plan and as an Amendment to the City of Berkeley Master Plan. [https://berkeleyca.gov/sites/default/files/2022-03/12\\_14\\_1993%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2057301%3B%20West%20Berkeley%20Area%20Plan%3B.pdf](https://berkeleyca.gov/sites/default/files/2022-03/12_14_1993%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2057301%3B%20West%20Berkeley%20Area%20Plan%3B.pdf)

<sup>4</sup> City of Berkeley. (2021). Bayer Healthcare LLC – Amended and Restated Development Agreement. <https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2021/12/2021-11-30-Item-24-Bayer-Healthcare-LLC-%E2%80%93-Amended-and-Restated-Development-Agreement-1.pdf>

<sup>5</sup> Robinson, R. & Chen, A. (2022). Referral: Keep Innovation in Berkeley. <https://berkeleyca.gov/sites/default/files/documents/2022-09-13%20Item%2030%20Referral%20Keep%20Innovation%20in%20Berkeley.pdf>

<sup>6</sup> City of Berkeley Planning Commission Presentation (2023, Feb. 1). [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2023\\_02\\_01\\_Item%2012\\_Gilman%20Gateway%20Rezone\\_Presentation.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2023_02_01_Item%2012_Gilman%20Gateway%20Rezone_Presentation.pdf)

Avenue Specific Area Plan<sup>7</sup>, rising groundwater<sup>8</sup>; and the overall increasing risk of flooding, fires, and other natural disasters due to anthropogenic climate change.<sup>9</sup>

Since 2011, the City of Berkeley has also made major investments in West Berkeley’s parks and open spaces, including the Aquatic Park Central Tide Tubes Repair Sediment Removal (\$438,000 from Measure T1, \$375,000 from Parks Tax)<sup>10</sup> and \$385,000 for Aquatic Park maintenance and improvements from the Bayer Development Agreement. The next budget cycle includes major projects under the Fiscal Year 2023-2027 Capital Improvement Program: *Development of a new park at the Santa Fe Right of Way, funded by a \$5M Prop 68 grant*; and *Construction management and inspection of \$3M Aquatic Park improvements negotiated as part of the 600 Addison development (Parks Tax)*.<sup>11</sup>

However, as of September 2023, the Aquatic Park lagoon has been issued a state water quality Yellow advisory for *Enterococcus* bacteria, an indicator for possible presence of human health risks, for 11 non-consecutive weeks in 2023 so far.<sup>12</sup>

Moreover, zoning protections in Mixed Manufacturing (MM) and Mixed-Use Light Industrial (MULI) under Berkeley Municipal Code 23.206.050 have not been revised since 1993. While the 2011 amendments revised permitted and disallowed uses in M-zones, the Protected Uses and Mitigations have not changed. The BMC includes the following tables illustrating the applicability of Protected Land Uses in Manufacturing Zones, and Permits required for changing uses therein.

**Table 23.206-5. PROTECTED INDUSTRIAL USES**

| <b>Zoning District</b> | <b>Protected Industrial Uses</b> | <b>Applicability of Requirements</b> |
|------------------------|----------------------------------|--------------------------------------|
|------------------------|----------------------------------|--------------------------------------|

<sup>7</sup> City of Berkeley: San Pablo Avenue Specific Plan. <https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/san-pablo-avenue-specific>

<sup>8</sup> kristina hill, Daniella Hirschfeld, Caroline Stanhope Lindquist, et al. Rising coastal groundwater as a result of sea-level rise will influence contaminated coastal sites and underground infrastructure. ESS Open Archive. May 25, 2023. DOI: [10.22541/essoar.168500245.55690018/v1](https://doi.org/10.22541/essoar.168500245.55690018/v1)

<sup>9</sup> City of Berkeley: January 2023 Disaster Preparedness Notice. <https://berkeleyca.gov/community-recreation/news/rains-and-winds-continue-stay-alert-and-safe-while-still-reporting>

<sup>10</sup> City of Berkeley: Measure T1 Update. (2022). <https://berkeleyca.gov/sites/default/files/2022-03/T1-Brochure.pdf>; see also Footnote 5.

<sup>11</sup> City of Berkeley: Adopted FY23-27 Capital Improvement Program. [https://berkeleyca.gov/sites/default/files/documents/FY-23-27-Capital-Improvement-Program\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/FY-23-27-Capital-Improvement-Program_0.pdf)

<sup>12</sup> City of Berkeley: Aquatic Park Enterococcus Sampling Results. (2023). [https://berkeleyca.gov/sites/default/files/documents/AP\\_Water-Quality-Results\\_32.pdf](https://berkeleyca.gov/sites/default/files/documents/AP_Water-Quality-Results_32.pdf)

|              |                                                                                  |                                                                         |
|--------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <i>MM</i>    | <i>Manufacturing, warehousing, wholesale trade</i>                               | <i>Ground-level protected uses on or after January 1, 1988 [1]</i>      |
| <i>MU-LI</i> | <i>Material recovery enterprise, manufacturing, warehousing, wholesale trade</i> | <i>Buildings with 33% protected use on or after January 1, 1996 [1]</i> |

**Note:**

[1]Includes protected uses that were previously used on or after this date but now vacant.

**Table 23.206-6. PERMITS REQUIRED FOR CHANGES TO PROTECTED LAND USES**

| <b>Zoning District</b> | <b>Change to Protected Use</b>                                                                                          | <b>Permit Required</b> |
|------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------------|
| <i>MM</i>              | <i>Change any amount of ground-floor protected use to a non-protected use</i>                                           | <i>UP(PH)</i>          |
| <i>MU-LI</i>           | <i>Change less than or equal to 20,000 sq. ft. or less than or equal to 25% of protected use to a non-protected use</i> | <i>AUP</i>             |
|                        | <i>Change over 20,000 sq. ft. or 25% of protected use to a non-protected use</i>                                        | <i>UP(PH)</i>          |

Since the 1993 Plan adoption, the West Berkeley community has grown increasingly concerned with the protection of performing arts and media production spaces.<sup>13</sup> With increasing investment into and possible expansion of Research & Development firms, the resilience of local cultural institutions in the wake of COVID-19 disruptions remains a major vulnerability.

Evidence for the need to update Protected Uses and Mitigations in Manufacturing zones can be further inferred from the relative obscurity of specific subsections. In order to qualify for a Use Permit (UP) to change 25% or more of a protected use in a MU-LI

<sup>13</sup> Dinkelspiel, F. (2018). Fantasy Studios, internationally renowned film and music studio, to close its doors. *Berkeleyside*. <https://www.berkeleyside.org/2018/07/29/berkeley-fantasy-studios-internationally-renowned-film-and-music-studio-to-close-its-doors>

Noted in the article: building owners, operators, and the City of Berkeley “all jointly fund the Berkeley Film Foundation, which supports local filmmakers.”



zone in the above table, BMC 23.206.050(A)(3)(b)(ii) requires, in addition to replacement space, the following findings:

*(1) As a result of lawful business and building activities, there are exceptional physical circumstances (exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the MU-LI district which make it financially infeasible to reuse the building for any of protected industrial uses permitted in the district. The analysis of the financial feasibility effects (which shall be verified by the City) of these physical circumstances shall consider those costs necessary to make the building meet current minimum standards for manufacturing, wholesale trade or warehouse buildings.*

*(2) Appropriate mitigation has been made for loss of the protected industrial use space in excess of 25 percent of that space through **providing such space elsewhere in the City, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.** [emphasis added]*

However, City of Berkeley Planning staff have no record of mitigations made either in kind or in cash to a West Berkeley Building Acquisition Fund. It is thus unclear if the mitigations are intended only to discourage changes to protected uses (in which case these provisions may be effective, albeit indirectly) or to actively mitigate them through a specific fund. After three decades, City staff and Commissioners should study robust protected uses and mitigations with respect to the community's intended outcomes.

Updating the West Berkeley Plan pursuant to California Government Code Section 65302(h) is a Strategic Plan Priority Project, advancing our goal to: be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

## BACKGROUND

### **Just Transition Principles**

On December 14, 2021, the Berkeley City Council adopted Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal” as revised (see Attachments 1 and 2). A Just Transition framework for West Berkeley Plan Amendments should be developed such that civil engagement and centering the needs of disadvantaged communities comprise an interrelated process.

The District 2 Council Office has convened several meetings of a West Berkeley Green New Deal Ad Hoc Working Group, whose work is still ongoing. The Ad Hoc Working Group expressed consensus that heavily impacted and disadvantaged communities that should be centered in a Just Transition include, at a minimum: **seniors; unhoused**

**residents; low-income households; disabled or mobility-impaired residents; Black, Indigenous, and People of Color (BIPOC); and LGBTQIA+ residents.**

The transition away from fossil fuels must ensure that the most vulnerable in our society are protected from both the turbulence of restructuring our entire economy and the effects of global warming that the community is already facing. The core premise is: “Transition is inevitable. Justice is not.”<sup>14</sup> The environmental justice movement calls this approach to the climate crisis a “Just Transition.”

Transition is inevitable. In macroeconomic terms, any government actively working to change the composition of household consumer demand (e.g. rapid industrialization amid World Wars, a green transition, etc) will face significant distributional problems from shocks to energy and raw material costs, which manifest in price levels and/or rationing. We are already confronting such shocks locally and globally. As recent inflationary episodes and supply shocks following the COVID-19 pandemic and the 2022 Russian invasion of Ukraine have demonstrated, reliance on the fossil fuel economy increasingly undermines price stability.<sup>15</sup> Just Transition principles are partially intended to proactively mitigate both the threat of wage deflation for households depending on labor income from fossil fuel industries, and the inflationary pressures of unprecedented supply shocks. In a complementary framework, the Green New Deal<sup>16</sup> proposed by Democratic lawmakers<sup>17</sup>, some aspects of which have been passed in the Inflation Reduction Act of 2022, was designed to increase domestic high-road employment<sup>18</sup> and capacity in green energy industries to manage this transition equitably.

A Just Transition is possible. While fossil fuel supply chains must end, other resilient supply chains must replace our community’s changing needs. Renewable energy and electricity transmission will have to grow to meet increasing demands for vehicle and building electrification to replace petroleum and natural gas; batteries, solar panels, and

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<sup>14</sup> Climate Justice Alliance. (2018). Just Transition Principles. *Climate Justice Alliance*. [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hirez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hirez.pdf)

<sup>15</sup> Weber, Isabella M.; Jauregui, Jesus Lara; Teixeira, Lucas; and Nassif Pires, Luiza, "Inflation in Times of Overlapping Emergencies: Systemically Significant Prices from an Input-output Perspective" (2022). *Economics Department Working Paper Series*. 340. <https://doi.org/10.7275/0c5b-6a92>

<sup>16</sup> Carlock, G. & Mangan, E. (2018). A Green New Deal. *Data for Progress*. [https://www.filesforprogress.org/pdfs/Green\\_New\\_Deal.pdf](https://www.filesforprogress.org/pdfs/Green_New_Deal.pdf)

<sup>17</sup> House Resolution 109. (2019). <https://www.congress.gov/116/bills/hres109/BILLS-116hres109ih.pdf>

<sup>18</sup> Williams, M., et al. (2022). The Inflation Reduction Act Provides Pathways to High-Quality Jobs. *Center for American Progress*. <https://www.americanprogress.org/article/the-inflation-reduction-act-provides-pathways-to-high-quality-jobs/>

wind farms must replace oil rigs and coal mines. Californians will have to shift at least 25% of their automobile trips to other modes of transportation while converting the rest to electric vehicles<sup>19</sup>, aided by more energy-efficient housing, public transit, and e-bike access. All of this will be made possible in part by Berkeley's growing innovation ecosystem of high-wage STEM employment in green energy technology and life sciences. To illustrate, over one third of employees in Alameda County's growing life sciences sector had no college degree<sup>20</sup> The federal government is also increasing public sector fiscal capacity for clean energy development through direct pay provisions for municipal and nonprofit entities in the Inflation Reduction Act of 2022.<sup>21</sup>

Just Transition policies are already being enacted globally. For example, in Poland, a 75% decline in coal mining jobs was coupled by a mining social package and special privileges for mining communities. Canada's efforts to phase out coal-powered electricity have been accompanied by a national stakeholder task force that has traveled the country to hear from Canadians on how to justly shepherd the transition. Egypt's fuel price increases were paired with minimum wage boosts, food stipends, and progressive taxation.<sup>22</sup>

The Climate Justice Alliance, a climate organization at the forefront of the fight for a Just Transition, lays out the following Just Transition principles:

### **A Just Transition moves us toward Buen Vivir**

Buen Vivir means that we can live well without living better at the expense of others. Workers, community residents, women and Indigenous Peoples around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education and shelter. We must have just relationships with each other and with the natural world, of which we are a part. The rights of peoples, communities and nature must supersede the rights of the individual.

### **A Just Transition creates Meaningful Work**

A Just Transition centers on the development of human potential, creating opportunities for people to learn, grow, and develop to their full capacities and

<sup>19</sup> [https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report\\_SB150\\_112618\\_02\\_Report.pdf](https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf)

<sup>20</sup> City of Berkeley Staff Report: Business Support Zoning Amendment Referrals – Research and Development. (2021, June 20). pp. 13-56. <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2021-10-06%20PC%20Agenda%20Packet.pdf>

<sup>21</sup> Lala, C. (2023). Direct pay: an uncapped promise of the Inflation Reduction Act. *Center for Public Enterprise*. Retrieved from <https://static1.squarespace.com/static/622cca56a2f5926affd807c6/t/64257e7047150f31bf02e7cf/1680178800773/Direct+Pay+101+-+Center+for+Public+Enterprise.pdf>

<sup>22</sup> Gass, P. (2019). In Search of Just Transition: Examples From Around the World. *International Institute for Sustainable Development*. <https://www.iisd.org/articles/just-transition-examples>

interests. We are all born leaders, and a regenerative economy supports and nurtures that leadership. In the process, we are transforming ourselves, each other, our communities, and our society as a whole. Meaningful work is life-affirming.

### **A Just Transition upholds Self Determination**

All peoples have the right to participate in decisions that impact their lives. This requires democratic governance in our communities, including our workplaces. Communities must have the power to shape their economies, as producers, as consumers, and in our relationships with each other. Not only do we have the right to self determination, but self determination is one of our greatest tools to realize the world we need. The people who are most affected by the extractive economy — the frontline workers and the fenceline communities — have the resilience and expertise to be in the leadership of crafting solutions.

### **A Just Transition equitably redistributes Resources and Power**

We must work to build new systems that are good for all people, and not just a few. Just Transition must actively work against and transform current and historic social inequities based on race, class, gender, immigrant status and other forms of oppression. Just Transition fights to reclaim capital and resources for the regeneration of geographies and sectors of the economy where these inequities are most pervasive.

### **A Just Transition requires Regenerative Ecological Economics**

Just Transition must advance ecological resilience, reduce resource consumption, restore biodiversity and traditional ways of life, and undermine extractive economies, including capitalism, that erode the ecological basis of our collective well-being. This requires a re-localization and democratization of primary production and consumption by building up local food systems, local clean energy, and smallscale production that are sustainable economically and ecologically. This also means producing to live well without living better at the expense of others.

### **A Just Transition retains Culture and Tradition**

Capitalism has forced many communities to sacrifice culture and tradition for economic survival. It has also defaced and destroyed land held as sacred. Just Transition must create inclusionary spaces for all traditions and cultures, recognizing them as integral to a healthy and vibrant economy. It should also make reparations for land that has been stolen and/or destroyed by capitalism, colonialism, patriarchy, genocide and slavery.

### **A Just Transition embodies Local, Regional, National and International Solidarity**

A Just Transition must be liberatory and transformative. The impacts of the extractive economy knows no borders. We recognize the interconnectedness of our communities as well as our issues. Therefore, our solutions call for local, regional, national and global solidarity that confronts imperialism and militarism.

### **A Just Transition builds What We Need Now**

We must build the world we need now. This may begin at a local small scale, and must expand to begin to displace extractive practices. We must build and flex the muscles needed to meet our communities' needs.<sup>23</sup>

### **EcoDistrict Protocol**

The EcoDistrict Protocol, certified by the nonprofit Partnership for Southern Equity, offers several best practices for stakeholder engagement and community partnership for staff and the Commission to consider as part of a Just Transition framework for West Berkeley Plan amendments.

Accordingly, a core premise of EcoDistrict Protocol is that “there is a growing appetite for innovation as cities seek a competitive advantage to attract talent and investment, embrace aging and historically disenfranchised populations, restore cultural integrity, enhance prosperity, and respond intelligently to a rapidly changing climate.” The Protocols emphasize three imperatives that Berkeley can and should follow: *Equity*, *Resilience*, and *Climate Protection*. These are subsequently divided into seven priorities: *place, prosperity, health and wellbeing, connectivity, living infrastructure, and resource regeneration*. These principles guide the three implementation phases that can correspond with specific area planning: *formation, road map, and performance [evaluation]*.

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<sup>23</sup> Climate Justice Alliance. (2018). Just Transition Principles. *Climate Justice Alliance*. [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hi-rez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf)

**3 IMPERATIVES:**

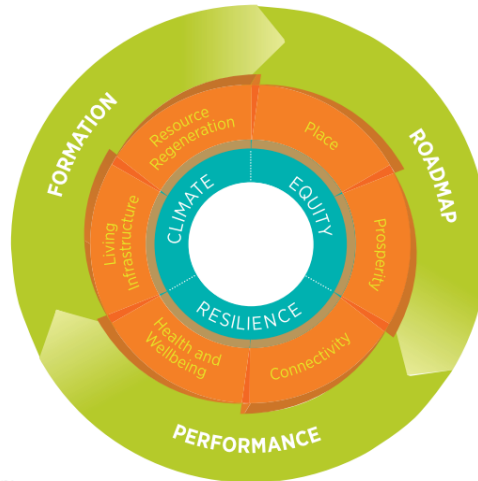
Equity, Resilience, and Climate Protection

**6 PRIORITIES:**

Place, Prosperity, Health and Wellbeing, Connectivity, Living Infrastructure, and Resource Regeneration

**3 IMPLEMENTATION PHASES:**

Formation, Roadmap, and Performance



**THE PROTOCOL IS DESIGNED TO INSPIRE COMMUNITY DEVELOPMENT THAT:**

- Commits to Equity, Resilience, and Climate Protection;
- Supports multi-stakeholder collaboration and governance;
- Creates a comprehensive district-scale Roadmap guided by performance indicators; and
- Reports progress with a commitment to transparency and knowledge sharing.

***EcoDistricts Protocol Core Elements<sup>24</sup>***

The framework provides a model of “collaborative governance” for planning and performance evaluation, i.e. “a district team of key stakeholders representing the district’s major public, private, and civic sector assets.” This process emphasizes organizational capacity-building between sectors for robust goal-setting, evaluation, and improvement.

There have been several EcoDistrict implementations in US cities of varying sizes, balancing urban economic development, natural resource preservation, and environmental remediation of historic manufacturing areas, including Cleveland, Seattle, and Portland.<sup>25</sup> For decades, Portland has also pioneered Natural Resources Management Plans for protecting groundwater, wetlands, and other natural habitats.<sup>26,27</sup>

**Urban Decarbonization and Indigenous Land Rematriation**

<sup>24</sup> Partnership for Southern Equity: EcoDistricts Protocol. <https://ecodistricts.org/protocol/>

<sup>25</sup> Partnership for Southern Equity: EcoDistrict Registry. <https://ecodistricts.org/district-registry/>

<sup>26</sup> City of Portland: Columbia South Shore Natural Resources Protection Plan. <https://www.portland.gov/bps/environ-planning/documents/columbia-southshore-nrpp-1993-2000/download>

<sup>27</sup> City of Portland: Columbia East Neighborhood Natural Resources Management Plan. <https://www.portland.gov/bps/environ-planning/documents/east-columbia-neighborhood-nrmp-1990/download>

In a 2018 report, the United Nations International Resource Panel (IRP) laid out 5 policy recommendations for urban decarbonization.<sup>28</sup> The first two recommendations are:

**1. Urban metabolisms must shift from ‘linear’ to ‘circular’:** *This implies new ways of managing the movement of resources through the city. Businesses and cities will have to focus on offering high value services rather than selling artefacts; providing heat instead of heaters, mobility instead of highways and cars, light instead of light bulbs. Concepts such as ‘urban mining’, ‘resource cascading’ and ‘industrial symbiosis’ and the various manifestations of the ‘re-economy’ (reduce, reuse, recycle) will define the new urbanism.*

**2. Urban metabolisms must be monitored to assist strategic planning at local government level:** Local governments must understand cities’ inputs (e.g. biomaterials) and outputs (e.g. waste and emissions), using these to develop resource efficiency strategies...The negative externalities of various resource uses must be priced in to provide economic incentives for behavioural change.

Both the UN IRP report and EcoDistricts Protocol call for local economies and ecologies that raise local living standards while shifting consumption from zero-sum extraction of resources to renewable and regenerative systems. The United Nations IRP report urges “active and goal-setting” public governance to meet the scale and severity of these challenges. The City of Berkeley has begun to explore regenerative and resilient local supply chains through the City Council’s 2023 referral “Berkeley Food Utility and Access Resilience Measure (FARM)” and “Health Equity Innovation District” referral from 2018 (see Attachments 8 and 9). With the expansion of Research & Development uses, Berkeley’s manufacturing sector is on the cutting edge of a more sustainable “focus on offering high value[-added] services rather than selling artefacts” or “heat instead of heaters” as the UN IRP describes.

Another regenerative principle that the City of Berkeley recognizes is repatriation of Indigenous land. As attested in the City Council’s Land Acknowledgement, Berkeley is sited on xučyun, the ancestral and unceded land of the Chochenyo-speaking Ohlone people, the ancestors and descendants of the sovereign Verona Band of Alameda County. The City of Oakland, the City of Richmond, and the Northern California Land Trust have returned acres of land for parks, gardens, and a traditional village site to the Indigenous community through the Sogorea Te’ Land Trust, which has focused on repatriation via “Indigenous women-led work to restore sacred relationships between Indigenous people and our ancestral land, honoring our matrilineal societies, and in opposition of patriarchal violence and dynamics.” Private entities can also support the Land Trust through the voluntary Shuumi Land Tax. Berkeley’s Indigenous community must be central to our collective ecological stewardship, and would be necessarily integral to “collaborative governance” of future area planning following an EcoDistrict model.

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<sup>28</sup> Swilling, M., et al (2018). The Weight of Cities. *United Nations International Resource Panel (IRP)*. <https://www.resourcepanel.org/reports/weight-cities> (see Attachment 5)



## Reparations and Climate Resilience

Berkeley's African American community has also endured centuries of systemic land dispossession and displacement, compounding structural inequities that persist to this day.<sup>29</sup> West Berkeley's legacy of redlining, segregation, historic disinvestment, and disproportionate exposure to environmental hazards presents a material imperative for reparative justice that also decarbonizes our economy.

The Berkeley community has endeavored to govern its innovative technology and manufacturing sectors with conscious racial and environmental justice goals. The West Berkeley Plan, first adopted in 1993 and last amended in 2011, codified the City's conscious efforts to protect high-road job opportunities while fostering new and groundbreaking industries, aligning economic development with the community's culture and values. For example, the 1993 Background Findings assert that "Manufacturing can provide the best-paying jobs for people without advanced educations," "West Berkeley has special environmental issues as the result of being adjacent to the Freeway and containing a large number of hazardous materials uses," and that "West Berkeley is the most ethnically/racially diverse residential community in Berkeley." The Plan thus proscribed development standards for Manufacturing uses and mitigations for non-conforming uses to carefully balance a diverse local ecosystem of industrial, commercial, and residential zones.

However, the inequitable distribution of environmental hazards persists. According to the California Reparations Task Force Report published in 2022, Black Californians are five times more likely to live within a half mile of sites at risk of toxic groundwater flooding by 2050, 40% more likely to be exposed to particulate matter pollution from cars and trucks, and more likely to be exposed to heat waves.<sup>30</sup> With the acceleration of climate hazards, the City should also consider climate resilience in addition to pollution remediation as an additional goal for the West Berkeley Area.

The California Reparations Report recommends increasing tree coverage in formerly redlined communities, and creating Climate Resilience Hubs ("community-driven facilities that support residents, facilitate communication, distribute aid, and provide an opportunity for communities to become more self-sustaining during climate emergencies"). Specifically, the Task Force recommends the Legislature utilize the

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<sup>29</sup> Verma, P. et al. (2021). Rising Housing Costs and Re-Segregation in the San Francisco Bay Area. *Urban Displacement Project, UC Berkeley*. [https://www.urbandisplacement.org/wp-content/uploads/2021/08/bay\\_area\\_re-segregation\\_rising\\_housing\\_costs\\_report\\_2019.pdf](https://www.urbandisplacement.org/wp-content/uploads/2021/08/bay_area_re-segregation_rising_housing_costs_report_2019.pdf)

<sup>30</sup> AB 3121 Reparations Task Force (2022). The California Reparations Report. *Office of the Attorney General of California*. <https://oag.ca.gov/ab3121/report> (see Ch. 7, Ch. 24)



Transformative Climate Communities (TCC) Program to fund climate resilience hubs.” Commissioners and staff may be able to study climate resilience policies along with grant eligibility for state grants to establish such hubs.

As described above, several land use reforms that would impact the area under the West Berkeley Plan are already underway. With these frameworks, staff and commissioners can study robust and flexible development standards in Specific Area Planning to better align local neighborhood needs with citywide economic and environmental goals.

### **Transportation Demand Management**

The West Berkeley Plan as originally adopted in 1993 was prescient in calling for a “reduction of single occupant automobile trips.” The Plan envisioned several mitigations for increased traffic congestion, including implementation of Transportation Demand Management (TDM) plans “to encourage carpooling and vanpooling, walking and bicycle use, the use of transit, flexible scheduling of work hours, and other methods to reduce travel demand[.]”

However, the Transportation impact mitigations in the Plan are still codified under Level Of Service (LOS) standards, i.e. delay in vehicle throughput. As of 2020, state law requires transportation impacts to be assessed under a Vehicle Miles Traveled (VMT) standard for environmental review, measuring the total volume of traffic. Reducing VMT is of critical importance for Berkeley and the state of California’s climate goals, as the California Air Resources Board has illustrated in a 2018 report: “Even if the share of new car sales that are ZEVs [zero-emission vehicles] grows nearly 10-fold from today, California would still need to reduce VMT per capita 25 percent to achieve the necessary reductions for 2030.”<sup>31</sup> Any amendments to the West Berkeley Plan’s Transportation mitigations would have to incorporate the goal of absolute VMT reduction to be consistent with state environmental standards.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

In 2006, Berkeley voters approved Measure G, committing to reduce the entire community’s greenhouse gas emissions by 80% below 2000 levels by 2050. The City Council approved Berkeley’s first Climate Action Plan in 2009.<sup>32</sup>

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<sup>31</sup> California Air Resources Board: 2018 Progress Report. [https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report\\_SB150\\_112618\\_02\\_Report.pdf](https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf)

<sup>32</sup> City of Berkeley: Climate Action Plan. <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Climate-Action-Plan.pdf>

The California Air Resources Board released an updated Scoping Plan<sup>33</sup> in 2022. Following this plan, the state of California's goals by 2045 are:

- *Cut greenhouse gas emissions by 85% below 1990 levels*
- *71% reduction in smog-forming air pollution*
- *Reduce fossil fuel consumption (liquid petroleum) to less than one-tenth of what we use today – a 94% reduction in demand.*
- *Create 4 million new jobs.*
- *Save Californians \$200 billion in health costs due to pollution in 2045.*

All planning efforts must achieve and exceed these thresholds in order to advance Environmental Justice.

### CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

### Attachments:

- 1: 2021-12-14 Annotated Agenda - Berkeley City Council Meeting
- 2: 2021-12-14 Item 35 Commit the City of Berkeley to a Just Transition (Supp. 2)
- 3: EcoDistrict Protocol Guide
- 4: Rematriation Resource Guide - Sogorea Te' Land Trust
- 5: Fact Sheet: The Weight of Cities - United Nations International Resources Panel
- 6: Senate Bill 1000 (2016)
- 7: Resolution 65,201-N.S. Amending the West Berkeley Plan and, By Reference, the General Plan. (2011)
- 8: Berkeley Food Utility and Access Resilience Measure (FARM) referral - Councilmember Bartlett (2023)
- 9: Health Equity & Innovation District - Councilmember Bartlett (2018)

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<sup>33</sup> California Air Resources Board: 2022 Scoping Plan. <https://ww2.arb.ca.gov/news/california-releases-final-2022-climate-scoping-plan-proposal>



**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, December 14, 2021  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

*Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83481524655>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **834 8152 4655**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

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

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

## Preliminary Matters

**Roll Call:** 6:21 p.m.

**Present:** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Arreguin

**Absent:** Bartlett, Droste

Councilmember Droste present at 6:22 p.m.

Councilmember Bartlett present at 6:27 p.m.

### Ceremonial Matters:

1. Adjourned in Memory of Bob Meola, Peace & Justice Commissioner

### City Manager Comments:

The City Manager shared a presentation on the efforts and data reports of the Homeless Response Team.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental material from Mayor Arreguin on Item 7.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental material from Mayor Arreguin on Item 48.

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 20 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Bayer Healthcare LLC – Amended and Restated Development Agreement**  
**From: City Manager**  
**Recommendation:** Adopt the second reading of Ordinance No. 7,792-N.S. to certify the Final Subsequent Environmental Impact Report, adopt Findings and a Mitigation Monitoring and Reporting Program, and approve the Amended and Restated Development Agreement between the City of Berkeley and Bayer Healthcare LLC.  
**First Reading Vote:** All Ayes  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,792–N.S.
- 2. Amendments to the Berkeley Election Reform Act**  
**From: Fair Campaign Practices Commission**  
**Recommendation:** Adopt the second reading of Ordinance No. 7,793-N.S amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) make public financing available to candidates for the offices of Auditor, School Board Director, and Rent Stabilization Board Commissioner, (2) further clarify the use of Fair Elections funds, (3) clarify the requirements for returning unspent Fair Elections funds, (4) add a new process for requesting return of previously repaid Fair Elections funds, and (5) require the FCPC to make a cost of living adjustment to the contribution limit to candidates in January of each odd-numbered year.  
**First Reading Vote:** All Ayes  
**Financial Implications:** None  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,793–N.S.
- 3. Commission Reorganization: Creating the Parks, Recreation, and Waterfront Commission**  
**From: City Manager**  
**Recommendation:** Adopt the second reading Ordinance No. 7,794-N.S. repealing and re-enacting Berkeley Municipal Code Chapter 3.26 to create the Parks, Recreation, and Waterfront Commission, and repealing Berkeley Municipal Code Chapters 3.27 (Children, Youth, and Recreation Commission) and 3.08 (Berkeley Animal Care Commission).  
**First Reading Vote:** Ayes – Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Taplin, Bartlett, Harrison  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,794–N.S.

## Consent Calendar

- 4. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021 and November 16, 2021.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,144–N.S.
- 5. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, and November 9, 2021.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, City Attorney’s Office (510) 981-6998  
**Action:** Adopted Resolution No. 70,145–N.S.
- 6. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of November 2 (closed), November 4 (special), November 9 (closed and regular), November 16 (closed and regular), November 18 (closed) and November 30 (closed and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved minutes as submitted.

## Consent Calendar

- 7. City of Berkeley's 2022 State and Federal Legislative Platform**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the City of Berkeley's 2022 State and Federal Legislative Platform.  
**Financial Implications:** See report  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 70,146–N.S. as revised in Supplemental Material from Mayor Arreguin introduced at the meeting.
- 8. Extension of Interim Director of Police Accountability Appointment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution extending the appointment of Katherine J. Lee as Interim Director of Police Accountability and approving an employment contract to be effective January 1, 2022 at an annual salary of \$182,260.65.  
**Financial Implications:** See report  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 70,147–N.S. and to authorize the City Manager to make clarifying corrections on the term of the agreement.
- 9. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$70,000 through November 8, 2022.  
**Financial Implications:** General Fund - \$70,000  
Contact: Matthai Chakko, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,148–N.S.
- 10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 14, 2021**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** General Fund - \$960,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.



## Consent Calendar

- 11. Contract: RLH & Associates for Providing Temporary Governmental Financial Consulting Services for the Finance Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with RLH Associates for providing temporary governmental financial consulting as required by the Finance Department for an initial term of two years. The total not to exceed contract amount is \$150,000.  
**Financial Implications:** General Fund - \$150,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,149–N.S.
- 12. Contract: Valdes and Moreno for Professional Services for the Microbond Financing Pilot Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with Valdes and Moreno for professional services needed to establish and administer full-services consulting and other services related to a Microbond Financing Program. The total not to exceed amount is \$150,000.  
**Financial Implications:** General Fund - \$150,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,150–N.S.
- 13. Contract: Gainey Scientific for Project Management & Consulting**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Ganey Scientific. (Contractor) to provide project management and consulting services for the Fire Department (Department) from September 13, 2021 to August 31, 2022 in an amount not to exceed \$300,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$900,000.  
**Financial Implications:** See report  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,151–N.S.
- 14. Revenue: FY2022 Federal COVID-19 Funding from HHS CARES Act Provider Relief Fund**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept payments from the Health and Human Services (HHS) CARES Act Provider Relief Fund and to execute any resultant revenue agreements and amendments to conduct and implement mitigation strategies in response to COVID-19 in the estimated amount of \$80,000 for FY 2022.  
**Financial Implications:** See report  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,152–N.S.

## Consent Calendar

- 15. Revenue Contract: Funding from an Instructional Service Agreement with Los Positas College to support Fire Department Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to enter an Instructional Service Agreement (ISA) with Los Positas Community College (LPC) to provide contract instruction, assessment, and counseling services from July 20, 2021, to July 19, 2024 for an amount not to exceed \$250,000 per fiscal year.  
**Financial Implications:** See report  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,153–N.S.
- 16. Contract: Statewide Prevention and Early Intervention Project Participation Agreement - California Mental Health Services Authority**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a Participation Agreement and any amendments with the California Mental Health Services Authority (CalMHSA) to allocate Mental Health Services Act (MHSA) funds in the amount of \$65,956 to participate in the Statewide Prevention and Early Intervention (PEI) Project, for a total amount not to exceed \$65,956 through June 30, 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,154–N.S. as revised by the city Manager in Supplemental Communications Packet #2.
- 17. Contract: 2022 Community Services Block Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 22F-5001 for the amount of \$274,202 to provide services for low-income people for the period January 1, 2022 to May 31, 2023.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,155–N.S.

## Consent Calendar

- 18. Resolution Authorizing an Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising Resolution No 70,081 N.S to initiate a process to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and Unrepresented PEPRA members in the Unrepresented Employees Group.  
**Financial Implications:** See report  
 Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,156–N.S.
- 19. Contract 32100185 Amendment: Digital Hands for Endpoint Detection and Response (EDR) Monitoring**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend contract number 32100185 with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), increasing the previously authorized contract amount by \$381,137, for a total not to exceed amount of \$996,117 from December 15, 2021 to June 30, 2024.  
**Financial Implications:** IT Cost Allocation Fund - \$381,137  
 Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,157–N.S.
- 20. Contract: Alcor Solutions, Inc. for Managed Services and Upgrade Support of the ServiceNow Application**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alcor Solutions, Inc. to provide managed support services and upgrade support for the ServiceNow application from July 1, 2022 to June 30, 2024 for an amount not-to-exceed \$300,000.  
**Financial Implications:** IT Cost Allocation Fund - \$300,000  
 Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,158–N.S.
- 21. Contract No. 31900197 Amendment: Accela, Inc. for Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900197 with Accela, Inc., for software maintenance, increasing the amount by \$133,420 for a total not to exceed \$2,192,611 from December 12, 2011 to June 30, 2023.  
**Financial Implications:** Various Funds - \$133,420  
 Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,159–N.S.

## Consent Calendar

- 22. Contract No. 114159-1 Amendment: Tyler Technologies, Inc. for Professional Services and Computer Aided Dispatch (CAD) Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 114159-1 with Tyler Technologies, Inc. for additional professional services and an extension of the Computer Aided Dispatch (CAD) software, increasing the amount not-to-exceed by \$733,720 for a total contract value not-to-exceed \$2,288,950, and extending the term of the contract through June 30, 2024.  
**Financial Implications:** Various Funds - \$733,720  
 Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,160–N.S.
- 23. Donation: New Fencing for a Dog Park at Aquatic Park**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$26,566 to install fencing for a dog park at Aquatic Park.  
**Financial Implications:** See report  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,161–N.S.
- 24. Contract: Cumming Management Group, Inc. for Project Management Services for the African American Holistic Resource Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a not-to-exceed \$900,000 contract with the Cumming Management Group, Inc. for project management services for the African American Holistic Resource Center (AAHRC) for a contract period of January 3, 2021 through June 30, 2025.  
**Financial Implications:** Various Funds - \$900,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,162–N.S. revised to correct all instances of “January 3, 2021” to “January 3, 2022” in the report and resolution.
- 25. Contract: Get IT Tech – New Electronic Gate System at the Waterfront**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Get IT Tech to provide a new electronic gate system at the Waterfront in an amount not-to-exceed of \$100,000, which includes a contract amount of \$91,748.67 and a 9% contingency in the amount of \$8,251.33, rescinding Resolution No. 69,929-N.S.  
**Financial Implications:** Marina Fund - \$100,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,163–N.S.

## Consent Calendar

- 26. Contract: Best Contracting Services, Inc. for Fire Station No.3 Re-Roofing Project at 2710 Russell Street. Specification No. 20-11408**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution:
1. Approving plans and specifications for the Fire Station No.3 Re-roofing Project, Specification No.20-11408;
  2. Accepting the bid of Best Contracting Services, Inc. as the lowest responsive and responsible bidder; and
  3. 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, for an amount not to exceed \$326,733.
- Financial Implications:** Capital Improvement Fund - \$326,733  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,164–N.S.
- 27. Purchase Order: Arata Equipment Company for one 18-yard Rear Loader**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the city to participate in Sourcewell (formerly NJPA) bid procedures and authorize the City Manager to execute a purchase order for one 18-yard rear loader with Arata Equipment Company in an amount not to exceed \$345,000.  
**Financial Implications:** General Fund - \$345,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,165–N.S.
- 28. Authorization for Additional Public Works Commission Meeting in 2021**  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution authorizing one additional meeting of the Public Works Commission in 2021.  
**Financial Implications:** None  
Contact: Joe Enke, Commission Secretary, (510) 981-6300  
**Action:** Adopted Resolution No. 70,166–N.S.

## Council Consent Items

- 29. Allocating Remainder of Berkeley Relief Fund**  
**From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution accepting a \$28,142.38 payment from the East Bay Community Foundation of funds raised by the Berkeley Relief Fund and authorizing the City Manager to allocate these funds to the following:  
 \$10,000 to the Starry Plough Pub and Music Venue  
 \$18,142.38 to the Eviction Defense Center for the Housing Retention Program  
**Financial Implications:** Berkeley Relief Fund - \$28,142.38  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,167–N.S.
- 30. Eleventh Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
**From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), and Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** 1. Adopt a Resolution co-sponsoring the 11th Annual Martin Luther King Jr. Celebration Breakfast on January 17, 2022.  
 2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 11th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** 1. Adopted Resolution No. 70,168–N.S. (MLK Jr. Breakfast) 2. Adopted Resolution No. 70,169–N.S. (Expenditure) amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$250; Councilmember Wengraf - \$250; Councilmember Hahn - \$300; Councilmember Kesarwani - \$100; Councilmember Robinson - \$100.
- 31. Resolution in Support of Bay Adapt: Regional Strategy for a Rising Bay**  
**From: Mayor Arreguin (Author) and Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of Bay Adapt: Regional Strategy for a Rising Bay.  
**Financial Implications:** See report  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmembers Harrison and Taplin added as co-sponsors. Adopted Resolution No. 70,170–N.S.

## Council Consent Items

- 32. Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU) Permit Review and Approval** *(Reviewed by the Land Use, Housing and Economic Development Policy Committee)*  
**From: Councilmember Rashi Kesarwani (Author) and Councilmembers Susan Wengraf, Lori Droste, and Ben Bartlett (Co-Sponsors)**  
**Recommendation:** Refer to the City Manager to streamline the Accessory Dwelling Unit (ADU) permitting process in order to reduce staff time spent on review and enhance customer service. Further, assess effectiveness of process improvements specified below by reviewing over time: the number of ADUs permitted, average amount of staff time spent on ADU permit review, and permit fee levels. Recommend that the City Manager develop for Planning staff use an ADU Universal Checklist and accompanying user-friendly webpage:  
 ADU Universal Checklist. A clear set of universal guidelines and construction requirements should be developed among staff from Planning (both Land Use and Building and Safety Divisions), Fire, and Public Works Departments that is easy to follow in order to eliminate (or significantly reduce) the need for multiple departments to review ADU permit applications and for multiple rounds of review by the same department. The Universal Checklist should be a single document utilized by (1) all City staff to review ADU permit applications and (2) by customers to understand code requirements and development standards. The Universal Checklist should enable all City staff and customers to have the same clear understanding of all of the requirements that, if adhered to, would expedite the permitting process and lead to lower permit fees over time. *Progress To Date:* Recently, the City of Berkeley's Planning Department has added both a Single-Family ADU/JADU Checklist and a Multi-Family ADU Checklist which clearly delineate development standards as adopted by the State of California, effective January 1, 2020. An ADU Universal Checklist would take these checklists one step farther by including current amendments to Berkeley's local ADU ordinance (once adopted) as well as the full list of fire and safety code requirements.  
 Accompanying User-Friendly Webpage. As a companion to the ADU Universal Checklist, the City should also create a user-friendly webpage for customers (and prospective customers) with up-to-date information that provides clarity and greater certainty about the process and expected timeline for the creation of an ADU or Junior ADU, which is within a main dwelling unit.  
 At a minimum, the webpage should include: A list of relevant fees and expected payment amounts for permits, inspections, and other requirements; Plan requirements, worksheets, and projected timelines for each step of the process; and Consolidated up-to-date state and local regulations that are easy to understand. *Progress To Date:* The City now has a dedicated webpage that contains: A Graphic Summary; Table of our local ADU ordinance; An ADU flow-chart detailing allowable development standards; A Single-Family ADU/JADU Checklist; A Multi-Family ADU Checklist; Deed Restrictions Forms; A list of Impact Fees.  
 Additional information that could prove useful to prospective residents, builders and architects includes: Links to fire safety and emergency access requirements; A list of site conditions that do not warrant easy installation of an ADU; A list of Frequently Asked Questions; Additional frequently requested Planning and Development forms,

## Council Consent Items

such as our Tree Protection Instructions and Creek Protection Instructions forms, and our Public Works Engineering forms pertaining to Curbs, Gutters, Sidewalks and Driveway Approaches listed elsewhere on the City of Berkeley website; Information about financing options; and Links to additional resources, such as The Casita Coalition, an organization that disseminates information on policies and programs, best practices, and resources throughout the state.

Recommend that the City Manager consider adoption of the following two best practices: Pre-Approved ADU Design Plans. Consider development of (1) free ADU designs available to download--of varying sizes and styles--that already conform to all City and state requirements and safety codes; and/or (2) a list of vendors with architectural designs, construction drawings, or pre-fabricated units that have already been approved by the City.

ADU Ally. Consider creation of a single point of contact e-mail address dedicated to serving those interested in ADU construction, along the lines of an "ADU Ally." The ADU Ally would be a customer-facing staff person(s) who is an expert on all current state and local ADU regulations and acts as an ally to customers through the planning and building process. Currently, our Planning Department does have a team of planners with an expertise in ADU laws and requirements, although the public lacks an easy and efficient way to access this team.

*Policy Committee Recommendation: On November 4, 2021 the Land Use, Housing and Economic Development policy committee took the following action: M/S/C (Droste/Robinson) Qualified positive recommendation with direction for the item to be updated to include progress already made in this area as described by the Planning Director.*

**Financial Implications:** See report

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

**Action:** Approved recommendation.

### 33. **Budget Referral: Pedestrian Crossing Improvements at Ashby and Acton** **From: Councilmember Taplin (Author)**

**Recommendation:** That the City Council refers to the FY2023 budget process the funding of Rectangular Rapid Flashing Beacons (RRFB) at Ashby Avenue and Acton Street.

**Financial Implications:** See report

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

**Action:** Approved recommendation.



## Council Consent Items

- 34. Budget Referral: Russell Street Bicycle and Pedestrian Improvements**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refers to the FY2023 budget process the funding of the following bicycle and pedestrian improvements along Russell Street:  
 Traffic Circle at Russell & King Street  
 Cycle Track Crossing at Russell & San Pablo Avenue  
 Pedestrian Hybrid Beacons at Russell & Sacramento Street  
**Financial Implications:** See report  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 35. Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy**  
*(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee)*  
**From: Councilmember Taplin (Author), Councilmember Bartlett, Councilmember Hahn, and Mayor Arreguin (Co-Sponsors)**  
**Recommendation:** Adopt a resolution (1) committing the City of Berkeley to a Just Transition from the fossil fuel economy, that secures a livable future for all Berkeleyans, combats environmental racism, ensures access to good paying jobs, and cultivates economic and social prosperity for Berkeley in the 21st century and beyond and (2) requiring that all Council reports related to climate include a Just Transition section.  
*Policy Committee Recommendation: On June 2, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee took the following action: M/S/C (Harrison/Robinson) to send the item to Council with a positive recommendation as submitted in the supplemental material and further revised to include a recommendation that all Council reports related to climate include a just transition section.*  
**Financial Implications:** None  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 70,171–N.S. as revised by Councilmember Taplin in Supplemental Communications Packet #2, and further revised at the meeting to be renamed West and South Berkeley Green New Deal.
- 36. Reaffirming the City Council’s Endorsement of a Carbon Fee and Dividend**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Readopt Resolution No. 67,595–N.S urging the United States Congress to enact a national revenue-neutral carbon tax and send a copy of the resolution to Representative Barbara Lee, Senator Dianne Feinstein and Senator Alex Padilla urging them to take action.  
**Financial Implications:** None  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 70,172–N.S.

## Council Consent Items

### 37. Health Care Facility Oversight

**From: Councilmember Bartlett (Author)**

**Recommendation:** Refer to the City Manager and the Community Health Commission an assessment of the breadth of regulatory control the City of Berkeley can exert on skilled nursing facilities, and create a process of accountability if complaints are found to be substantiated that threaten, or could potentially escalate to the point of threatening, the wellbeing of patients and/or violate federal, state, or local law; the business license of the offending facility will be suspended until the skilled nursing facility submits a report demonstrating rectification of the situation.

**Financial Implications:** See report

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

**Action:** Councilmembers Harrison and Hahn added as co-sponsors. Approved recommendation.

### 38. Consideration of Expansion of Paid Parking to Support the Parking Meter Fund and Improved Pedestrian and Bicycle Facilities

**From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor), and Councilmember Robinson (Co-Sponsor)**

**Recommendation:** 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.

**Financial Implications:** See report

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

**Action:** Approved recommendation.

### 39. Letter to UC President Michael Drake in Support of Student Researchers United-UAW

**From: Councilmember Robinson (Author) and Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Send a letter to UC President Drake and Provost Michael Brown in support of the full recognition of the Student Researchers United-UAW labor union.

**Financial Implications:** None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Councilmembers Harrison and Taplin added as co-sponsors. Approved recommendation.

## Council Consent Items

### 40. Support for H.R. 4194: The People's Response Act

**From: Councilmember Robinson (Author) and Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution supporting H.R. 4194, the People's Response Act, which would create a Division of Community Safety and provide grants to local governments, state governments, and community-based organizations to support non-carceral approaches to public safety. Furthermore, send a letter of support to Representative Cori Bush, Representative Barbara Lee, Senator Alex Padilla, and Senator Dianne Feinstein.

**Financial Implications:** None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Adopted Resolution No. 70,173–N.S.

## Action Calendar

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

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

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

## Action Calendar – Public Hearings

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

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

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

## Action Calendar – Public Hearings

41. **Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) to Restore Language Which Existed Prior to October 26, 2021**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt the second reading of an Ordinance No. 7,791-N.S. which rescinds Ordinance 7,788-N.S. and modifies the language of Paragraph ‘NN.’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and restores language which existed prior to October 26, 2021.

**First Reading Vote:** All Ayes

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 8 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to adopt the second reading of Ordinance No. 7,791-N.S.

**Vote:** All Ayes.

42. **Public Hearing: Implement Residential Preferential Parking (RPP) Program on the 1600 Block of Lincoln Street**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25E by adding a subsection to implement Residential Preferential Parking (RPP) on both sides of the 1600 block of Lincoln Street in Area E.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Bartlett) to adopt Resolution No. 70,174–N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

**43. Fees: Vital Records**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new fee schedule for Vital Records effective January 1, 2022 and rescinding Resolution No. 70,116-N.S. This fee adjustment is to become effective January 1, 2022 pursuant to Assembly Bill (AB) 128 (Chapter 21, Statutes of 2021), and Health & Safety (H&S) Codes, § 103627, 100425, 100430, and 100435.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Arreguin/Wengraf) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,175–N.S.

**Vote:** All Ayes.

Recess 8:10 p.m. – 8:21 p.m.

## Action Calendar – New Business

### 44. FY 2021 Year-End and FY 2022 First Quarter Budget Update

**From:** City Manager

**Recommendation:** Discuss and determine the funding allocations for FY 2022 based on the FY 2021 Excess Equity and Excess Property Transfer Tax for the following: 1) the General Fund Reserves 2) City Manager Budget Recommendations and 3) the Council Budget Referrals approved during FY 2022 to be considered in November 2021.

**Financial Implications:** See report

Contact: Rama Murty, Budget Office, (510) 981-7000

**Action:** M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 45.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:15 p.m. to complete Items 44 and 45; and to continue Items 46 and 47 to January 18, 2022.

**Vote:** All Ayes.

**Action:** 23 speakers. M/S/C (Arreguin/Kesarwani) to adopt the budget recommendations for excess equity as contained in the supplemental materials submitted at the meeting with the amendment that funding of the security cameras is conditioned on development and implementation of a Use Policy prior to deployment and Siting of Cameras in District 1, District 2 and District 8 locations as proposed by the Police Department and at 62nd & King (District 3). Policy will be adopted administratively and presented to the City Council as an off-agenda memo; repayment of the Workers Comp fund will be a top priority in the June budget process.

**Vote:** All Ayes.

## Action Calendar – New Business

**45. Amendment: FY 2022 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending the FY 2022 Annual Appropriations Ordinance No. 7,779–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments authorized since July 1, 2021, in the amount of \$177,309,914 (gross) and \$163,076,585 (net).

**Financial Implications:** See report

Contact: Rama Murty, Budget Office, (510) 981-7000

**Action:** 2 speakers. M/S/C (Arreguin/Robinson) to adopt first reading of Ordinance No. 7,795–N.S. as presented in the supplemental materials from the City Manager.

Second reading scheduled for January 18, 2021.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Councilmember Harrison absent 11:10 p.m. – 11:13 p.m.

Councilmember Droste absent 11:10 p.m. – 11:13 p.m.

## Action Calendar – Public Hearings

**46. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.

**Financial Implications:** None

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

**Action:** Item 46 continued to January 18, 2022 including supplemental material from Councilmember Kesarwani.

**47. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a local Ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) Accessory, and amending (BMC) Chapter 23.306.

**Financial Implications:** None

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

**Action:** Item 47 continued to January 18, 2022 including supplemental material from the City Manager.

## Action Calendar – New Business

### 48. Ratification of Police Accountability Board’s Standing Rules

**From: Police Accountability Board**

**Recommendation:** Review and approve Standing Rules of the Police Accountability Board.

**Financial Implications:** None

Contact: Katherine Lee, Interim Director of Police Accountability, (510) 981-4950

**Action:** Moved to Consent Calendar. Referred the item to the Police Accountability Board with the revisions submitted at the meeting by Mayor Arreguin.

## Information Reports

### 49. City of Berkeley, State Tobacco Prevention Program (STPP) Overview

**From: City Manager**

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

**Action:** Received and filed.

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

## Adjournment

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

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Adjourned at 11:13 p.m.

## Communications – December 14, 2021

*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.*

### **Item #41: Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) to Restore Language Which Existed Prior to October 26, 2021**

1. Patricia Hart and Hans Stahlschmidt

### **Support the Berkeley Plastic Bag Ordinance**

2. 30 similarly-worded form letters

### **Solano-Peralta Park**

3. Amber Turley
4. Carol Hirth



5. Alyse Jacobson
6. Holly Smith
7. Csilla Kenny
8. Finn Michaelson
9. Mary Foretich
10. Kim Thompson
11. Janice Murota
12. Cherilyn Parsons
13. Jason Gardner & Maureen Phelan

**Tenant Opportunity to Purchase Act (TOPA)**

- 14.4 similarly-worded form letters

**Free Speech**

15. Nilang Gor

**Alta Bates Hospital**

16. Praveen Soo, Chair of the Human Welfare Community Action Commission

**Crime Suppression Unit**

17. Diana Bohn

**Fee Parking at Marina**

18. Nancy Bartell

**Traffic Safety Enforcement**

19. Keith Nickolaus

**Hopkins Street Traffic and Placemaking Study**

20. Ben, Karen, Chuck, and Liza on behalf of Walk Bike Berkeley
21. Barbara Fritz

**Housing & Absentee Investors**

22. V. Sommer

**Happy Thanksgiving**

23. Dirk Neyhart

**Leonard Powell**

24. Diana Bohn

**No masks**

25. David Lerman

**Elmwood Parking**

26. Dona Bretherick

**Pilot for Transportation Dept.**

27. Sheila Goldmacher

**GoBerkeley SmartSpace Parking Pilot**

28. Jean H.

**Banning Gendered Language**

29. Jo Foley

**Rapid Rehousing Funding**

30. Diana Bohn

**November Newsletter**

31. Eden I&R

**East Bay Community Energy**

32. Board of Directors Agenda

**Climate Change**

33. Thomas Lord

**Housing Crisis**

34. JE

**Supplemental Communications and Reports 1**

**Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update**

35. Revised material, submitted by City Manager

36. Elizabeth Dillon

37. Catherine Betts

38. Joshua Miller

39. Leslie Roulias

40. Rachel Gold

41. Norman Gold

42. Mari Vlastos

43. Brick Conway

44. Liz Grubin

45. EJ Holowicki

46. Simona Nass

47. Niccole Blanchet

48. Jessica Jennings

49. Phoebe Tussey

**Item #45: Amendment: FY 2022 Annual Appropriations Ordinance**

50. Joe Rapoza

- 51. Julia Goodman
- 52. Tanya Stiller
- 53. Michael Rodriguez
- 54. Susan Black
- 55. Regina Fletcher
- 56. 20 similarly-worded form letters

## **Supplemental Communications and Reports 2**

### **Item #16: Contract: Statewide and Early Intervention Project Participation Agreement – California Mental Health Services Authority**

- 57. Supplemental material, submitted by Health, Housing and Community Services Department

### **Item #35: Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy**

- 58. Supplemental material, submitted by Councilmember Taplin

### **Item #41: Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) to Restore Language Which Existed Prior to October 26, 2021**

- 59. Christina Bucey, Greenfire Law, PC

### **Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update**

- 60. Revised material, submitted by the City Manager’s Office
- 61. Supplemental material, submitted by the Mayor
- 62. Angie Garling
- 63. Sheridan Pauker
- 64. Alfred Twu
- 65. Homeless Commission
- 66. Nathan Tsuizaki
- 67. Jason Spangenthal
- 68. Amy Petersen
- 69. Timothy Burroughs
- 70. Paku Khan
- 71. Chizu Hamada
- 72. Phyllis Stowell
- 73. Ben Werner
- 74. Carolyn Werner
- 75. Shelley Golomb
- 76. John Sterns
- 77. Jacalyn Thompson
- 78. Beth Rhine

**Item #45: Amendment: FY 2022 Annual Appropriations Ordinance**

- 79. 14 similarly-worded form letters
- 80. Brian LaFranchi
- 81. Frances Haselsteiner
- 82. Lauren Salvo
- 83. Sam Kang

**Item #46: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**

- 84. Supplemental material, submitted by Councilmember Kesarwani
- 85. Debra Sanderson

**Item #47: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

- 86. Revised material, submitted by Planning and Development Department

**Supplemental Communications and Reports 3**

**Item #7: City of Berkeley's 2022 State and Federal Legislative Platform**

- 87. Supplemental material, submitted by the Mayor

**Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update**

- 88. Paul Preston
- 89. David Williamson
- 90. Laurie Nardinelli
- 91. Andrea Mullarkey
- 92. Leah Zoller
- 93. Kira Deutch
- 94. Mary Zernicke
- 95. Ira Serkes
- 96. Dennis Weikel
- 97. Pat Hill
- 98. Stephen Jahn
- 99. Yuri Murphy
- 100. Kathryn Murphy
- 101. Frances Haselsteiner
- 102. Jane Scantlebury
- 103. Robbin Henderson
- 104. William Springer
- 105. Allie Pape
- 106. Elisa Mikiten
- 107. Angad Bhalla
- 108. Akiko Minaga
- 109. Jen Antonuccio
- 110. Michael Dillingham

111. Doug Woos
112. Linda Franklin (3)
113. Tonette Vazquez
114. Igor Tregub, on behalf of the Sierra Club
115. Holly Scheider
116. Terri Saul
117. Alfred Twu
118. Mark Misoshnik
119. Zoe Stahl
120. Kasey Harboe
121. Beth Auclair
122. Izzy Meckler
123. Kathy Dervin, on behalf of 350 East Bay
124. Anita Ayers
125. Juli Dickey
126. Tome Luce

**Item #45: Amendment: FY 2022 Annual Appropriations Ordinance**

127. Revised material, submitted by the City Manager's Office
128. Michelle Schurig
129. Carol Cho
130. Debra and David Summers
131. Greg Martin
132. Arabelle Mailinis
133. hakiah@

**Item #47: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

134. Steven Segal
135. Lisa Goodman
136. Robert Sonderegger and Joanna Moss
137. George Porter
138. Robert Sonderegger
139. Catherine Lazio

**Item #48: Ratification of Police Accountability Board's Standing Rules**

140. Supplemental material, submitted by the Mayor

**Miscellaneous**

141. Presentation on Homeless Response Team, submitted by the City Manager



**SUPPLEMENTAL  
AGENDA MATERIAL  
For Supplemental Packet 2**

**Meeting Date:** December 14, 2021

**Item Number:** 35

**Item Description:** Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal

**Submitted by:** Councilmember Taplin

Amendment would make the following additions to the referral:

- Change in title
- Addition of recommendations for future Just Transition policies
- Formatting changes



CONSENT CALENDAR

December 14, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Ben Bartlett, Councilmember Sophie Hahn, and Mayor Jesse Arreguín (Co-Sponsors)

Subject: Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal~~Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy~~

RECOMMENDATION

Adopt a resolution committing the City of Berkeley to a Just Transition from the fossil fuel economy and establishing a West Berkeley Green New Deal; that secures a livable future for all Berkeleyans, combats environmental racism, ensures access to good paying jobs, and cultivates economic and social prosperity for Berkeley in the 21st century and beyond.

POLICY COMMITTEE RECOMMENDATION

On June 2, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee took the following action: M/S/C (Harrison/Robinson) to send the item to Council with a positive recommendation as submitted in the supplemental material and further revised to include a recommendation that all Council reports related to climate include a just transition section.

BACKGROUND

**Climate Change is Here**

At this moment, our atmosphere has a higher concentration of carbon dioxide than ever before in human history. This concentration, and the fossil fuel emissions that have caused it, is rapidly making our planet into a hotter and more volatile place for all of its inhabitants. Estimates of the degree of warming that we can expect over the course of the next century vary and are contingent on how policymakers respond to the growing threat in the next decade. Still, there is enormous consensus that a certain amount of warming is inevitable and that rising sea levels, higher frequency of extreme weather events, declining public health, and economic volatility will certainly follow. With estimates ranging from increases in temperature between 1.4 and 5.8 degrees Celsius

by 2100, global warming will have severe impacts at even the most modest of estimates.<sup>1</sup>

Here in the Bay Area, we are already seeing a wide range of impacts including more extreme El Niño seasons some years, dramatic droughts in other years, a decline in coastal fog, 8 inches of sea-level rise, and more intense fire seasons in the rest of the state which have regularly brought smoke and ash to Berkeley.<sup>2</sup> Just this year, Berkeley's Echo Lake Camp near Lake Tahoe narrowly escaped the ravaging impacts of the Caldor Fire that burned 221,775 acres in the Lake Tahoe area. This year also marked the 30th anniversary of the Oakland firestorm of 1991, which took 25 lives and remains a dark memory for many who have lived in the East Bay their whole lives. Even though the Berkeley hills have avoided cataclysmic events in recent years, the Oakland firestorm reminds us of the real dangers in our backyard. These effects, which are already impossible to ignore, are just the beginning. The future will bring deeper and longer droughts, unreliable precipitation, an overall increase in temperature, and as much as 3 meters of sea-level rise by 2100.<sup>3</sup> On top of the weather and climate-related impacts, projections paint a grim picture for national economies under extreme warming scenarios. The reach of global warming will leave no stone unturned, with consequences for agriculture, trade, and industry internationally and at the national and local levels. At the national level, estimates currently project -0.1 to 1.7% GDP loss at 1.5 degrees Celsius of warming, 1.5 to 5.6% loss at 4 degrees, and 6.4 to 15.7% loss at 8 degrees.<sup>4</sup> All who call Berkeley and the Bay Area home are feeling the early impacts of climate change and will continue to be affected as warming intensifies, but not all effects are felt equally across demographic groups.

### **Unequal Impacts: Environmental Racism and Economic Dangers**

Poor Americans and people of color have always had a relationship with their environments characterized by poor health and unique exposures to environmental hazards and extreme weather conditions, often in ways designed and perpetuated by government policies that seek to segregate and discriminate against people of color. As the effects of climate change intensify in the coming decades, this relationship will only be exacerbated as extreme weather, declining public health, and economic devastation disproportionately harm poor Americans and drag more and more into poverty. As the economy takes on damage, the unemployment rate will rise and bring the poverty rate

<sup>1</sup> <https://www.nature.com/articles/nature04188>

<sup>2</sup> [https://www.energy.ca.gov/sites/default/files/2019-11/Reg\\_Report-SUM-CCCA4-2018-005\\_SanFranciscoBayArea\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-005_SanFranciscoBayArea_ADA.pdf)

<sup>3</sup> [https://www.energy.ca.gov/sites/default/files/2019-11/Reg\\_Report-SUM-CCCA4-2018-005\\_SanFranciscoBayArea\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-005_SanFranciscoBayArea_ADA.pdf)

<sup>4</sup> <https://science.sciencemag.org/content/356/6345/1362>



up with it.<sup>5</sup> Economic damage at the scale of climate change will subject millions more to the poor health, extreme weather vulnerabilities, and general ruin that is all but guaranteed for those who enter the coming decades already in impoverished conditions.

Climate justice is inextricably linked to racial justice and housing justice. To illustrate just one facet of this, Hoffman et al (2020) find that “94% of 108 urban regions in the United States display consistent city-scale patterns of elevated land surface temperatures in formerly redlined areas relative to their non-redlined neighbors by as much as 7 degrees Celsius...Nationally, land surface temperatures in redlined areas are approximately 2.6 degrees Celsius warmer than in non-redlined areas.”<sup>6</sup> As heat waves intensify, low income neighborhoods and communities of color subjected to legacies of racial segregation will bear the worst impacts due to well-documented disparities of urban heat island effects. Surveying neighborhoods in Baltimore, Dallas, and Kansas City, Wilson (2020) also finds: “Areas of these cities that were targeted for systematic disinvestment in the past have higher mean land surface temperatures than those that received more favorable ratings. Poor and minority residents are also overrepresented in formerly redlined areas in each of the three study cities.”<sup>7</sup>

The disparate impacts of extreme weather between racial and economic groups have been repeatedly demonstrated in recent history, with dire warnings for Berkeley’s approach to climate resilience. In the summer of 1995, a year when global temperatures had already increased by nearly half a degree Celsius above pre-industrial levels, Chicago, Illinois was hit by a record-breaking heat wave.<sup>8</sup> “Temperatures reached 106 degrees; the heat index, or experienced heat, climbed to 120 degrees; uncommonly ‘high lows’ (daily low temperatures that were themselves dangerously high), sparse cloud cover, and a dearth of cooling winds kept the city broiling, without relief, for a full week”<sup>9</sup>. After a week of intense heat, “medical examiners confirmed that over five-hundred Chicagoans had died directly from the heat, public health workers reported over seven-hundred deaths in excess of the weekly average, and hospitals registered thousands of visits for weather-related problems”<sup>10</sup>. The entire Chicago area felt the 1995 heat wave, but the effects of this extreme weather event were not leveled evenly across the entire area of the event. It was reported very quickly during and after the event that the victims of the heat wave were mostly elderly, poor, and Black<sup>11</sup>. The more

<sup>5</sup> <https://www.aeaweb.org/articles?id=10.1257/089533006776526102>

<sup>6</sup> Hoffman, J. S., Shandas, V., & Pendleton, N. (2020). The effects of historical housing policies on resident exposure to intra-urban heat: a study of 108 US urban areas. *Climate*, 8(1), 12.

<sup>7</sup> Wilson, B. (2020). Urban heat management and the legacy of redlining. *Journal of the American Planning Association*, 86(4), 443-457.

<sup>8</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

<sup>9</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

<sup>10</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

<sup>11</sup> <https://journals.sagepub.com/doi/abs/10.1177/000312240607100407?>

fragile health of the elderly makes the raised vulnerability of older residents of Chicago less of a surprise, but the disproportionately poor and Black victimhood during this disaster further demonstrates the incredible exposure these groups have during extreme weather events.

The unequal effects of the 1995 heat wave in Chicago were neither wholly natural nor apolitical despite occurring in the early years of global climate change. The disproportionate victimhood of poor people of color in this case occurred as a result of political decisions. On top of the financial conditions that limit healthcare access and quality air-conditioning in the homes of the groups that ended up most vulnerable to the heat wave, the Chicago and Illinois government also acted in ways that led to an excess of deaths among elderly, poor, and Black residents during the heat crisis. The Chicago Police Department's own senior assistance unit was neglected to be activated at all and the Department of Human Services failed to contact isolated seniors or transport them to any of the few public cooling centers that the city erected.<sup>12</sup> State and local governments have demonstrated both a lack of preparedness for extreme weather events and a bias against poor people and people of color in the few preparation policies they do have. Governments can learn from their mistakes, but they must do so in a way that moves faster than escalating global warming. The impacts of environmental racism and the unique relationship between poverty and ecological hazards has continued to this day and will continue under more and more extreme climate change. Chicago's 1995 heat wave is just one example among many demonstrating the ways in which climate change has already begun to exacerbate poverty and racism in the United States.

Beyond the unique vulnerability of people of color and the poor to climate change, the deeply embedded nature of fossil fuels in our economy means that the jobs of many in Berkeley are dependent on carbon-emitting industries. While Berkeley may not be home to any coal mines, oil refineries, or other industries widely associated with climate change, Berkeley's economy is no less reliant on fossil fuel extraction and combustion. Transitioning off of fossil fuels will inevitably mean existing jobs and businesses will have to radically change or cease to exist at all. Berkeley's transition must take into account the economic consequences of all of its climate initiatives, not to stifle what the City must do to curb climate change, but to ensure that the workers most proximate to those economic consequences are supported as we rework our economy for a carbon neutral world. The transition off of fossil fuels can ignore the economic realities of the dramatic changes that are necessary to fight warming no more than it can ignore the unequal threat that climate change poses to the poor and people of color.

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<sup>12</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

On a broader scale, studies indicate that a national transition to a 100%-renewable energy sector would likely result in the loss of around 3.9 million jobs while creating 5.9 million jobs.<sup>13</sup> Exact job loss and gain forecasts in Berkeley are unknown, but it stands to reason that the job impacts will be comparable to the national figures if the transition is done proactively. The net gain in employment opportunities from the fossil fuel transition provides an optimistic vision for the transition, but does not mean that the road to net-zero will be easy. Not every lost job will be immediately accompanied by the creation of a new job, nor is it guaranteed that those who lose their job will automatically be offered employment in newly created industries or that those new jobs will offer the same wages and benefits as the jobs that are lost. Governments, including the City of Berkeley, must play an active role in ensuring that their transitions provide a net-gain in quality, good-paying jobs and that those who lose their job to the transition are prioritized for newly created jobs. Job losses are not a reason not to transition off of fossil fuels. To secure a prosperous future and save millions of lives, the transition must continue at an aggressive pace. Reckoning with future job losses, however, will help ensure that those losses are overshadowed by the benefits of the transition and that an ample supply of new jobs are available for all.

Governments have a small window that they can and should take advantage of to justly transition their economies, industries, and infrastructures to net-zero carbon emissions. This is the bare minimum, and will only stop the most extreme levels of climate change towards the end of this century. A properly planned and justly executed transition should stand to be an economic opportunity for Berkeley rather than an economic downturn. Berkeley must recognize what is coming, and the unique vulnerabilities of people of color and the poor, and enact policies to mitigate damages to these communities from warming and the transition to carbon neutrality.

### ***The Green New Deal***

Congresswoman Alexandria Ocasio-Cortez's House Resolution recognizing the duty of the federal government to create a Green New Deal calls for a fair and just transition for all communities and workers to achieve net-zero greenhouse gas emissions and the creation of millions of high-wage union jobs to ensure prosperity and economic opportunity.<sup>14</sup> It also calls for investments in infrastructure and 21st century industry to secure resilience for generations to come, the spurring of massive growth in clean manufacturing, and the remediation of hazardous and abandoned sites to ensure economic development and sustainability on said sites.

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<sup>13</sup> <http://web.stanford.edu/group/efmh/jacobson/Articles/I/USStatesVWS.pdf>

<sup>14</sup> <https://www.congress.gov/bill/116th-congress/house-resolution/109/text>

The success of the Green New Deal hinges on the Just Transition and close partnership and consultation with front line and vulnerable communities, indigenous peoples, labor unions, worker cooperatives, business leaders, academia, civil society groups, and climate justice activists to prevent further harm to vulnerable and frontline communities, curtail the reliance of persons in our communities on the benefits of fossil fuel jobs, and mobilize the Green New Deal at the Local Level.

Here in Berkeley we are well positioned to model a Just Transition towards a regenerative green economy. The West Berkeley Plan has been the foundation for the City's industrial land use and economic development policies. West Berkeley has long been a major center for jobs and remains an economic driver in the region. However, due to the history of redlining and environmental racism, adverse health impacts of proximity to I-80 and polluting industries have disproportionately impacted the low income and families of color who have called this part of the city home. Sites such as Pacific Steel have shut down, taking their jobs with them and leaving behind acres of contaminated soil and health disparities in their wake.

When the West Berkeley Plan was created, numerous stakeholders including the faith community, environmentalists, labor leaders, neighborhood organizations, business leaders and more came together to articulate a collective vision to guide the future of growth. The time has come for us to return to this work under the guiding principles of equity, sustainability, and climate justice in the pursuit of a Green New Deal for West Berkeley.

### **What is a Just Transition?**

At varying levels, the consumption of fossil fuels is immersed in every aspect of daily life in modern society. Shifting our entire way of life towards carbon-neutrality will require significantly more than changing our energy sources to renewables. The truly comprehensive embeddedness of fossil fuels in our lives means that achieving net-zero fossil fuel emissions within just a few decades will be difficult, but not necessarily equally difficult for everyone.

Due to historic discrimination, impoverishment, and proximity to environmental hazards, people of color and poor people are disproportionately vulnerable to the impacts of climate change. In rebuilding our economy, policymakers at every level must be intentional in ensuring that the fossil-free economy of the future does not reproduce the same inequities and societal harms of today. There are wrong ways to fight the climate crisis. Governments can achieve net-zero emissions in such a way that enriches those who profited off of fossil fuel extraction and consumption and protects the already well-

off from warming while abandoning the historically disadvantaged to the ravages of extreme weather and economic chaos. The transition away from fossil fuels must ensure that the vulnerable in our society are protected from both the turbulence of restructuring our entire economy and the effects of global warming that are already set in stone. “After centuries of global plunder, the profit-driven industrial economy rooted in patriarchy and white supremacy is severely undermining the life support systems of the planet. Transition is inevitable. Justice is not.”<sup>15</sup> The environmental justice movement calls this approach to the climate crisis a “Just Transition.”

The Climate Justice Alliance, a climate organization at the forefront of the fight for a Just Transition, lays out the following Just Transition principles:

### **A Just Transition moves us toward Buen Vivir**

Buen Vivir means that we can live well without living better at the expense of others. Workers, community residents, women and Indigenous Peoples around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education and shelter. We must have just relationships with each other and with the natural world, of which we are a part. The rights of peoples, communities and nature must supersede the rights of the individual.

### **A Just Transition creates Meaningful Work**

A Just Transition centers on the development of human potential, creating opportunities for people to learn, grow, and develop to their full capacities and interests. We are all born leaders, and a regenerative economy supports and nurtures that leadership. In the process, we are transforming ourselves, each other, our communities, and our society as a whole. Meaningful work is life-affirming.

### **A Just Transition upholds Self Determination**

All peoples have the right to participate in decisions that impact their lives. This requires democratic governance in our communities, including our workplaces. Communities must have the power to shape their economies, as producers, as consumers, and in our relationships with each other. Not only do we have the right to self determination, but self determination is one of our greatest tools to realize the world we need. The people who are most affected by the extractive economy — the frontline workers and the frontline communities — have the resilience and expertise to be in the leadership of crafting solutions.

### **A Just Transition equitably redistributes Resources and Power**

We must work to build new systems that are good for all people, and not just a few. Just Transition must actively work against and transform current and historic social inequities based on race, class, gender, immigrant status and other forms of oppression. Just Transition fights to reclaim capital and resources for the regeneration of geographies and sectors of the economy where these inequities are most pervasive.

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<sup>15</sup> [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hi-rez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf)

### **A Just Transition requires Regenerative Ecological Economics**

Just Transition must advance ecological resilience, reduce resource consumption, restore biodiversity and traditional ways of life, and undermine extractive economies, including capitalism, that erode the ecological basis of our collective well-being. This requires a re-localization and democratization of primary production and consumption by building up local food systems, local clean energy, and smallscale production that are sustainable economically and ecologically. This also means producing to live well without living better at the expense of others.

### **A Just Transition retains Culture and Tradition**

Capitalism has forced many communities to sacrifice culture and tradition for economic survival. It has also defaced and destroyed land held as sacred. Just Transition must create inclusionary spaces for all traditions and cultures, recognizing them as integral to a healthy and vibrant economy. It should also make reparations for land that has been stolen and/or destroyed by capitalism, colonialism, patriarchy, genocide and slavery.

### **A Just Transition embodies Local, Regional, National and International Solidarity**

A Just Transition must be liberatory and transformative. The impacts of the extractive economy knows no borders. We recognize the interconnectedness of our communities as well as our issues. Therefore, our solutions call for local, regional, national and global solidarity that confronts imperialism and militarism.

### **A Just Transition builds What We Need Now**

We must build the world we need now. This may begin at a local small scale, and must expand to begin to displace extractive practices. We must build and flex the muscles needed to meet our communities' needs.<sup>16</sup>

Embarking on a Just Transition would make Berkeley a leader on climate action done right, but existing Just Transition examples from around the world can provide much guidance. In Poland, a 75% decline in coal mining jobs was coupled by a mining social package and special privileges for mining communes. Canada's efforts to phase out coal-powered electricity have been accompanied by a national stakeholder task force that has travelled the country to hear from Canadians on how to justly shepherd the transition. Egypt's fuel price increases were paired with minimum wage boosts, food stipends, and progressive taxation.<sup>17</sup>

#### ***Climate Action Plan and Policies to Date***

In 2006, Berkeley voters issued a call to action on the climate change challenge by overwhelmingly endorsing ballot Measure G: Reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050. The Berkeley Climate Action Plan was written through a community-wide process and was adopted by City Council on June 2, 2009.

<sup>16</sup> [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hi-rez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf)

<sup>17</sup> <https://www.iisd.org/articles/just-transition-examples>



On June 12, 2018, City Council adopted a resolution<sup>18</sup> establishing the goal of becoming a Fossil Fuel-Free city. On June 12, 2018, City Council adopted a Climate Emergency Declaration.<sup>19</sup> On May 11, 2021, City Council adopted a resolution to commit to the C40 Race to Zero Campaign, including a commitment to reaching net-zero emissions in 2045 or sooner.

### CALeVIP

East Bay Community Energy (EBCE) is making electric vehicle charging more accessible in Alameda County through a partnership with the California Electric Vehicle Infrastructure Project (CALeVIP). Funded by the California Energy Commission and implemented by the Center for Sustainable Energy (CSE), the project promotes access to electric vehicle (EV) charging infrastructure by providing rebates for Level 2 (L2) and DC Fast Chargers (DCFC) for businesses and property owners, with additional rebates available for disadvantaged and low-income communities.<sup>20</sup>

### West Berkeley Plan

Adopted in 1993, the West Berkeley Plan establishes land use patterns and aspirational policy goals for Berkeley's industrial job center and surrounding residential areas. Given its concentration of manufacturing and Research & Development, updating this plan will be central to meeting Berkeley's climate action goals.

Using granular data from the 1980 census, the West Berkeley Plan reported that employees in this area were 30% more likely to drive alone to work than in other parts of the city. Reducing single-occupancy automobile trips, encouraging workforce housing closer to jobs and promoting more public transit use has been central to the Plan's goals for decades, but several policies outlined in the Plan were either not adopted or are anachronistic given current policies.

The Plan correctly notes that the larger share of workers who do not live in the community will result in increased traffic congestion. Pursuant to SB 743, the state now mandates that California jurisdictions can no longer use automobile delay – commonly measured by Level of Service (LOS) – in transportation analysis under the California Environmental Quality Act (CEQA). The State has issued guidelines calling for the use

<sup>18</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/06\\_June/Documents/06-12\\_Annotated\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/06-12_Annotated_Agenda.aspx)

<sup>19</sup> [chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.cityofberkeley.info%2FuploadedFiles%2FCouncil\\_2%2FLevel\\_3\\_-\\_General%2FClimate%2520Emergency%2520Declaration%2520-%2520Adopted%252012%2520June%25202018%2520-%2520BCC.pdf&clen=424348](chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.cityofberkeley.info%2FuploadedFiles%2FCouncil_2%2FLevel_3_-_General%2FClimate%2520Emergency%2520Declaration%2520-%2520Adopted%252012%2520June%25202018%2520-%2520BCC.pdf&clen=424348)

<sup>20</sup> <https://ebce.org/drive-electric-business/>

of a broader measure called Vehicle Miles Traveled (VMT), which measures the total amount of driving over a given area. These changes became mandatory on July 1, 2020.

The West Berkeley Plan's transportation section<sup>21</sup> is outdated in its use of LOS, but it does caution that "LOS is a moving target" because "drivers are continually seeking uncongested routes."

Indeed, the Plan was prescient in calling for a VMT reduction in its policy goals. Policy 1.1 of the transportation section states: "Seek trip reduction--reduction of single occupant automobile trips--through a variety of education and regulatory efforts including implementation of a City of Berkeley Trip Reduction Ordinance, cooperation with the Air Quality Management District's transportation control measures, conditions on development and other mechanisms." While a Trip Reduction Ordinance does not exist, SB 743 now makes VMT reduction one of the default "conditions on development" for certification of Environmental Impact Reports.

The City Council has recently adopted policies that are consistent with the West Berkeley Plan's policy goals. Policy 5.1 states: "Adopt and implement a revised Truck Route Ordinance." On October 12, 2021, the City Council adopted an Ordinance "Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets."<sup>22</sup>

By committing to a Green New Deal framework, the City can establish climate justice and equity parameters for future revisions of the West Berkeley Plan.

### **Potential policy directives for a Just Transition**

Policies aimed at resource redistribution and infrastructure investment to eliminate carbon emissions should be calibrated to maximize carbon reduction for funds allocated to support a Just Transition.

#### Reducing car use

According to the Climate Action Plan 2020 Update staff report, Berkeley has made significant progress in reducing greenhouse gas emissions since 2000, but more progress is needed: "The residential sector decreased electricity usage by 20% and natural gas usage by 26%, and the commercial and industrial sectors decreased electricity usage by 32% and natural gas usage by 2%...Transportation accounts for

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<sup>21</sup> [https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/West\\_Berkeley\\_-\\_Transportation.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/West_Berkeley_-_Transportation.aspx)

<sup>22</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/10\\_Oct/Documents/2021-10-12\\_Item\\_02\\_Amending\\_BMC\\_Section\\_14\\_56\\_070.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_02_Amending_BMC_Section_14_56_070.aspx)



59% of Berkeley's total 2018 GHG inventory. This is the largest sector of GHG emissions and the most challenging to tackle."<sup>23</sup>

Electrifying the car and truck fleet is critical to reducing emissions, but even with aggressive vehicle electrification, we will not come close to meeting the 2045 net-zero goal. Changing out our entire vehicle fleet will take decades. Auto manufacturers are not even planning on having full electric lines until 2035<sup>24</sup> and the most aggressive state and federal plans are on similar timetables<sup>25</sup>. The vast majority of the vehicles on the road will be gas powered far beyond 2030.<sup>26</sup> Additionally, electric cars and trucks continue to produce particulate emissions, deteriorate our already vulnerable roads, lead to congestion, and critically, injure and kill Berkeley residents just as frequently as gas powered vehicles do. Only by reducing car use, regardless of fuel source, can Berkeley meet its many goals of becoming a safer and healthier city.

Berkeley can help its residents reduce their dependence on car trips through a three pronged approach of

- a) building infill housing to reduce distances that residents need to travel to meet their needs,
- b) building a network of pedestrian and micromobility infrastructure throughout the city with safe bike lanes and crossings and secure storage in neighborhoods and destinations and
- c) affordable access to e-bikes and other microbilty technology options.

*Infill housing:* Because urban core areas such as Berkeley present major opportunities for households to meet their needs with fewer Vehicle Miles Traveled (VMT), Wheeler et al (2018) find that infill housing is the most effective policy tool our local government has to reduce emissions: "Low carbon footprint cities that make housing available at all income levels help share the burden of meeting housing demand, while lessening the impact on the climate across the population...Mixed income urban core cities (e.g., Berkeley) hold the most potential for urban infill, with statewide GHG benefits."<sup>27</sup>

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<sup>23</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_05\\_Climate\\_Action\\_Plan\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx)

<sup>24</sup> For example, General Motors Sets All-Electric Target For Vehicles By 2035, NPR, February 1, 2021 <https://www.npr.org/2021/02/01/962946561/general-motors-sets-all-electric-target-for-vehicles-by-2035>

<sup>25</sup> California to phase out sales of new gas-powered cars by 2035, Washington Post, Sept 23, 2020 <https://www.washingtonpost.com/climate-environment/2020/09/23/california-electric-cars/>

<sup>26</sup> Even if we do succeed in stopping selling all gas powered cars by 2035, our transportation sector will not reach zero emissions until at least 2050. Electric Cars Are Coming. How Long Until They Rule the Road? New York Times, March 10, 2021 <https://www.nytimes.com/interactive/2021/03/10/climate/electric-vehicle-fleet-turnover.html>

<sup>27</sup> Wheeler, S. M., Jones, C. M., & Kammen, D. M. (2018). Carbon footprint planning: quantifying local and state mitigation opportunities for 700 California cities. *Urban Planning*, 3(2), 35-51.

The California Air Resources Board (CARB) has reported: “Even if the share of new car sales that are ZEVs grows nearly 10-fold from today, California would still need to reduce VMT per capita 25 percent to achieve the necessary reductions for 2030”<sup>28</sup> to meet state emissions targets pursuant to Senate Bill 375.

Reducing VMT per capita even beyond the minimum that CARB recommends will require a holistic policy approach to reduce the marginal cost of modal shifts from single-occupancy vehicles to cycling, walking, and public transit.

*A network of safe active transportation infrastructure:* The potential benefits of Berkeley’s urban core area and additional infill housing for reduced VMT can not be realized if people do not feel they can safely get to their destinations outside of a car. The vast majority of Berkeley residents (71%) are interested in using bicycles but are concerned that the infrastructure does not currently feel safe enough<sup>29</sup>. Secure storage is also needed in neighborhoods and at destinations for bikes, e-bikes and other micromobility devices. Creating walking, bicycling, and other micromobility infrastructure that both feels safe and easily links all residential areas with schools, retail, and workplaces, and accompanying these efforts with secure storage throughout the city, can facilitate major shifts in VMT.

*Affordable micromobility:* E-bikes - and to some extent other micromobility modes - overcome many of the challenges people have with traditional bicycles. E-bikes are great at climbing hills, beating headwinds, hauling kids & loads and tackling long commutes all with no sweat (unless you want it). Plus e-bike riders feel safer navigating traffic with the extra acceleration power. They do all this at significant savings over electric cars. E-bikes get 1000 to 4000 MPGe and are 20 times more efficient than electric cars - meaning they can go twenty times farther than an electric car for the same charging electricity carbon emissions.<sup>30</sup> The manufacture of an e-bike takes at least an order of magnitude less embodied energy and carbon. With all that they offer, e-bikes are a bargain compared to cars, with prices ranging from \$1,000 to \$5,000 for a good cargo e-bike. Nevertheless, this investment remains out of reach for many low and some middle income residents. Targeted subsidies can unlock this potential while helping make up for historical lack of mobility access.

*Support home electrification retrofits*

<sup>28</sup> [https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report\\_SB150\\_112618\\_02\\_Report.pdf](https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf)

<sup>29</sup> Page 11: [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf)

<sup>30</sup> E-Bike 1000 MPG Study-Results, <https://sites.google.com/view/ebikestudy/results>, E-Bike 1000 MPG Project

On November 3, 2021 the Budget & Finance Policy Committee passed a qualified positive recommendation to the full council for a Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings.<sup>31</sup>

In the realm of mitigating climate change, the retrofitting of residential buildings for electrification and enhanced energy efficiency is a necessary – and expensive – component of any transition towards a sustainable Berkeley. Estimates suggest that all-electric single-family homes can “reduce annual GHG emissions by 33 - 56% in 2020 and by 76 – 88% in 2050 compared to a natural gas-fueled home.”<sup>32</sup> Residential emissions can also be reduced through the densification of our community and a long-term shift away from single-family homes as a primary form of living, but Berkeley’s existing stock of single-family homes isn’t just going to go away.<sup>33</sup> Retrofitting and electrifying our existing housing stock is important, but is too expensive a lift for the City to expect or require all homeowners to go about alone.<sup>34</sup> A Just Transition in building electrification would involve the City dedicating its own resources as well as engaging the state and federal governments to fund retrofits and support residential homeowners through the process of electrifying their homes, particularly low- and middle-income households.

#### *Advance equitable mobility access*

Berkeley’s Electric Mobility Roadmap appropriately identifies improved infrastructure safety and connectivity and support for access to e-bikes and other micromobility as key to addressing Berkeley’s transportation emissions. From recreational bike paths to electric car and truck subsidies, this country’s efforts to reduce transportation emissions have too often focused on supporting wealthier communities and consumers. Berkeley can both improve cost effectiveness and address historical inequities by prioritizing safe connectivity and secure bike parking for under-resourced communities as it accelerates implementation and expansion of its pedestrian and bicycle plans and by targeting its efforts to subsidize access to e-bikes and other micromobility on low income residents.

#### *Strengthen worker protections*

While Berkeley has been at the forefront of guaranteeing a generous minimum wage, any Just Transition must ensure that all workers in Berkeley earn a living wage into the future as the global economy is shaken by the impacts of climate change. On top of the direct economic impacts of climate change, the ongoing shift in employment

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<sup>31</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/Documents/2021-11-30\\_Item\\_21\\_Budget\\_Referral\\_and\\_Resolution\\_Establishing\\_a\\_Pilot\\_Existing\\_Building.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-30_Item_21_Budget_Referral_and_Resolution_Establishing_a_Pilot_Existing_Building.aspx)

<sup>32</sup> [https://www.ethree.com/wp-content/uploads/2019/04/E3\\_Residential\\_Building\\_Electrification\\_in\\_California\\_April\\_2019.pdf](https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf)

<sup>33</sup> <https://www.pnas.org/content/117/32/19122>

<sup>34</sup> [https://www.nahb.org/-/media/NAHB/nahb-community/docs/committees/construction-codes-and-standards-committee/home-innovation-electrification-report-2021.pdf?\\_ga=2.114118479.990433442.1620163394-283412800.1620163394](https://www.nahb.org/-/media/NAHB/nahb-community/docs/committees/construction-codes-and-standards-committee/home-innovation-electrification-report-2021.pdf?_ga=2.114118479.990433442.1620163394-283412800.1620163394)

opportunities toward gig-based and contractor work that does not always guarantee a living wage and good benefits presents a threat to the livelihoods of workers in Berkeley and elsewhere. On a warming planet with rapidly intensifying weather conditions, access to food, shelter, and quality healthcare will be more important – and more precarious – than ever before. Local and state policies, such as ensuring that minimum wage laws apply to app-based contract work<sup>35</sup>, will go a long way in a warming-afflicted future towards shoring up the health and economic stability of workers. Additionally, Berkeley’s Living Wage Ordinance, which ensures “that businesses in a contractual relationship with the City pay their employees a wage that can support a family at, or above, the poverty level”<sup>36</sup>, is an important labor policy that can be upheld and even strengthened as economic stresses require more support for employees on the part of employers. Beyond the active role that Berkeley’s City government must play in ensuring a Just Transition, workers themselves need to be empowered to ensure that the sweeping economic changes of the transition to a sustainable economy does not leave them behind. Berkeley must, at every turn, protect the rights of workers to organize and bargain collectively and support the efforts of workers in the private-sector to assert their rights in every instance possible.

#### *Develop just and climate sensitive smart growth policies*

There is a wealth of potential policies in academic literature and real-world examples that the City Council can draw upon in enacting a Just Transition for Berkeley. “Smart growth” strategies offer effective and just climate mitigation and adaptation policies that Berkeley can draw upon to effectively manage its transition off of fossil fuels and foster economic opportunities for the City. These include planning for a denser city, preserving green spaces, discouraging new construction in areas at risk of extreme weather conditions such as wildfires, upgrading stormwater systems, and generally encouraging energy efficient land use patterns.<sup>37</sup>

Areas of the city that are zoned for lower densities and single-family residential contribute disproportionately to carbon emissions from automobile travel. The City’s upcoming Housing Element will have to align with its Climate Action Plan and pursue decarbonization of transportation by permitting density in formerly single-family neighborhoods such that increased transit access, micromobility, and pedestrian safety infrastructure can reduce Vehicle Miles Traveled. Moreover, the City will need to reallocate subsidies for private automobile travel, such as free or underpriced parking and road space, and dedicate these resources to housing and infrastructure that enables VMT reduction.

#### *Identifying new local revenue streams for zero-carbon transport*

Most carbon pollution in Berkeley comes from cars, both those driven by city residents and by the commuters who come to the city for work or school. In many cases, the city

<sup>35</sup> <https://cities-today.com/seattle-passes-minimum-wage-for-rideshare-drivers/>

<sup>36</sup> [https://www.cityofberkeley.info/Finance/Home/Vendors\\_Living\\_Wage\\_Ordinance.aspx#:~:text=Effective%20July%201%2C%202021%2C%20the,of%20not%20less%20than%20%2419.67.](https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx#:~:text=Effective%20July%201%2C%202021%2C%20the,of%20not%20less%20than%20%2419.67.)

<sup>37</sup> <https://www.epa.gov/smartgrowth/smart-growth-and-climate-change#:~:text=Smart%20growth%20policies%20contribute%20to,effects%20of%20a%20changing%20climate.>

incentivizes driving by subsidizing its cost. Free or below-cost parking in retail/commercial and residential zones, streets that omit higher-throughput bus and bike lanes, and mandates for parking in new developments are all a form of subsidy for driving. Both the California Department of Transportation (Caltrans)<sup>38</sup> and California Air Resources Board (CARB) have found that parking pricing strategies have the potential to reduce VMT and encourage a modal shift that reduces greenhouse gas emissions.<sup>39</sup>

According to UCLA parking scholar Donald Shoup, motorists searching for underpriced or free parking rather than paying demand-based parking prices in a parking garage can increase the average VMT of a local trip by as much as 0.5 miles per trip<sup>40</sup>, or 5 additional miles per day per curb space.<sup>41</sup> Collecting parking fees based on fair market value can reduce the overcrowding of parking spaces, increase parking availability, and increase funding for public services.<sup>42</sup> According to the US Department of Transportation<sup>43</sup>, over 59% of automobile trips were six miles or less, and three-fourths of trips by any mode were less than ten miles, suggesting a major potential for emissions reductions by shifting transportation modes for short trips away from private automobiles. Shoup's research has also found that market-priced curb parking can yield 5-8% of a city's total land rent.<sup>44</sup>

Berkeley can equitably address these subsidies by enacting fees, phased in over time, that charge the cost to the city and its residents of building and maintaining car infrastructure, including the "hidden" costs of pollution, public health impacts, and traffic-related violence. Since lower-income households will have less ability to pay these fees, the city could determine a methodology to phase-in fees by household income and car registration, and use the revenues to provide lower-cost mobility subsidies to lower-income households.

These fees must be coupled with transportation policy reforms that prioritize bus lanes, bike lanes, and "safe routes to school" on streets owned and maintained by the city. By re-allocating public rights-of-way to zero-carbon forms of mobility, and phasing out city subsidies for driving, the city can chart a path to zeroing out its emissions from transportation. *Identifying new local revenue streams for zero-carbon transport*

<sup>38</sup><https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf>

<sup>39</sup>[https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts\\_of\\_Parking\\_Pricing\\_Based\\_on\\_a\\_Review\\_of\\_the\\_Empirical\\_Literature\\_Policy\\_Brief.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Parking_Pricing_Based_on_a_Review_of_the_Empirical_Literature_Policy_Brief.pdf)

<sup>40</sup> Newton, D. (2008). Professor Donald Shoup: How About Congestion Parking? Streetsblog LA. Retrieved from <https://la.streetsblog.org/2008/01/12/professor-donald-shoup-how-about-congestion-parking/>

<sup>41</sup> Shoup, D. C. (2006). Cruising for parking. *Transport policy*, 13(6), 479-486.

<sup>42</sup> Shoup, D., Yuan, Q., & Jiang, X. (2017). Charging for parking to finance public services. *Journal of Planning Education and Research*, 37(2), 136-149.

<sup>43</sup> <https://www.energy.gov/eere/vehicles/articles/fotw-1042-august-13-2018-2017-nearly-60-all-vehicle-trips-were-less-six-miles>

<sup>44</sup> Shoup, D. C. (2004). The ideal source of local public revenue. *Regional Science and Urban Economics*, 34(6), 753-784.



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<sup>46</sup>[https://www2.arb.ca.gov/sites/default/files/2020-06/Impacts\\_of\\_Parking\\_Pricing\\_Based\\_on\\_a\\_Review\\_of\\_the\\_Empirical\\_Literature\\_Policy\\_Brief.pdf](https://www2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Parking_Pricing_Based_on_a_Review_of_the_Empirical_Literature_Policy_Brief.pdf)

<sup>47</sup>Newton, D. (2008). Professor Donald Shoup: How About Congestion Parking? Streetsblog LA. Retrieved from <https://la.streetsblog.org/2008/01/12/professor-donald-shoup-how-about-congestion-parking/>

<sup>48</sup>Shoup, D. C. (2006). Cruising for parking. *Transport policy*, 13(6), 479-486.

<sup>49</sup>Shoup, D., Yuan, Q., & Jiang, X. (2017). Charging for parking to finance public services. *Journal of Planning Education and Research*, 37(2), 136-149.

<sup>50</sup><https://www.energy.gov/eero/vehicles/articles/fotw-1042-august-13-2018-2017-nearly-60-all-vehicle-trips-were-less-six-miles>

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~~subsidies for driving, the city can chart a path to zeroing out its emissions from transportation.~~

~~Whether branded as a Just Transition or not, Berkeley can draw plenty of inspiration from around the world in its efforts to ensure that workers, people of color, and the poor are elevated and protected in our fight against climate change, rather than left behind.~~

### RATIONALE FOR RECOMMENDATION

In 2006, Berkeley residents voted in favor of Measure G, which committed the City of Berkeley to reduce its emissions by 80% below 2000 levels by 2050. The City Council, staff, and the community subsequently worked in tandem to develop the Berkeley Climate Action Plan, which lays out the City’s path to achieving the stated goal on Measure G.<sup>52</sup> In 2018, the City Council voted to declare a Climate Emergency citing an “existential Climate Emergency that threatens our city, state, nation, civilization, humanity, and the natural world.”<sup>53</sup> Both the establishment of the Berkeley Climate Action Plan and the declaration of a Climate Emergency put the City leagues ahead of other cities, states, and even the country on initiating climate action, but we’re still nowhere near enough.

At the state level, California’s environmental efforts place it well ahead of most other states. Even California’s efforts, however, are insufficient at best and ineffective at reducing emissions at worst.<sup>54</sup> The City of Berkeley must lead the state and the country both in aggressive and ambitious climate legislation that gets us to net-zero carbon emissions as soon as possible as well as climate mitigation and adaptation efforts that overcome and reverse historic environmental racism and lessen the economic turbulence that will accompany reshaping our economy in the coming decades so that all working Berkeleyans have the right to a good job and secure future. Past and future efforts to eliminate ~~reach net-zero~~ fossil fuel emissions must be examined in an active pursuit of a Just Transition for Berkeley.

### ENVIRONMENTAL IMPACTS

This proposal advances and enhances Berkeley’s climate goals.

### FISCAL IMPACTS

None.

### CONTACT

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

### ATTACHMENTS

<sup>52</sup> <https://www.cityofberkeley.info/climate/>

<sup>53</sup> [https://www.cityofberkeley.info/uploadedFiles/Council\\_2/Level\\_3\\_-\\_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf](https://www.cityofberkeley.info/uploadedFiles/Council_2/Level_3_-_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf)

<sup>54</sup> <https://www.kqed.org/science/1972957/state-auditor-says-california-air-regulator-overstated-emission-reductions>

1. Resolution
2. California's Fourth Climate Change Assessment: San Francisco Bay Area Region Report
3. Climate Justice Alliance: Just Transition Principles



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

COMMIT THE CITY OF BERKELEY TO A JUST TRANSITION FROM THE FOSSIL FUEL ECONOMY

WHEREAS, a national Green New Deal calls for a fair and just transition for all communities and workers to achieve net-zero greenhouse gas emissions and the creation of millions of high-wage union jobs to ensure prosperity and economic opportunity; and

WHEREAS, in Berkeley, fossil fuel-driven global warming has already caused sea level rise, droughts, extreme weather conditions, and longer and more intense fire seasons; and

WHEREAS, business-as-usual fossil fuel emissions will lead to major increases in temperature, more dramatic droughts, more frequent extreme weather, and up to 3 meters of sea level rise; and

WHEREAS, historic inequities and environmental racism leave people of color and the poor in a uniquely vulnerable position when faced with dramatic warming, economic turbulence, and extreme weather; and

WHEREAS, the transition off of fossil fuels will have inevitable economic consequences including the loss of jobs and industries that are reliant on fossil fuel extraction and consumption; and

WHEREAS, the COVID-19 pandemic has demonstrated the vulnerability of the global economy to sudden natural events and the need for proactive preparation for economic shocks; and

~~WHEREAS, the COVID-19 pandemic has demonstrated the vulnerability of the global economy to sudden natural events and the need for proactive preparation for economic shocks; and~~

~~WHEREAS, a proactively planned and equitably executed transition away from the fossil fuel economy can be an opportunity to correct historic wrongs and boost Berkeley's economy; and~~

WHEREAS, Berkeley voters approved Measure G in 2006, calling for the City to "reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050," and the Berkeley Climate Action Plan was adopted by City Council on

June 2, 2009, and the City will need to eliminate its emissions at an even more ambitious scale; and

WHEREAS, the City of Berkeley was among the founding member-jurisdictions of East Bay Community Energy (EBCE), the community choice electricity provider serving Alameda County, all of its eligible cities, and the City of Tracy in San Joaquin County; and

WHEREAS, the City of Berkeley can lead by example to equitably reduce community-wide greenhouse gas emissions by utilizing the local programs and electric service options provided by EBCE. These include, but are not limited to 1) partnering with EBCE to make its 100% renewable energy option the City-wide default for most residential and commercial electric accounts; 2) electrifying the City's buildings and municipal fleets; and 3) advancing the deployment of publicly available electric vehicle (EV) charging infrastructure; and

WHEREAS, the City of Berkeley has been a regional leader in building electrification by prohibiting natural gas lines in new residential construction and exploring building electrification subsidies for middle- and lower-income households, and

WHEREAS, transportation accounts for 59% of Berkeley's total 2018 greenhouse gas inventory and Berkeley's Electric Mobility Roadmap recognizes that active transportation - walking and bicycling, including e-bikes and other micromobility technologies - is key to reducing those emissions; and

WHEREAS, the California Air Resources Board (CARB) has reported that even with a tenfold increase in market share of new electric vehicles, "California would still need to reduce Vehicle Miles Traveled (VMT per capita) by 25 percent to achieve the necessary reductions for 2030" to meet emissions reduction targets pursuant to Senate Bill 375; and

WHEREAS, both government agencies and leading academic researchers have found that parking pricing strategies have the potential to reduce VMT per capita; and

WHEREAS, the City will need to reallocate subsidies for private automobile travel toward active transportation infrastructure and infill housing in order to achieve VMT per capita reductions needed to eliminate transportation emissions; and

WHEREAS, the City adopted the West Berkeley Plan in 1993, which calls for a "reduction of single occupant automobile trips", and

WHEREAS, a proactively planned and equitably executed transition away from the fossil fuel economy can be an opportunity to correct historic wrongs and boost Berkeley's economy; and

WHEREAS, the principles of a Just Transition offer Berkeley a path towards eliminating fossil fuel emissions that minimizes economic shock, leaves no one behind, and plants the seeds of a resilient Berkeley;

NOW THEREFORE, BE IT RESOLVED, that the City Council commits the City of Berkeley to a Just Transition to ~~net~~-zero carbon emissions that secures a livable future for all Berkeleyans, pursues a Green New Deal for West Berkeley, combats environmental racism and the unique vulnerabilities of people of color, and ensures that all Berkeleyans have access to good paying jobs and equitable living standards free from the fossil fuel economy;

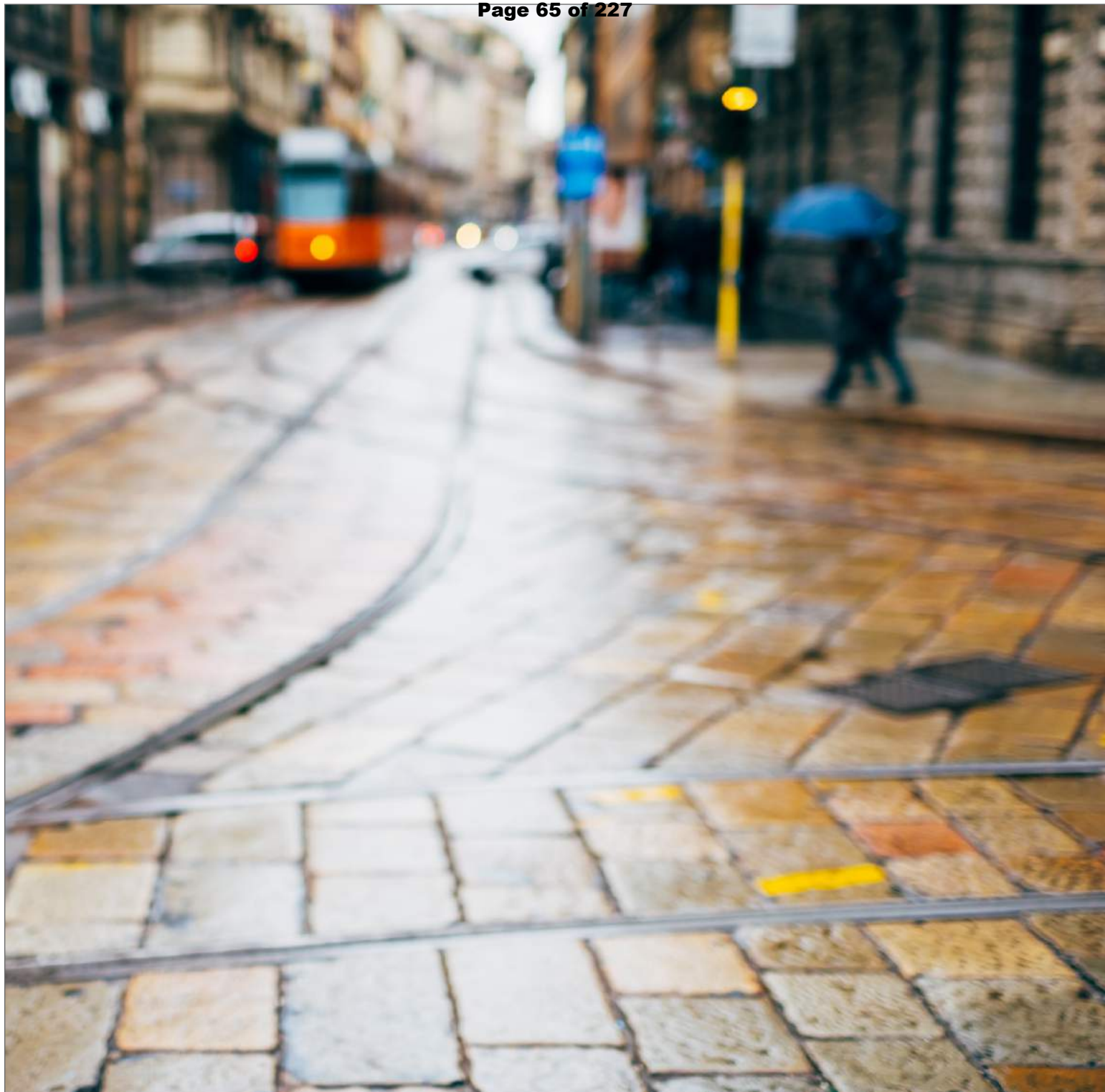
BE IT FURTHER RESOLVED, that all City Council reports with a section on Climate and Environmental Impacts include a Just Transition analysis wherein maximum potential for reducing greenhouse gas emissions while advancing equity is evaluated.

# PROTOCOL

THE STANDARD FOR URBAN AND COMMUNITY DEVELOPMENT







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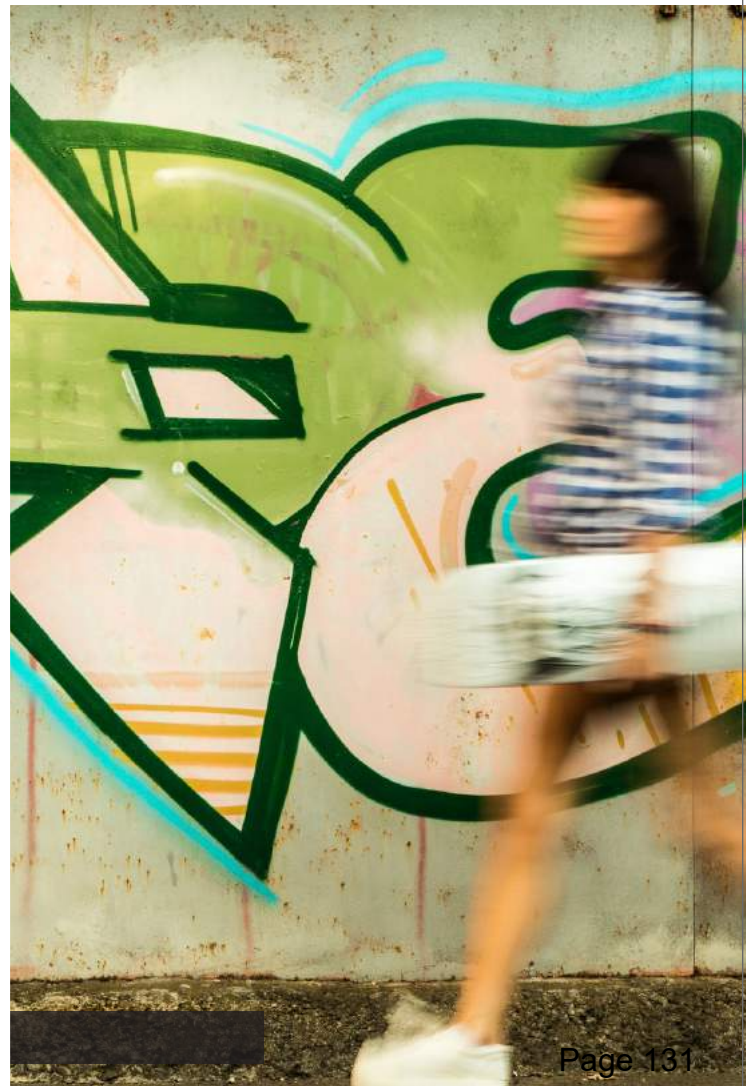
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# THE CHALLENGE







# Our Cities Are Undergoing a Radical Transformation

Around the world, cities are undergoing the biggest growth of the past 100 years. More than one-half of the world's people now live in cities, a proportion expected to grow to two-thirds by 2050. To support this urbanization, trillions of dollars are flowing into communities. The number of district-scale projects is increasing at a record pace, and cities are making significant investments to build and revitalize neighborhoods, commercial districts, brownfields, as well as critical water, energy, and transportation infrastructure systems.

## **THE COST OF GROWTH HAS BEEN HEAVY, HITTING NEIGHBORHOODS THE HARDEST**

Cities now contribute to a vast and growing equity gap — the postal code a child is born into has a bigger role in determining their future than any other single factor. Worldwide, a number of complex issues are colliding: income, education, and health disparities; blight and ecological degradation; and the growing threat of climate change.

Here is the good news — there is a growing appetite for innovation as cities seek a competitive advantage to attract talent and investment, embrace aging and historically disenfranchised populations, restore cultural integrity, enhance prosperity, and respond intelligently to a rapidly changing climate.

## **NEIGHBORHOODS ARE THE SOUL AND LIFEBLOOD OF THE CITY**

Yes, neighborhoods sit at the heart of some of the most complex challenges facing city makers today. But they can also become the building blocks of sustainable cities. Neighborhoods provide a uniquely valuable scale to introduce and accelerate investments that can achieve profound improvements in equity, resilience, and climate protection. Neighborhoods are small enough to innovate and big enough to leverage meaningful investment and public policy.



**OUR  
RESPONSE**





# The EcoDistricts Protocol

For far too long, neighborhood development has been primarily about brick-and-mortar solutions to building and rehabilitating neighborhoods. The world of city building has drastically changed, and it requires a more diverse and more integrated range of solutions to empower social vibrancy and restore ecological health. Success hinges on building robust public-private-civic partnerships to align leadership, improve cross-sector collaboration, and build new models of inclusive governance to drive effective planning and project delivery.

To foster a new model of urban regeneration, EcoDistricts has created the Protocol: a rigorous, sustainable urban development framework for achieving people-centered, economically vibrant neighborhood- and district-scale sustainability.

## THE ECODISTRICTS PROTOCOL IS:

- **A TOOL FOR FOSTERING NEIGHBORHOOD- AND DISTRICT-SCALE SUSTAINABILITY.** The Protocol is available for free digitally, and EcoDistricts encourages those who are interested in advancing comprehensive and meaningful sustainability strategies to use it.
- **A RIGOROUS CERTIFICATION STANDARD.** EcoDistrict Certified recognizes the achievement of Protocol requirements, marks industry leadership, and connects certified districts with a global peer-to-peer learning network pursuing continuous improvement.

The Protocol puts a comprehensive lens on every urban regeneration decision, drives the delivery of meaningful performance outcomes, and sets the conditions for sustainable, collective impact. And above all, the Protocol is designed as a flexible performance framework rather than a prescriptive standard, recognizing that every community has the ability and need to advance a place-based sustainability agenda. District teams tailor the Protocol to local circumstances, set performance targets based on local conditions and aspirations, and measure progress against the Protocol's Imperatives and Priorities.

Many terms used in the Protocol have specific meanings. Please refer to the **Glossary in Appendix A** for definitions of key terms.

## INSPIRATION FROM COLLECTIVE IMPACT

The Protocol was inspired by collective impact, a collaboration framework for leaders to achieve large-scale social change. The Protocol calls for district teams to create a shared vision and common agenda, establish shared targets and indicators, foster mutually reinforcing activities and investments, and identify and support a backbone organization that orchestrates the work of the group. For further information about collective impact, visit [www.collectiveimpactforum.org](http://www.collectiveimpactforum.org).

# THE PROTOCOL IS STRUCTURED AROUND THREE CORE ELEMENTS:

## 3 IMPERATIVES:

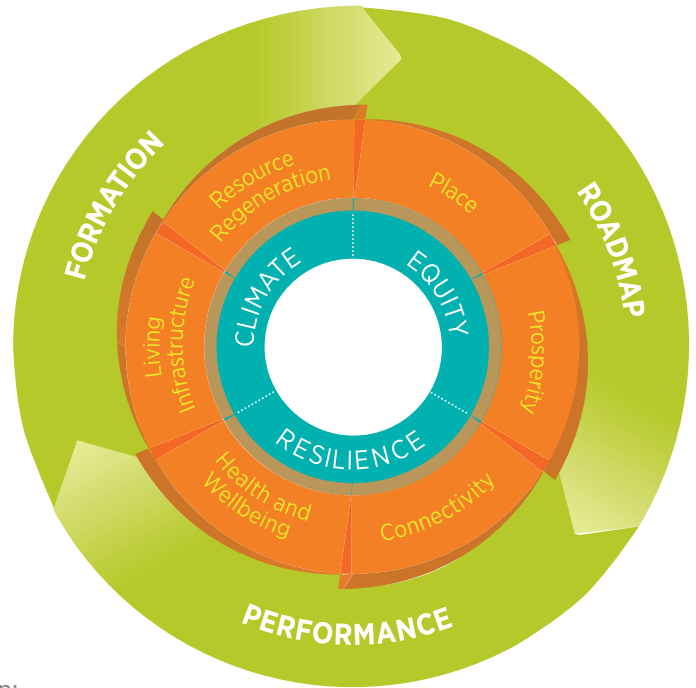
Equity, Resilience, and Climate Protection

## 6 PRIORITIES:

Place, Prosperity, Health and Wellbeing, Connectivity, Living Infrastructure, and Resource Regeneration

## 3 IMPLEMENTATION PHASES:

Formation, Roadmap, and Performance



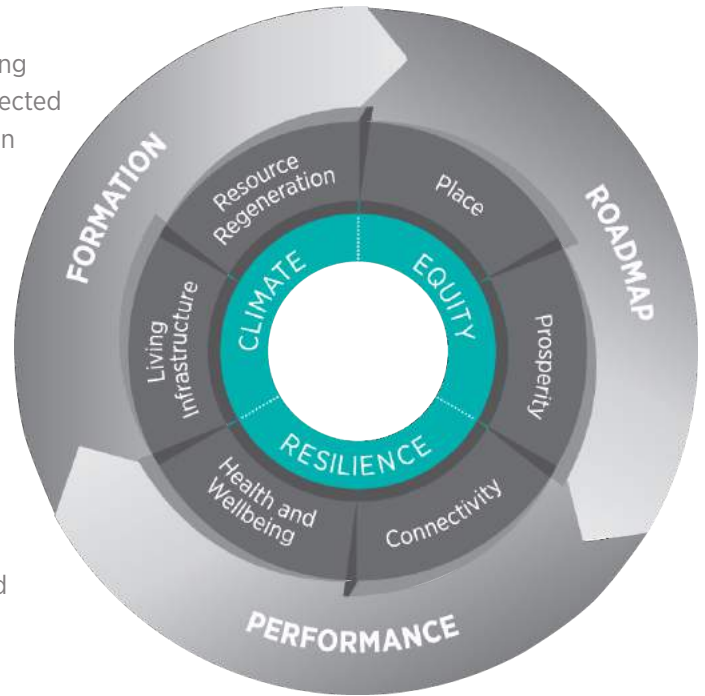
## THE PROTOCOL IS DESIGNED TO INSPIRE COMMUNITY DEVELOPMENT THAT:

- Commits to Equity, Resilience, and Climate Protection;
- Supports multi-stakeholder collaboration and governance;
- Creates a comprehensive district-scale Roadmap guided by performance indicators; and
- Reports progress with a commitment to transparency and knowledge sharing.

# IMPERATIVES

## PUTTING PEOPLE AND THE PLANET AT THE CENTER OF CHANGE

The EcoDistricts Protocol starts with an unwavering commitment to three fundamental and interconnected issues — Equity, Resilience, and Climate Protection — and, as a result, places social, economic, and environmental sustainability at the center of urban regeneration.



### EQUITY

Cities that embrace equity identify and acknowledge the communities most vulnerable to change. These cities experience stronger and longer-lasting growth. District teams must ensure their communities have the opportunity to meaningfully participate, lead, and thrive.

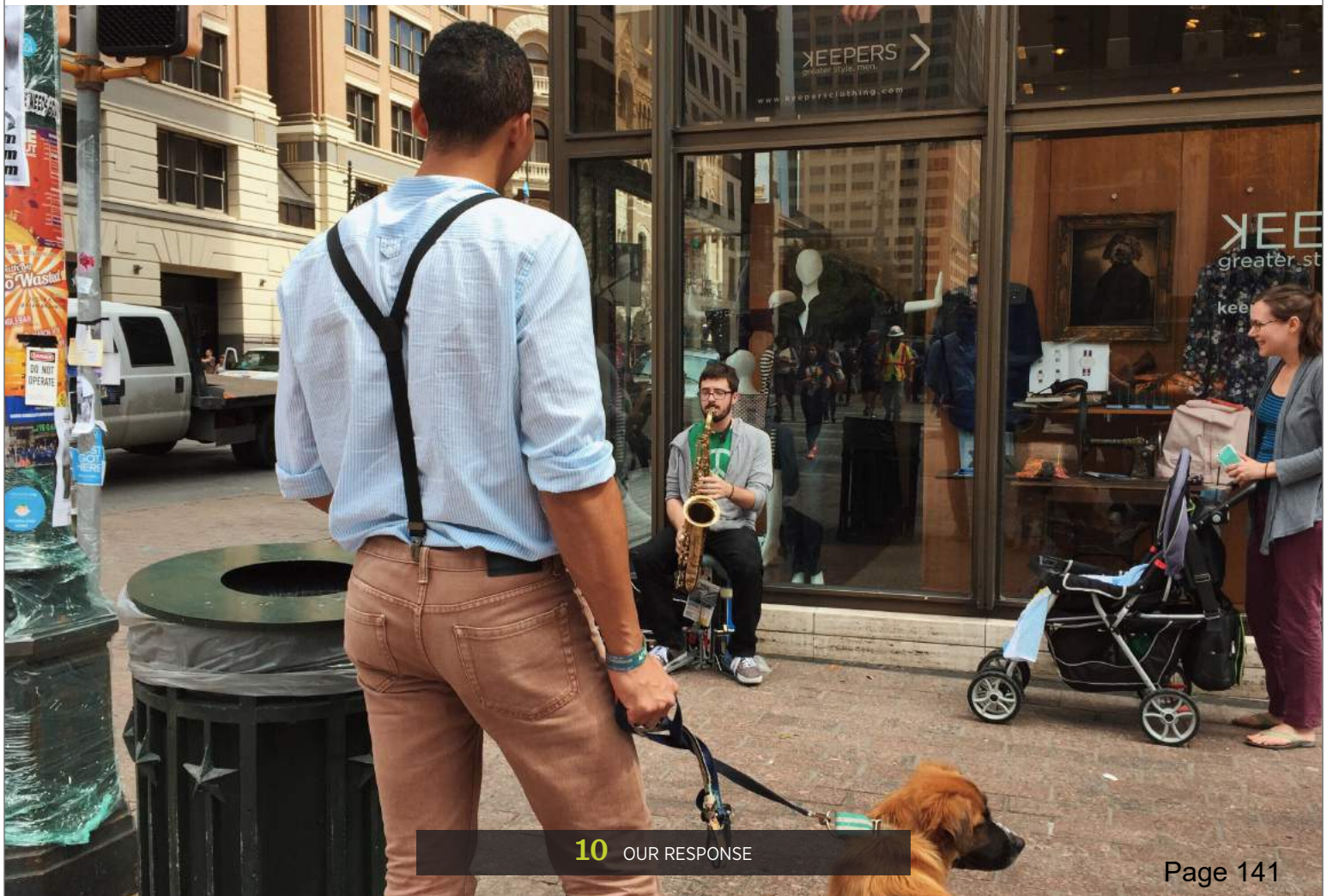
### RESILIENCE

Resilience is the capacity of cities to function so that all people are able to withstand the shocks and stresses they encounter. District teams must address resilience with a broad approach that prepares for social, economic, and environmental shocks and stresses.

### CLIMATE PROTECTION

Cities are responsible for a majority of global emissions of carbon dioxide (CO2), the dominant greenhouse gas contributing to climate change. District teams must build a pathway to carbon neutrality.







# PRIORITIES

## ACHIEVING MEANINGFUL OUTCOMES

At the heart of the EcoDistricts Protocol are six Priorities — a set of rigorous goals containing 20 objective categories used to set the scope of a district’s sustainability agenda.

### PLACE

**GOAL:** Create inclusive and vibrant communities.

**OBJECTIVES:** Strong civic engagement, preservation and celebration of culture and history, diverse and affordable housing, and accessible public spaces and services for daily needs.

### PROSPERITY

**GOAL:** Support education and economic opportunities that build prosperity and accelerate innovation.

**OBJECTIVES:** Equitable access to quality education and career pathways, a robust employment base with increasing jobs and job quality, and entrepreneurial innovation and business start-ups.

### HEALTH AND WELLBEING

**GOAL:** Nurture people’s health and happiness.

**OBJECTIVES:** Active living based on walkability and recreation; equitable health outcomes based on accessible, affordable health care; affordable, local, fresh food; remediated toxic environments; and strong public safety.

### CONNECTIVITY

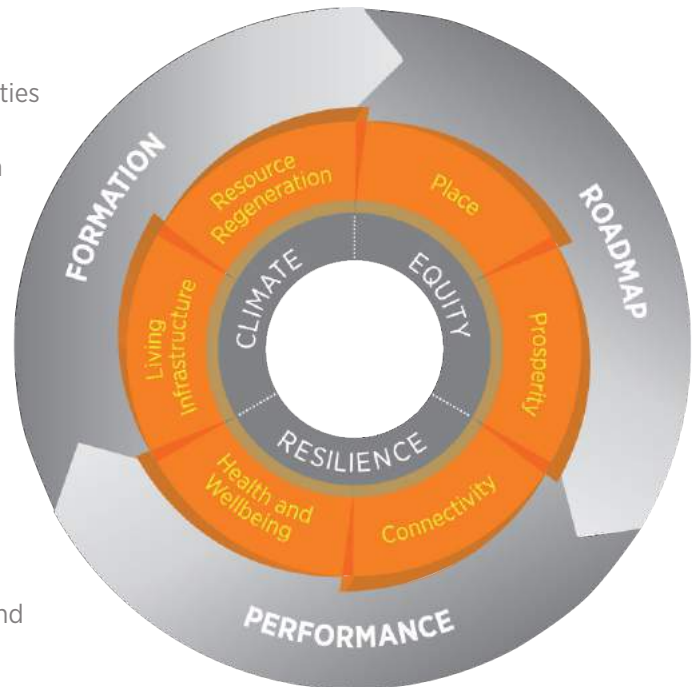
**GOAL:** Build effective connections between people and places.

**OBJECTIVES:** A street network that accommodates diverse ages and abilities by using multiple travel modes and shared mobility options, and a high-quality digital network providing equitable connectivity and leveraged community data.

### LIVING INFRASTRUCTURE

**GOAL:** Enable and connect to flourishing ecosystems.

**OBJECTIVES:** Healthy soils, water, trees, and wildlife habitat; accessible nature; and natural processes integrated into the built environment.



## RESOURCE REGENERATION

**GOAL:** Work towards net positive energy, water, and waste.

**OBJECTIVES:** More efficient water use; diversion of waste from landfills; reuse of remediated land; and the pursuit of energy efficiency, technology advancements, and renewable energy production that reduce greenhouse gas emissions.



# IMPLEMENTATION

## CATALYZING NEIGHBORHOOD- AND DISTRICT- SCALE SUSTAINABILITY

Underpinning the EcoDistricts Protocol is a three-phase implementation framework. This framework sets the conditions for sustained, scalable outcomes that address the Protocol’s Imperatives and Priorities, and meet the specific needs of a district over time.

### FORMATION

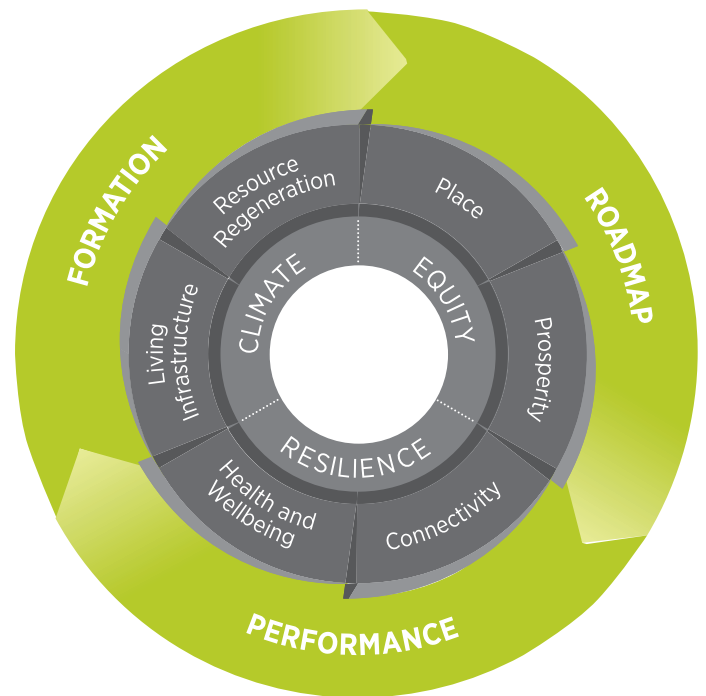
Build the necessary leadership, collaboration, and decision-making governance to support effective action through all phases of development and implementation.

### ROADMAP

Assemble a comprehensive action plan of performance targets, feasible strategies for achieving the targets, and a schedule and resources for implementation.

### PERFORMANCE

Implement the Roadmap, report progress towards targets, and use results to strengthen performance and transfer lessons learned.







**WHO THE  
PROTOCOL  
IS FOR**

# A New Model of Collaboration

The most successful neighborhood development projects bring together city officials, community-based groups, real estate developers, financiers, and all major district stakeholders to formulate a shared sustainability vision and action plan. The Protocol encourages and rewards such collaboration because it is focused on improving our cities from the neighborhood up.

The Protocol is designed to support a full spectrum of neighborhoods and districts, both new and existing, including residential neighborhoods, business districts, institutional campuses, mixed-use projects, and redevelopment areas. All neighborhoods — and the people who live, work, and play in them — deserve a sustainable future.





## SUPPORTING THREE PRIMARY AUDIENCES WHO ARE DEEPLY INVOLVED IN NEIGHBORHOOD- AND DISTRICT-SCALE INITIATIVES AND INVESTMENTS

### GOVERNMENT

For municipalities, redevelopment agencies, and housing authorities, the Protocol is a comprehensive framework for neighborhood- and district-scale policy development, planning, and project delivery. The Protocol provides an important process for measuring impact related to public participation, transparency in government, stewardship of public investments, and public policy objectives.



### COMMUNITY ORGANIZATIONS

For community development corporations, community-based organizations, and nonprofit organizations, the Protocol is a comprehensive framework for identifying and moving catalytic neighborhood- and district-scale priorities forward. The Protocol provides a practical approach to collaborative governance, neighborhood planning and assessment, and reporting progress to stakeholders and funders.



### THE PRIVATE SECTOR

For real estate developers, business improvement districts, and institutional and corporate campuses, the Protocol is a comprehensive project implementation framework and global mark of leadership that complements existing corporate and environmental performance standards. The Protocol provides an overarching platform for shaping project governance, selecting catalytic investments, and reporting sustainability performance over time.

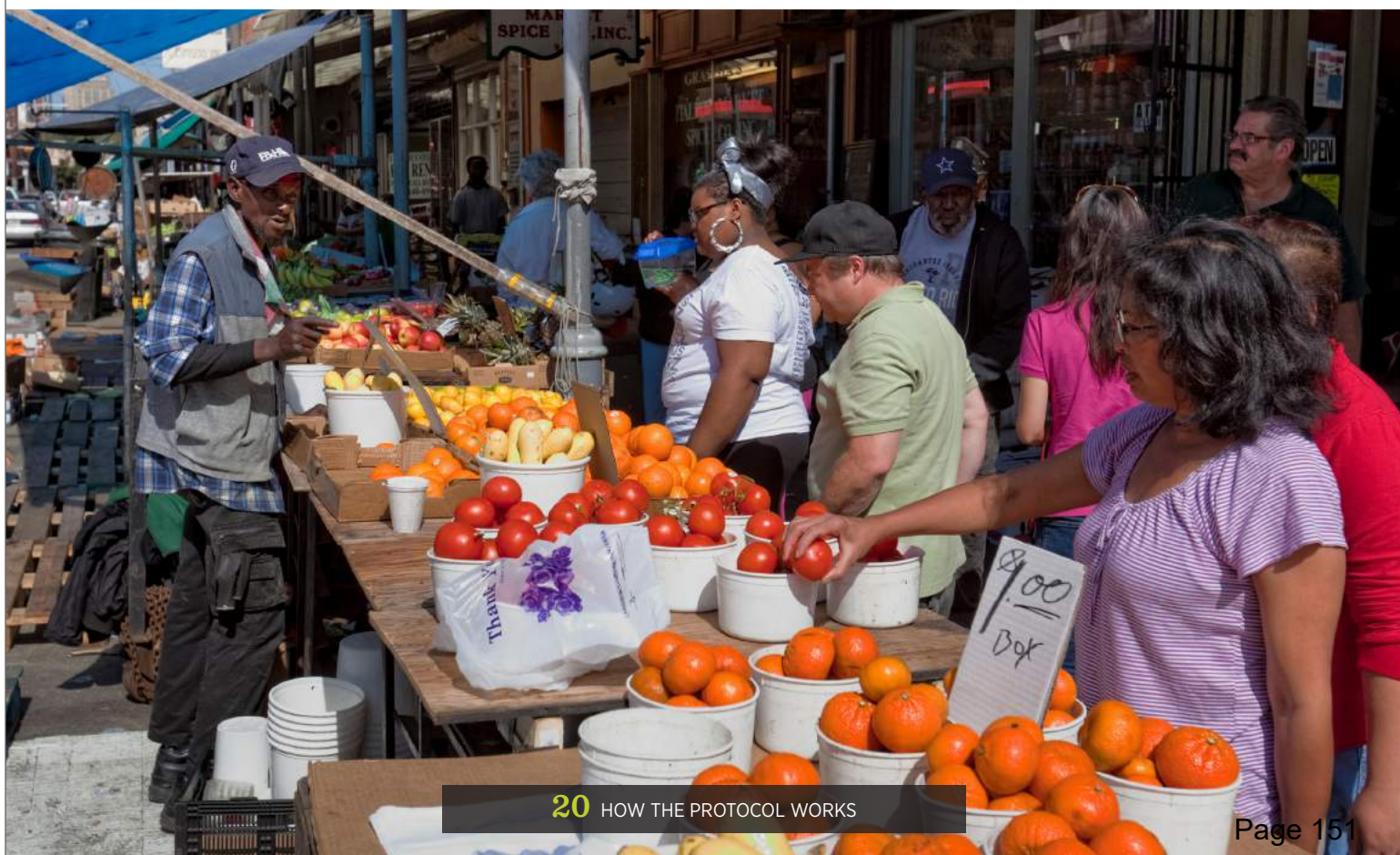






**HOW THE**  
**PROTOCOL**  
**WORKS**





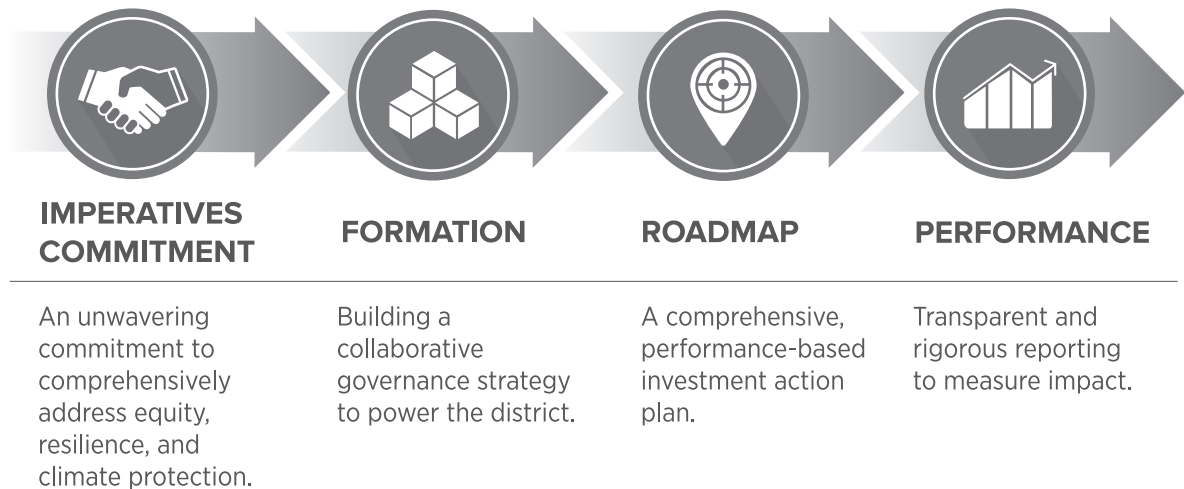


# Using the Protocol

THE ECODISTRICTS PROTOCOL IS A POWERFUL WAY TO MOVE PROJECTS FROM VISION TO REALITY AND MAKE EQUITY AND SUSTAINABILITY FUNDAMENTAL TO NEIGHBORHOODS FOR ALL.

Embracing and using the EcoDistricts Protocol is a mark of neighborhood- or district-scale leadership. It confirms a district’s commitment to inclusiveness, transparency, information sharing, and peer-to-peer learning.

## APPLYING THE PROTOCOL MEANS TAKING ACTION IN THE FOLLOWING FOUR AREAS:



For definitions of key terms, refer to the **Glossary in Appendix A**.



EcoDistricts Certification is the new standard for community development. See page 29 and [www.ecodistricts.org](http://www.ecodistricts.org) for more details.



## IMPERATIVES COMMITMENT

The EcoDistricts Certified process begins with a district's commitment to the Imperatives that underpin the Protocol: Equity, Resilience, and Climate Protection. These are indispensable cornerstones of long-term neighborhood sustainability and making a firm pledge to them at the outset of the process ensures their integration in the Formation, Roadmap, and Performance phases.

### EQUITY

This obligation is a commitment that describes how a district will embrace procedural, structural, distributional, and cross-generational equity in district activities.

### RESILIENCE

This obligation is a commitment that describes how a district will work to withstand environmental, social, and economic stresses and shocks.

### CLIMATE PROTECTION

This obligation is a commitment that describes how a district will build a pathway to carbon neutrality.

#### REQUIRED ACTION:

- Convene stakeholders and collaboratively develop an Imperatives Commitment that details the methods for addressing Equity, Resilience, and Climate Protection in subsequent phases.

#### SEEKING CERTIFICATION?

Districts that are seeking certification must submit their Imperatives Commitment within one year of registration with EcoDistricts. Detailed submission requirements can be found in the EcoDistricts Certified Handbook.



## FORMATION

Formation focuses on shaping the necessary leadership, collaboration, and decision-making governance to support effective action through all phases of development and implementation. Formation is a key stage in exercising a district's commitment to procedural and structural equity in engagement and decision-making.

### COLLABORATIVE FORMATION IN 3 STEPS

#### STEP 1: CONFIRM READINESS TO FORM A DISTRICT

Conduct an evaluation to determine whether a district is ready to meet the Protocol requirements.

##### REQUIRED ACTIONS:

- Convene stakeholders to understand the issues, opportunities, and organizations that will come together to form the district and determine the capacity to collaborate.
- Identify an interim district boundary that will be refined in subsequent steps.
- Prepare an asset map that categorizes social, economic, physical, and organizational assets according to their location inside or outside the district, and their control by entities based inside or outside the district.

#### STEP 2: ESTABLISH DISTRICT ORGANIZATIONAL CAPACITY

Establish a district team that emerges from Step 1 to manage the formation and implementation process over time. The team will need capacity to evaluate backbone organization options, select the best fit, and move effectively through implementation phases.

##### REQUIRED ACTIONS:

- Form a district team of key stakeholders representing the district's major public, private, and civic sector assets.
- Evaluate the best options for organizing a collaborative governance framework.

#### STEP 3: COMMIT TO COLLABORATION

Formalize the district's governance approach in a Declaration of Collaboration document that establishes a backbone organization, a decision-making body and procedures, and ongoing stakeholder engagement in district activities.



### REQUIRED ACTIONS:

- Identify or establish a backbone organization with the capability and necessary resources to support district activities.
- Create and adopt a Declaration of Collaboration that establishes or designates a backbone organization, defines roles and responsibilities, establishes or designates a decision-making body, and describes resources that stakeholders will provide to the organization over time.

### SEEKING CERTIFICATION?

Districts that are seeking certification must submit a Declaration of Collaboration within two years of receiving EcoDistricts endorsement of their Imperatives Commitment. Detailed submission requirements can be found in the EcoDistricts Certified Handbook.





## ROADMAP

The Roadmap is an action plan that describes baseline conditions, sets ambitious performance targets, and devises implementation strategies to achieve the targets by a horizon year.

### ROADMAP ASSEMBLY IN 3 STEPS

#### STEP 1: ESTABLISH CONTEXT AND SELECT PRIORITIES AND OBJECTIVES

Understand the district's setting and location in the community, including who and what will influence successful district outcomes, and what goals are to be emphasized.

##### REQUIRED ACTIONS:

- Convene stakeholders to finalize the district boundary, identify contextual issues, and identify ongoing or imminent activities by others relevant to the Imperatives and Priorities.
- Select at least three Priorities and corresponding objectives that align with contextual findings and stakeholder input. Consider addressing remaining Priorities in future Roadmap updates.

#### STEP 2: SELECT INDICATORS, ASSESS BASELINE PERFORMANCE, AND SET TARGETS

Choose performance indicators for the Imperatives and selected Priorities, establish current performance baselines, and develop future performance targets.

##### REQUIRED ACTIONS:

- Select indicators for reporting on baseline conditions, future targets, and ongoing performance, as described in **Appendix B**.
- Using the indicators, prepare a baseline assessment of current district performance relative to the Imperatives and selected Priorities.
- Develop future performance targets using the indicators and relevant local plans.

#### STEP 3: IDENTIFY STRATEGIES AND ASSEMBLE ROADMAP

Identify feasible strategies, funding, and an implementation schedule for reaching targets by the horizon year and assemble into a comprehensive action plan.



### REQUIRED ACTIONS:

- Identify potential strategies to meet the targets and test the strategies with stakeholders to seek feedback and evaluate feasibility.
- Assemble the context, assessment plan, baseline conditions, future performance targets, strategies, funding, and implementation schedule into a Roadmap.

### SEEKING CERTIFICATION?

Districts may submit their Roadmap and Declaration of Collaboration separately or in tandem. Districts seeking Certification must submit the required Roadmap within two years of Imperatives Commitment endorsement by EcoDistricts. Detailed submission requirements can be found in the EcoDistricts Certified Handbook.



## PERFORMANCE

Performance focuses on measuring impact and gauging a district's progress towards its performance targets. This is an ongoing phase during which reports are shared regularly in the community and publicly on the EcoDistricts Registry. A district's biennial progress report becomes the basis of measuring impact over time and supporting peer-to-peer learning.

### PERFORMANCE REPORTING IN 3 STEPS

#### STEP 1: UPDATE GOVERNANCE AND ROADMAP

Maintain organization capacity and leadership that represents stakeholder interests, keeps the district moving toward its targets, and seeks opportunities for strengthening district activities. Execute the Roadmap by confirming strategy feasibility and securing implementation. Update the Roadmap to reflect implementation experience and include new or modified strategies, and address Priorities not included in an initial version.

##### **REQUIRED ACTIONS:**

- Maintain open and accessible accounts of district governance.
- Amend the Roadmap with new or modified strategies, as appropriate.

#### STEP 2: REPORT PROGRESS

Track the district's progress toward its targets, and report biennially to stakeholders and the community to foster transparency, share experiences, and maintain momentum.

##### **REQUIRED ACTIONS:**

- Prepare and distribute a biennial progress report that includes updated indicator results.

#### STEP 3: LEARN FROM PERFORMANCE

Ensure that the district continually develops its collaborative decision-making, celebrates successes, and identifies opportunities for improvements in implementation of projects, programs and indicator performance.



**REQUIRED ACTION:**

- Maintain a backbone organization and governance structure that provides leadership and strives for continual improvement.
- Ensure that success is celebrated, knowledge is shared, and opportunities to replicate success throughout the community are identified.

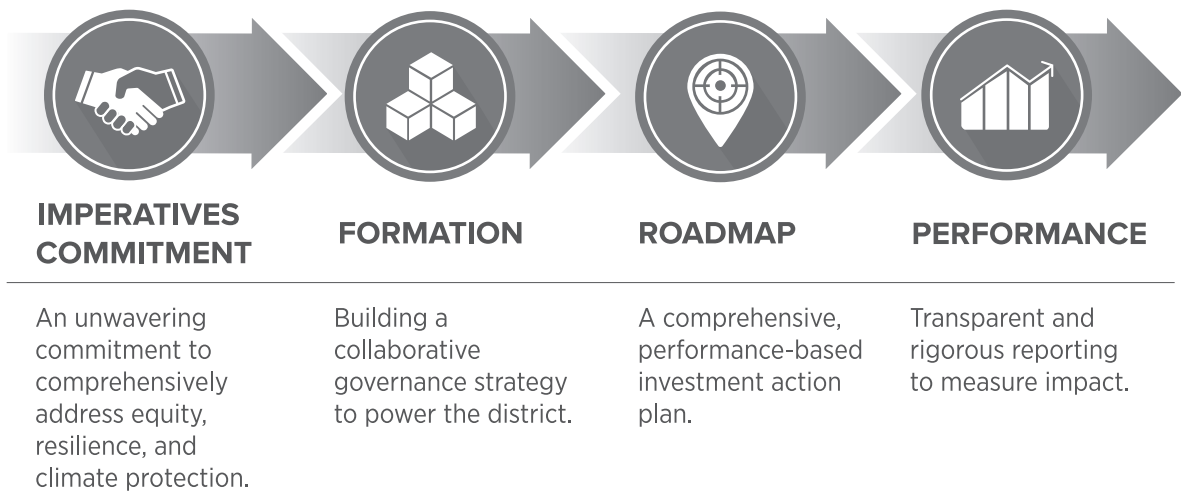
**TO MAINTAIN CERTIFICATION:**

To maintain certification, districts must submit biennial progress reports beginning on the second anniversary of certification, and every two years thereafter. Detailed submission requirements can be found in the EcoDistricts Certified Handbook.



## THE NEW STANDARD FOR COMMUNITY DEVELOPMENT

Powered by the Protocol, EcoDistricts Certified is a mark of excellence and a proven commitment to build people-centered, economically vibrant, planet-friendly communities from the neighborhood up. Certification bridges cross-sector interests, drives the formation of collaborative district governance, sets a new bar for meaningful stakeholder inclusion, and delivers powerful outcomes across Equity, Resilience, and Climate Protection. Districts can initiate the process any time by registering their district online at [www.ecodistricts.org](http://www.ecodistricts.org).

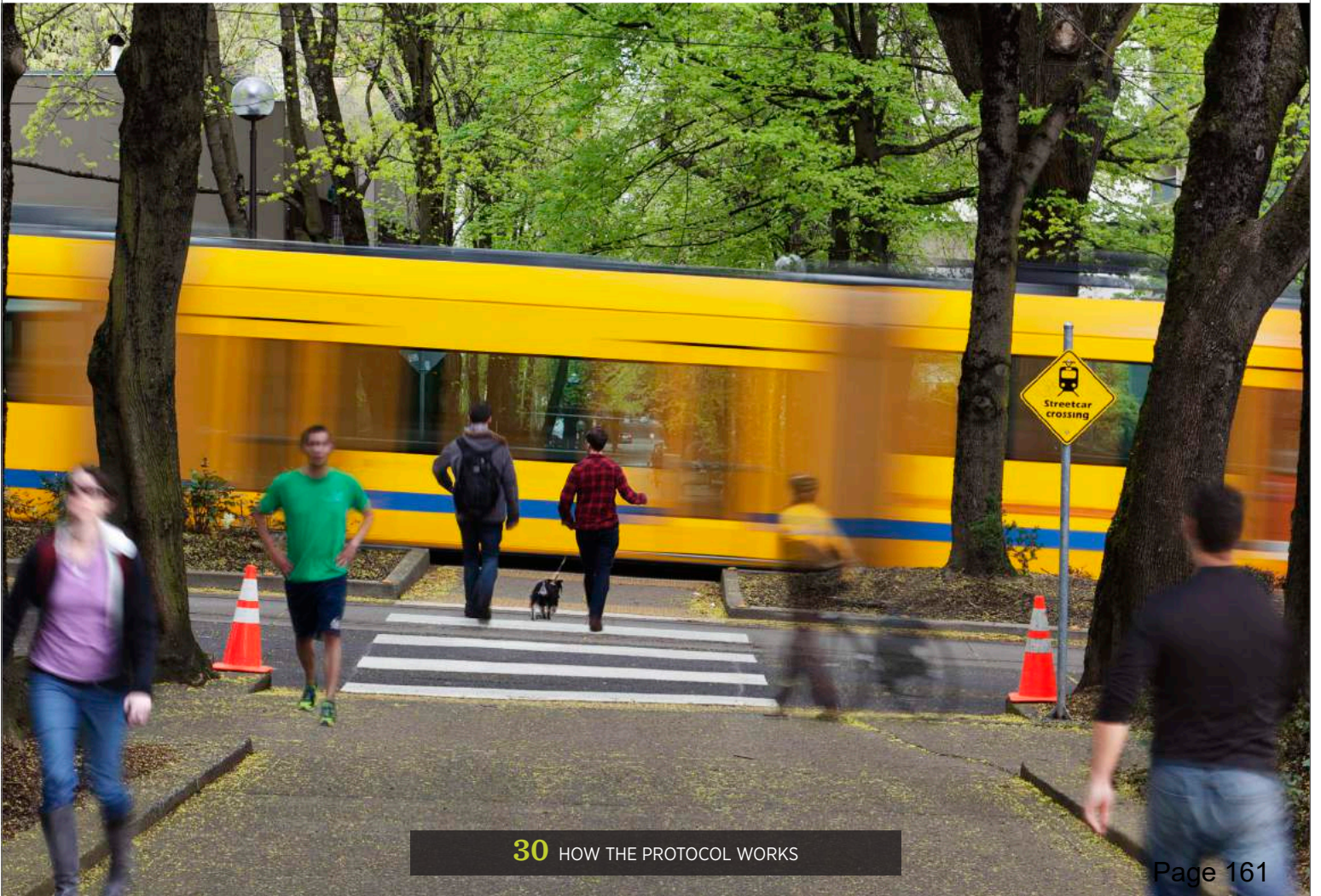


As shown above, certification includes three core submission requirements, beginning with an Imperatives Commitment that must be submitted within one year of registration. After Imperatives Commitment endorsement, districts may submit their Declaration of Collaboration and Roadmap documents separately or in tandem, but no later than two years following the Imperatives Commitment endorsement. EcoDistricts will review both documents individually and will make a single certification award upon endorsement of both documents.

Certification is based on satisfaction of all Protocol requirements. To maintain certification, a district must submit biennial progress reports beginning on the second anniversary of certification and continuing every two years thereafter. Compliance with process timelines allows districts to maintain active status on the EcoDistricts Registry.

In the event a district fails to achieve a process deadline, it will be removed from the Registry, and any certification will be suspended until the required submission is received and approved.







# APPENDICES







# Appendix A: Glossary

**ASSET.** Something of social, economic, environmental, and/or organizational value that is supportive of district formation, and something of value toward achieving Priority goals.

**BACKBONE ORGANIZATION.** An organization dedicated to coordinating and managing district activities. The backbone organization may be an entity that is separate and distinct from the district decision-making body.

**BASELINE ASSESSMENT.** A comprehensive, quantitative appraisal of a district's current performance characteristics as measured by Imperatives and Priority indicators.

**BIENNIAL PROGRESS REPORT.** A report on district progress submitted every two years to EcoDistricts to maintain certification.

**CARBON DIOXIDE (CO<sub>2</sub>).** A naturally occurring gas, as well as a byproduct of burning fossil fuels and biomass, or of land-use changes and other industrial processes. Carbon dioxide is the principal human-caused greenhouse gas that affects the Earth's radiative balance and is the reference gas against which other greenhouse gases are measured.

**CARBON NEUTRALITY.** An alternative term for net zero carbon emissions, carbon neutrality refers to balancing the total measurable carbon dioxide emissions of a district's energy production, energy consumption, and waste production with an equivalent amount of carbon sequestration and offsets, thereby equating to a net total of zero carbon dioxide emissions.

**CERTIFICATION.** The process of certifying a district under the EcoDistricts Protocol, and the award of certification made by the EcoDistricts organization.

**CLIMATE PROTECTION.** Actions to eliminate greenhouse gas emissions and reduce global warming.

**COLLABORATIVE GOVERNANCE.** A set of processes and structures used by communities to address problems that cannot be easily solved by one organization or sector alone.

**COLLECTIVE IMPACT.** A framework for facilitating and achieving change using a structured approach that brings cross-sector organizations together in a collaborative way to focus on a common agenda and produce long-lasting change.

**DECISION-MAKING BODY.** The governing body of the district as authorized in the Declaration of Collaboration.

**DECLARATION OF COLLABORATION.** A non-binding agreement that establishes or designates a backbone organization, defines organizational roles and responsibilities, establishes or designates a decision-making body with decision-making procedures, and describes resources that participating stakeholders will provide to the organization.

**DISTRICT.** Generically, a subarea of a community with a distinct identity, character, and/or planning area boundary; equivalent to neighborhood. For the purposes of EcoDistricts Certified, a “district” is a subarea of a community pursuing certification.

**DISTRICT TEAM.** Key stakeholders who register a district for certification and coordinate its Imperatives Commitment preparation and who may evolve into function as its core decision-makers, including the decision-making body created or designated in a Declaration of Collaboration. Throughout the Protocol process, the team should be broadly representative of the district.

**ECODISTRICTS™.** The nonprofit organization that originated the EcoDistricts Protocol, and now certifies districts globally under the EcoDistricts Certified program requirements.

**ECODISTRICTS CERTIFIED.** A status achieved by a district that is certified by the EcoDistricts organization to be in compliance with the Protocol.

**ENDORSEMENT.** EcoDistricts’ individual approval of a district’s Imperatives Commitment, Declaration of Collaboration, and Roadmap. Certification is awarded when all three documents have been endorsed.

**EQUITY.** A state that is achieved when all people have full and equal access to opportunities that enable them to attain their full potential. The determinants of Equity include the social, economic, geographic, political, and built environment conditions in which people live and work that lead to the creation of a fair and just society.

**GREENHOUSE GASES.** Carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

**HORIZON YEAR.** The year a district has designated for achieving its Roadmap performance targets, except for carbon neutrality, which may occur at a neutrality year beyond a horizon year.

**IMPERATIVES.** Three critically important, overarching issues that must be addressed to attain neighborhood sustainability: Equity, Resilience, and Climate Protection. The Protocol requires a commitment to Imperatives action before certification may be granted.

**INDICATORS.** A set of quantitative measurements that characterize district performance relative to the Imperatives and Priority objectives. Indicators are used to express baseline conditions, horizon year performance targets, and biennial performance results for a given Imperative or Priority. See Appendix B for additional information.

**NATURAL CAPITAL.** The stock of natural resources, such as land, water, and air, that communities depend upon for basic needs.

**NEIGHBORHOOD.** A subarea of a community with a distinct identity, character, and/or planning area boundary; equivalent to district.

**OBJECTIVE.** A desired outcome that contributes to achievement of a Priority goal.

**OBJECTIVE CATEGORY.** A group of similar objectives tied to a specific Priority.

**PRIORITY.** One of the Protocol's six goals: Place, Prosperity, Health and Wellbeing, Connectivity, Living Infrastructure, and Resource Regeneration. For certification, a district Roadmap must address at least three Priorities.

**PROGRAM.** An ongoing service or activity that implements an Imperative commitment or Roadmap strategy. An ongoing program may execute multiple subprojects.

**PROJECT.** A one-time action, such as a capital improvement, that implements an Imperative commitment or a Roadmap strategy.

**PROTOCOL.** The EcoDistricts framework for achieving people-centered, district-scale sustainability; and a certification standard that recognizes district-scale sustainability leadership and achievements.

**PUBLIC SPACES.** Publicly accessible streets, plazas, parks, and comparable outdoor areas; public facilities such as schools, libraries, and indoor recreation complexes.

**REGISTRY.** The online portal and database maintained by EcoDistricts to record registered districts and their certification work products.

**RESILIENCE.** The capacity of district stakeholders to survive, adapt, and thrive when confronting the stresses and shocks they experience. Stresses weaken a district on a chronic basis; examples are high unemployment or crime. Shocks are sudden, single event disruptions that threaten a district, such as a flood or a disease epidemic.

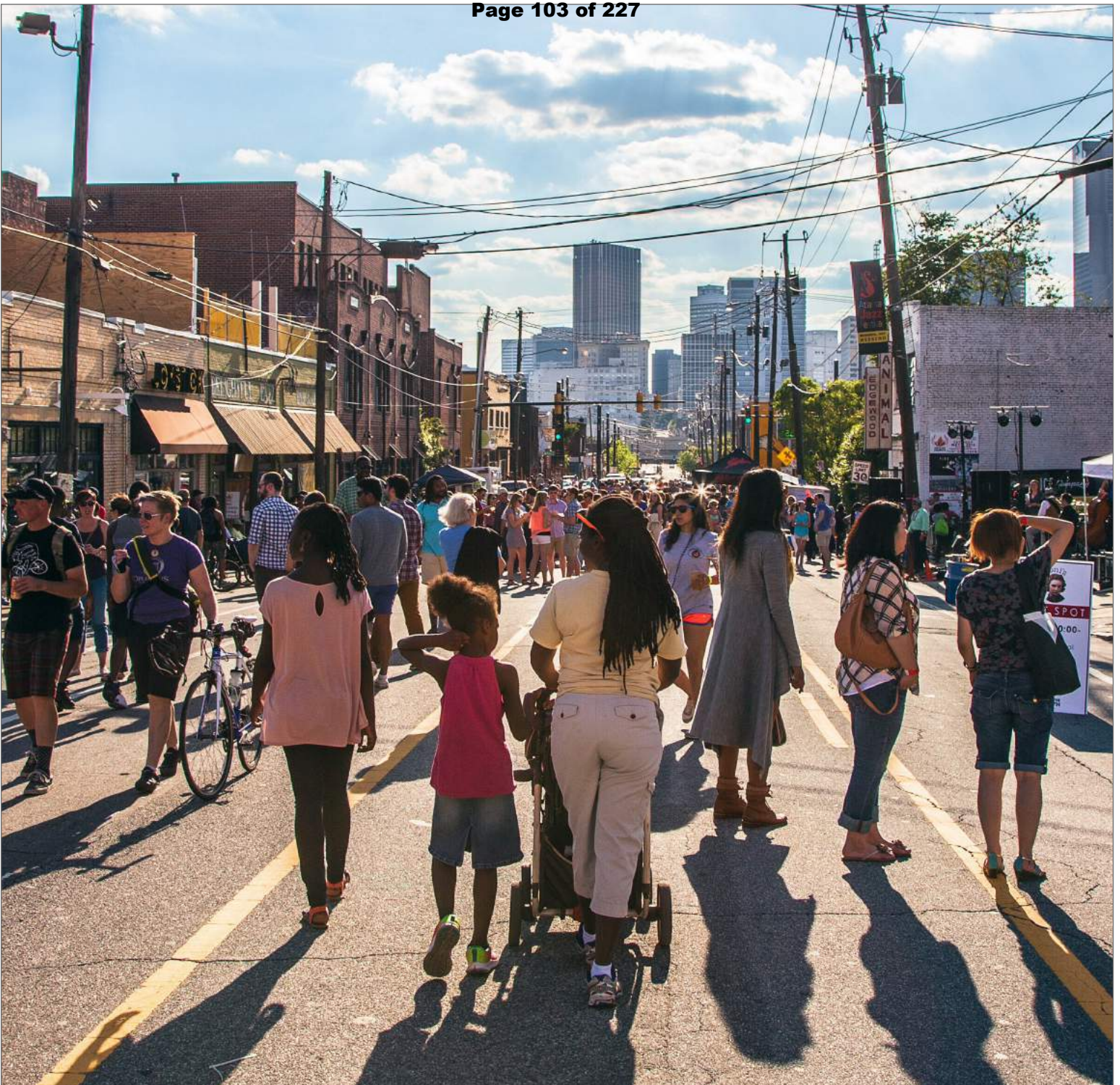
**ROADMAP.** The action plan prepared by a district to characterize district context, describe baseline conditions, set future performance targets, formulate strategies to achieve the targets, identify funding for the strategies, and establish a schedule for achieving the targets by a horizon year.

**STAKEHOLDERS.** Organizations based in, or serving, a district, including but not limited to public agencies, private utilities, schools, community development corporations, major property owners and investors, civic groups, and faith-based organizations.

**STRATEGY.** A Roadmap implementation measure that may include one or more programs or projects.

**TEMPLATE.** The outline of required content in district certification documents, including the Imperatives Commitment template, Declaration of Collaboration template, Roadmap template, and biennial progress report template.





## BELLAGIOSTAMP

EcoDistricts recommends that the selection of indicators be guided by the Bellagio Sustainability Assessment and Measurement Principles (BellagioSTAMP), including a guiding vision of sustainability, adequacy of scope, transparency, effective communications, broad participation, continuity, and ongoing capacity for measurement. Using the BellagioSTAMP framework for district assessment can strengthen governance and improve accountability in setting and meeting targets.

SOURCE: BellagioSTAMP



# Appendix B: Indicators

Indicators are conditions that can be measured quantitatively and that characterize district conditions and performance relative to the Imperatives and Priorities. Indicators are developed at the outset of the Roadmap phase and used to benchmark baseline conditions and, thereafter, to gauge progress towards targets in the Performance phase. Suitable candidates for indicators meet the following criteria:

- Measure a fundamental aspect of an Imperative or Priority objective;
- Use data that is readily available and regularly updated;
- Show change over time;
- Be easily understood by the public and media; and
- Inspire action.




## THE DISTRICT TEAM HAS THE FOLLOWING OPTIONS FOR DEVELOPING A LOCALLY RESPONSIVE SET OF INDICATORS:

- Use the illustrative indicators from Tables B.1 and B.2 directly or as beginning points in formulating a set of indicators that fit local circumstances.
- Adopt or adapt relevant indicators that are already used in the community. Many civic organizations and public agencies operate local indicator programs focused on social, economic, and environmental conditions. These programs may offer cooperative data and measurement advantages for a district.
- Consult exemplary neighborhood sustainability indicator projects, such as the [Seattle Sustainable Neighborhoods Assessment Project](#)
- Adopt or adapt relevant indicators that appear in databases at the following indicator knowledge hubs:
  - [Community Indicators Consortium Project List](#)
  - [International Institute for Sustainable Development Global Directory to Indicator Initiatives](#)
  - [National Neighborhood Indicators Partnership](#)
  - [World Council on City Data](#)
- Consider indicators used in urban sustainability assessment and rating tools from the selection in the [Transformative Tools global registry](#).
- Adopt or adapt indicators from subject matter technical sources, for example the [U.S. EPA Guide to Sustainable Transportation Performance Measures](#) for transportation; or the [California Healthy Communities Data and Indicators Project](#) for health.
- Create new, custom indicators that take advantage of unique local data.

## IMPERATIVE INDICATORS

A district's indicators set must include at least one indicator for each Imperative; districts are encouraged to include additional Imperative indicators, if desired. Illustrative indicators for each Imperative are identified in Table B.1.

Table B.1: Imperative Indicators

| IMPERATIVE                                                                                                                                         | ILLUSTRATIVE INDICATOR        |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------|
|  <p data-bbox="224 827 311 852"><b>EQUITY</b></p>                 | Civic participation           | Percentage of eligible voters voting in latest local election                          |
|                                                                                                                                                    | Economic opportunity          | Unemployment rate                                                                      |
|                                                                                                                                                    |                               | Percentage of population living below poverty level                                    |
|                                                                                                                                                    |                               | Percentage of population receiving social assistance                                   |
|                                                                                                                                                    | Health and wellbeing          | Premature mortality (deaths under age 75)                                              |
|                                                                                                                                                    |                               | Percentage of population reporting good or excellent mental health                     |
|                                                                                                                                                    |                               | Persons with diabetes per 100 population                                               |
|                                                                                                                                                    | Physical surroundings         | Walkability score                                                                      |
|                                                                                                                                                    |                               | Number of civic meeting spaces within walkable distance                                |
|                                                                                                                                                    |                               | Number of healthy food stores within walkable distance                                 |
| Amount of green space within walkable distance                                                                                                     |                               |                                                                                        |
|  <p data-bbox="198 1331 337 1356"><b>RESILIENCE</b></p>         | Social                        | Average years of educational attainment                                                |
|                                                                                                                                                    |                               | Language competency (percentage of population who speak English as a second language)  |
|                                                                                                                                                    |                               | Percentage of voter participation in latest election                                   |
|                                                                                                                                                    | Economic                      | Percentage of businesses with 100+ employees                                           |
|                                                                                                                                                    |                               | Percentage of households in poverty                                                    |
|                                                                                                                                                    |                               | Sector diversity — percentage of workforce in primary, secondary, and tertiary sectors |
|                                                                                                                                                    | Environmental                 | Percentage of land area in 100-year floodplain                                         |
|                                                                                                                                                    |                               | Percentage of land area subject to sea level rise                                      |
|                                                                                                                                                    |                               | Percentage of land area with hydric soils (liquefaction)                               |
|  <p data-bbox="188 1709 344 1768"><b>CLIMATE PROTECTION</b></p> | Energy use                    | Average residential electricity & natural gas use (million Btu/year)                   |
|                                                                                                                                                    |                               | Average household vehicle fossil fuel use (gallons/year)                               |
|                                                                                                                                                    |                               | Per capita total energy use in million Btu/year                                        |
|                                                                                                                                                    | Onsite energy production      | Carbon-free thermal energy produced within the district (million Btu/year)             |
|                                                                                                                                                    |                               | Renewable power generated in megawatt hours/year                                       |
|                                                                                                                                                    | Net CO <sub>2</sub> emissions | Per capita net tons CO <sub>2</sub> emissions/year                                     |

## PRIORITY INDICATORS

A district's indicator set must also include at least one indicator for each Priority objective category; districts are encouraged to include additional indicators, if desired. Illustrative indicators for each Priority objective category are given in Table B.2.

Table B.2: Priority Indicators


|  <b>PRIORITY: PLACE</b><br><b>CREATE INCLUSIVE AND VIBRANT COMMUNITIES</b> |                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OBJECTIVE CATEGORIES                                                                                                                                        | OBJECTIVES                                                                 | ILLUSTRATIVE INDICATORS                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>ENGAGEMENT + INCLUSION</b>                                                                                                                               | Civic engagement is strong and processes are inclusive and representative. | <ul style="list-style-type: none"> <li>- Percentage of population engaged in public consultation processes (e.g., attendance rates, social media subscribers).</li> <li>- Demographic makeup of engagement participants.</li> <li>- Number of hours per capita volunteered annually by residents and business employees.</li> <li>- Percentage of eligible residents voting in most recent local election.</li> </ul> |
|                                                                                                                                                             | Sharing programs are robust.                                               | <ul style="list-style-type: none"> <li>- Number of sharing programs in continuous operation.</li> <li>- Percentage of households and businesses participating in sharing programs annually.</li> </ul>                                                                                                                                                                                                                |
| <b>CULTURE + IDENTITY</b>                                                                                                                                   | Historic and culturally significant places are preserved and celebrated.   | <ul style="list-style-type: none"> <li>- Number of historic/cultural preservation projects completed and programs operated annually.</li> <li>- Number of public art and cultural interpretive installations.</li> </ul>                                                                                                                                                                                              |
|                                                                                                                                                             | Participation in cultural events is high.                                  | <ul style="list-style-type: none"> <li>- Percentage of population participating annually in cultural events within the district.</li> <li>- Number of public spaces available for cultural events.</li> </ul>                                                                                                                                                                                                         |
| <b>PUBLIC SPACES</b>                                                                                                                                        | Public spaces are accessible to all.                                       | <ul style="list-style-type: none"> <li>- Percentage of dwelling units and businesses within a 0.25 mile (0.4 km) walk of a public space other than a street.</li> </ul>                                                                                                                                                                                                                                               |
|                                                                                                                                                             | Public spaces are high quality, engaging, and active.                      | <ul style="list-style-type: none"> <li>- Number of activities programmed annually for public spaces, including streets.</li> <li>- Number of people using public spaces daily, at peak and average levels of occupancy.</li> </ul>                                                                                                                                                                                    |
| <b>HOUSING</b>                                                                                                                                              | Housing is affordable and well maintained.                                 | <ul style="list-style-type: none"> <li>- Percentage of dwelling units priced at affordable levels.</li> <li>- Percentage of dwelling units occupied.</li> <li>- Percentage of dwelling units in poor condition.</li> <li>- The district's Housing and Transportation Affordability Index score.</li> </ul>                                                                                                            |
|                                                                                                                                                             | Housing is available to meet a diversity of dwelling needs.                | <ul style="list-style-type: none"> <li>- Diversity index score of district dwellings.</li> <li>- Percentage of dwellings meeting local visitability and universal design standards.</li> </ul>                                                                                                                                                                                                                        |
|                                                                                                                                                             | Housing is close to facilities that offer a complete set of daily needs.   | <ul style="list-style-type: none"> <li>- Percentage of daily essentials (e.g., shopping, civic, education, recreation) within a 0.5 mile (0.8 km) walk of 50 percent of dwellings.</li> </ul>                                                                                                                                                                                                                         |

Table B.2: Priority Indicators

| OBJECTIVE CATEGORIES         | OBJECTIVES                                                            | ILLUSTRATIVE INDICATORS                                                                                                                                                                                                              |
|------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ACCESS TO OPPORTUNITY</b> | Income and racial inequality are reduced.                             | <ul style="list-style-type: none"> <li>- Household income and education levels.</li> <li>- Percentage of population living below the poverty line.</li> </ul>                                                                        |
|                              | Schools provide quality education.                                    | <ul style="list-style-type: none"> <li>- Graduation rates.</li> <li>- Absenteeism rates.</li> <li>- Percentage of students advancing from one grade level to the next.</li> </ul>                                                    |
|                              | Career pathways and training are available.                           | <ul style="list-style-type: none"> <li>- Number of training programs matched to district job opportunities.</li> <li>- Percentage of eligible district participants enrolled in training programs.</li> </ul>                        |
| <b>ECONOMIC DEVELOPMENT</b>  | Employment in the district is retained.                               | <ul style="list-style-type: none"> <li>- Number and type of jobs retained annually (workforce survey).</li> <li>- Percentage of district residents employed at locations in the district.</li> </ul>                                 |
|                              | Job quality in the district is enhanced.                              | <ul style="list-style-type: none"> <li>- Median wage.</li> <li>- Percentage of employees with full job benefits.</li> </ul>                                                                                                          |
|                              | New job creation occurs through economic development.                 | <ul style="list-style-type: none"> <li>- Number of “local sourcing” agreements and programs in operation.</li> <li>- Number of community-owned/controlled business formations annually.</li> </ul>                                   |
| <b>INNOVATION</b>            | Interaction between entrepreneurs is fostered.                        | <ul style="list-style-type: none"> <li>- Number of incubators, accelerators, maker spaces, and co-working spaces in the district.</li> <li>- Number of programs, and enrollment levels, to cultivate business innovation.</li> </ul> |
|                              | Job growth in emerging sectors is higher than in traditional sectors. | <ul style="list-style-type: none"> <li>- Number of district-based start-ups in emerging sectors annually.</li> </ul>                                                                                                                 |

Table B.2: Priority Indicators


|  <b>PRIORITY: HEALTH + WELLBEING</b><br><b>NURTURE PEOPLE'S HEALTH AND HAPPINESS</b> |                                                           |                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>OBJECTIVE CATEGORIES</b>                                                                                                                                           | <b>OBJECTIVES</b>                                         | <b>ILLUSTRATIVE INDICATORS</b>                                                                                                                                                                                   |
| <b>ACTIVE LIVING</b>                                                                                                                                                  | Access to recreation facilities and services is improved. | - Percentage of population within a 0.25 mile (0.4 km) walk of a public indoor or outdoor recreation space.                                                                                                      |
|                                                                                                                                                                       | Walkability is enhanced.                                  | - Percentage of street length in the district with sidewalks on both sides.<br>- The district's Walk Score.                                                                                                      |
| <b>HEALTH</b>                                                                                                                                                         | Health outcomes and life expectancy are more equitable.   | - Average life expectancy.<br>- Percentage of population with cardiovascular disease.<br>- Asthma rates.<br>- Obesity rates.                                                                                     |
|                                                                                                                                                                       | Affordable, high-quality health care is accessible.       | - Percentage of population with health insurance coverage.<br>- Walk and Transit Scores of health facility locations.                                                                                            |
|                                                                                                                                                                       | Toxic environments are remediated and regenerated.        | - Number of days annually that air quality emission standards are exceeded in and near the district.<br>- Percentage of population living near an unremediated brownfield or contaminated site.                  |
| <b>SAFETY</b>                                                                                                                                                         | Public safety is enhanced.                                | - Annual composite index score of crimes against persons and property.                                                                                                                                           |
|                                                                                                                                                                       | The built environment is designed for public safety.      | - Percentage of public space frontages visible from a street.<br>- Number of pedestrian and bicyclist fatalities annually.                                                                                       |
| <b>FOOD SYSTEMS</b>                                                                                                                                                   | Healthy and affordable fresh food is accessible.          | - Percentage of dwelling units within a 0.5 mile (0.8 km) walk of a fresh food outlet.                                                                                                                           |
|                                                                                                                                                                       | Food production in the district is encouraged.            | - Area per capita used for food production.<br>- Percentage of households with a home garden or using a community garden.<br>- Quantity of local fresh food procured annually by establishments in the district. |

Table B.2: Priority Indicators


|  <b>PRIORITY: CONNECTIVITY</b><br><b>BUILD EFFECTIVE CONNECTIONS BETWEEN PEOPLE AND PLACES</b> |                                                                                 |                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>OBJECTIVE CATEGORIES</b>                                                                                                                                                     | <b>OBJECTIVES</b>                                                               | <b>ILLUSTRATIVE INDICATORS</b>                                                                                                                                                                                                                                                              |
| <b>STREET NETWORK</b>                                                                                                                                                           | The street network supports all travel modes.                                   | <ul style="list-style-type: none"> <li>- Intersections per square mile or kilometer.</li> <li>- Transit stops per square mile or kilometer.</li> <li>- Percentage of total street length with bicycle sharing.</li> </ul>                                                                   |
|                                                                                                                                                                                 | The street network accommodates people with diverse ages and abilities.         | <ul style="list-style-type: none"> <li>- Percentage of students walking to school and residents walking to work.</li> <li>- Percentage of arterial intersections with traffic-controlled crosswalks.</li> </ul>                                                                             |
| <b>MOBILITY</b>                                                                                                                                                                 | District travel, internally and externally, is safe, efficient, and multimodal. | <ul style="list-style-type: none"> <li>- Vehicle miles or kilometers traveled daily per capita.</li> <li>- Mode split of daily person trips.</li> <li>- Household car ownership rate.</li> <li>- Number of “first and last mile” options at major transit stops.</li> </ul>                 |
|                                                                                                                                                                                 | Shared mobility options are increased.                                          | <ul style="list-style-type: none"> <li>- Number of bike and car share stations.</li> <li>- Percentage of population using shared cars and bikes annually.</li> </ul>                                                                                                                        |
| <b>DIGITAL NETWORK</b>                                                                                                                                                          | Quality wired and wireless connectivity is available throughout the district.   | <ul style="list-style-type: none"> <li>- Percentage of residential and nonresidential users with Internet download speeds of at least 1 gigabyte.</li> <li>- Number of free Wi-Fi hotspots per square mile or kilometer.</li> <li>- Percentage of public spaces with free Wi-Fi.</li> </ul> |
|                                                                                                                                                                                 | Local government data is open and accessible for public consumption.            | <ul style="list-style-type: none"> <li>- Percentage of local government services that can be accessed by citizens via the Internet or mobile phone.</li> <li>- Number of technology hubs for low-income residents to access the Internet.</li> </ul>                                        |



Table B.2: Priority Indicators



|  <b>PRIORITY: LIVING INFRASTRUCTURE</b><br><b>ENABLE AND CONNECT TO FLOURISHING ECOSYSTEMS</b> |                                                       |                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>OBJECTIVE CATEGORIES</b>                                                                                                                                                     | <b>OBJECTIVES</b>                                     | <b>ILLUSTRATIVE INDICATORS</b>                                                                                                                                                           |
| <b>NATURAL FEATURES</b>                                                                                                                                                         | The quality and functions of habitat are enhanced.    | <ul style="list-style-type: none"> <li>- Improvement in functional habitat performance.</li> <li>- Percentage of nonfunctional habitat restored annually.</li> </ul>                     |
|                                                                                                                                                                                 | Natural features are protected.                       | <ul style="list-style-type: none"> <li>- Percentage of steep slope areas designated as nonbuildable.</li> <li>- Average buffer distance protecting wetlands and water bodies.</li> </ul> |
| <b>ECOSYSTEM HEALTH</b>                                                                                                                                                         | Rainwater is managed in the district.                 | <ul style="list-style-type: none"> <li>- Percentage of 50-year storm event managed within the district.</li> <li>- Ratio of pervious to impervious surfaces.</li> </ul>                  |
|                                                                                                                                                                                 | Soil fertility and farmland are protected.            | <ul style="list-style-type: none"> <li>- Annual compaction, erosion, and chemical treatment rates.</li> </ul>                                                                            |
|                                                                                                                                                                                 | Contaminated land is remediated for productive reuse. | <ul style="list-style-type: none"> <li>- Area of contaminated land remediated for reuse annually.</li> </ul>                                                                             |
| <b>CONNECTION WITH NATURE</b>                                                                                                                                                   | Access to nature is improved.                         | <ul style="list-style-type: none"> <li>- Percentage of residents within a 1 mile (1.6 km) walk to natural open space.</li> </ul>                                                         |

Table B.2: Priority Indicators

| OBJECTIVE CATEGORIES                                                                                                                                                                                                 | OBJECTIVES                                                                              | ILLUSTRATIVE INDICATORS                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <br><b>PRIORITY: RESOURCE REGENERATION</b><br><b>WORK TOWARDS NET POSITIVE ENERGY, WATER, AND WASTE</b><br><b>AIR &amp; CLIMATE</b> | All sectors improve energy efficiency, reduce waste, and increase natural carbon sinks. | All sectors improve energy efficiency, reduce waste, and increase natural carbon sinks.<br>- Average energy use index for new building construction.<br>- Percent of district with tree canopy. |
|                                                                                                                                                                                                                      | Electricity generation is decarbonized.                                                 | - Percent of annual electricity demand met by district-based renewable power generation.<br>- Carbon content of local grid-delivered electricity (CO2 pounds/megawatt-hour)                     |
|                                                                                                                                                                                                                      | All sectors shift to renewable power and carbon-free fuels.                             | - Carbon and carbon-free fuel shares for household vehicles, e.g. percent clean electric vehicles.                                                                                              |
|                                                                                                                                                                                                                      | Air quality is protected from criteria pollutants                                       | - Annual air quality index score.                                                                                                                                                               |
| <b>WATER</b>                                                                                                                                                                                                         | Potable water is used efficiently.                                                      | - Gallons of water used daily per capita, indoors and outdoors.                                                                                                                                 |
|                                                                                                                                                                                                                      | Alternative water sources are used for nonpotable purposes.                             | - Percentage of buildings connected to nonpotable water sources.                                                                                                                                |
|                                                                                                                                                                                                                      | Water quality is protected from pollutants.                                             | - Annual water quality index score.                                                                                                                                                             |
| <b>WASTE</b>                                                                                                                                                                                                         | Waste is diverted from landfills through reduction, reuse, and recycling.               | - Percentage of nonhazardous waste diverted from landfills annually.                                                                                                                            |
|                                                                                                                                                                                                                      | The residual value of organic waste is captured.                                        | - Percentage of organic waste diverted for energy recovery or composting annually.                                                                                                              |

# History of the Protocol: Research and Development

Protocol research and development, since its inception in 2012, has engaged more than 100 expert advisors, comprehensive roundtables, listening sessions, and peer review milestones. The Protocol has been applied to over 60 projects throughout North America.

In the interest of transparency, a complete report of the research, development, and engagement strategy employed by EcoDistricts is available at [www.ecodistricts.org/protocol](http://www.ecodistricts.org/protocol). We want to acknowledge the commitment of our Protocol Advisory Committee members and peer reviewers for their tireless effort in helping us build the Protocol and delivering it to the world.

## PROTOCOL ADVISORY COMMITTEE MEMBERS

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Bradley Weinig • TOD Senior Program Director, Enterprise Community Partners

Walker Wells • Vice President of Programs/Green Urbanism Program Director, Global Green USA







# Next Steps

**DOWNLOAD THE ECODISTRICTS CERTIFIED HANDBOOK** for an actionable, step by step guide to implementing the Protocol. [ecodistricts.org/handbook](https://ecodistricts.org/handbook)

## GET SUPPORT OR TECHNICAL ASSISTANCE

Through the EcoDistricts Accelerator, we provide direct support to cities, developers, institutions and communities to integrate equity, resilience and climate protection; to form collaborative governance; and to develop strategic roadmaps to advance projects. We develop a customized package of support to advance equitable, sustainable community development across a city or neighborhood.

**Accelerate Adoption of EcoDistricts.** EcoDistricts Accelerator activities range from services such as workshops or assessments to longer-term programmatic delivery. Activities are customized based on the unique challenges and opportunities facing a particular place.

**Request a Consultation:** [ecodistricts.org/accelerator](https://ecodistricts.org/accelerator)

**Bring Your Team to the EcoDistricts Incubator.** The EcoDistricts Incubator is a three-day intensive designed to empower district-scale teams to advance outcomes in equity and sustainability and to form collaborative governance.

**Learn more:** [incubator.ecodistricts.org](https://incubator.ecodistricts.org)

## TAKE YOUR PROJECT TO THE NEXT LEVEL WITH ECODISTRICTS CERTIFIED

EcoDistricts Certified is a powerful way to move projects from vision to reality and create neighborhoods for all. Through EcoDistricts Certified, neighborhoods commit to equity, resilience and climate protection, form collaborative governance, create an implementation roadmap, and track and measure impact. **Register for EcoDistricts Certified:** [ecodistricts.org/certified](https://ecodistricts.org/certified)

## BROADEN YOUR SKILLSET WITH ECODISTRICTS ACCREDITED PROFESSIONAL

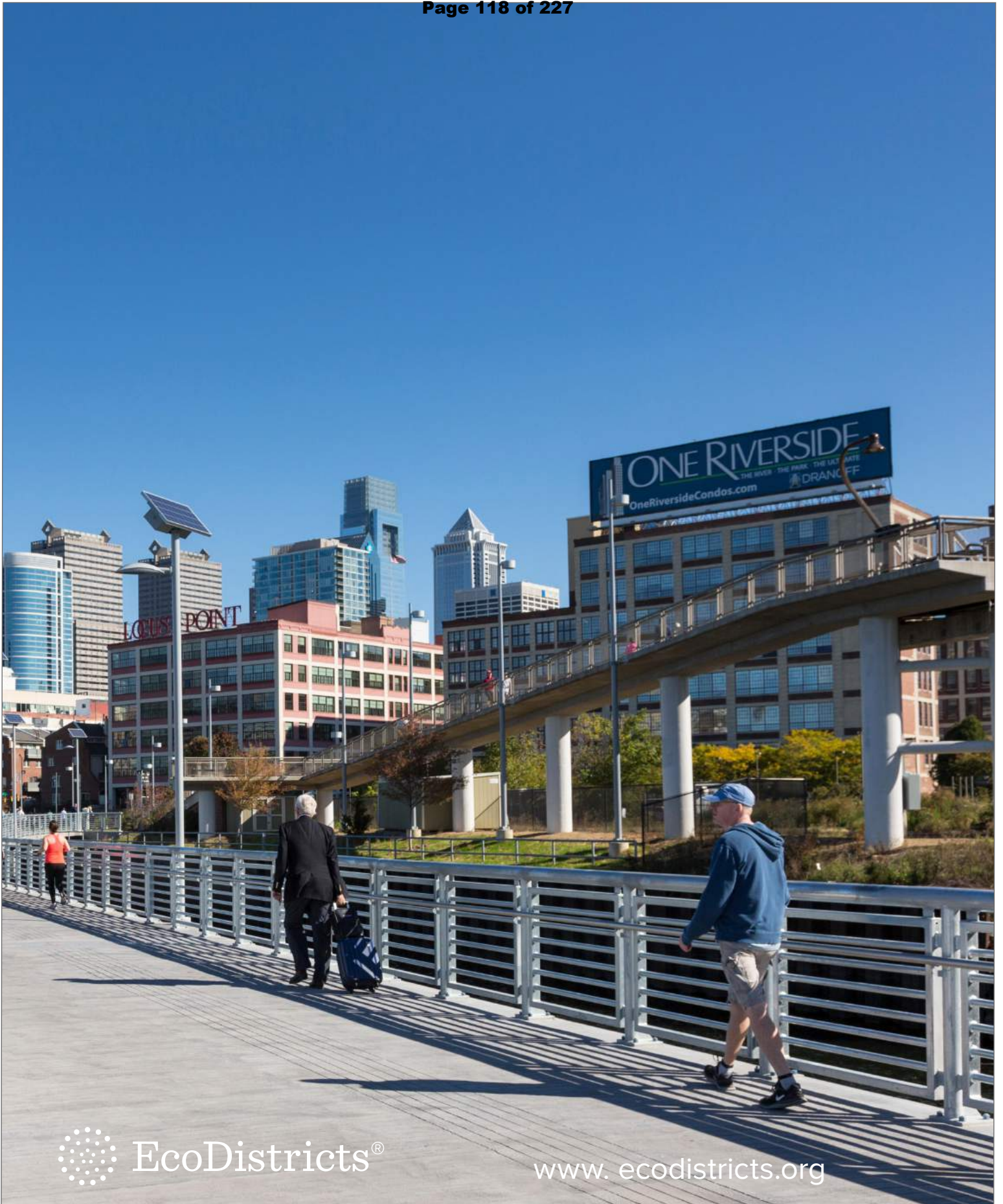
EcoDistricts Accredited Professional (AP) is the only credential demonstrating a commitment to creating sustainable, equitable neighborhoods. EcoDistricts AP is for anyone involved in community development, including architects, planners, landscape architects, urban designers, public policymakers, developers, and staff members at public redevelopment agencies and community-based organizations. **Become an AP:** [ecodistricts.org/professional](https://ecodistricts.org/professional)

# About EcoDistricts

## NEIGHBORHOODS FOR ALL

For far too long, urban development has focused on real estate and infrastructure, rather than truly comprehensive investments that embrace the needs and challenges facing neighborhoods and cities. EcoDistricts is advancing a new model of urban regeneration to empower just, sustainable, and resilient neighborhoods. Through an integrated suite of programs, convenings and project certification tools, we aim to mobilize, empower and accelerate sustainable urban development leadership throughout North America and beyond. Together, we will build the vibrant neighborhoods of tomorrow.

LEARN MORE OR JOIN OUR COMMUNITY AT  
[www.ecodistricts.org](http://www.ecodistricts.org)



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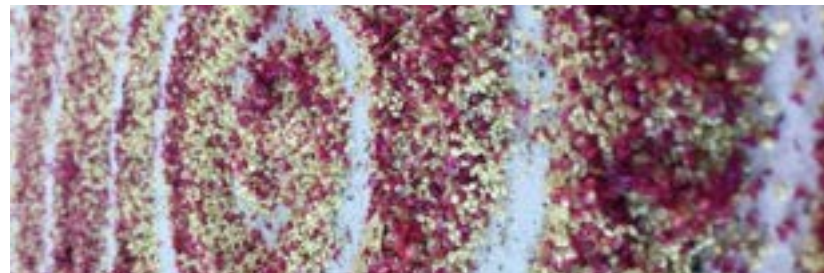
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# REMATRIATION RESOURCE GUIDE

## SOGOREA TE' LAND TRUST

*Returning Indigenous Land to Indigenous Hands*



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## ALL LAND IS INDIGENOUS LAND

Everything has a source. Trace anything you ate or used today back to its original source and you will find yourself at land. Indigenous Land.

All land carries Indigenous knowledges and stories, and is home to Indigenous peoples. What can we do to honor this? This Resource Guide from Sogorea Te' Land Trust offers a variety of questions, prompts and ideas for how to engage this history and the ideas brought up in the "Remothering the Land" Film.

## STOLEN LAND STOLEN PEOPLE

*Much of our world is founded on the theft of Indigenous and Black peoples labor, lives, and land. Think about your relationship to the colonial occupation of this land and answer these questions:*

What is your relationship to this history? Who are the Indigenous people of the land you are on? How did you get there? Where are your ancestral lands? What are the Indigenous names of the people/territory/ plants/animals? Where are the Indigenous people of the land now? What can you do to support them? What historical harms have you benefitted from? What does it mean to heal and transform the legacy of colonization, genocide, and patriarchy our ancestors and future generations are calling us to do?



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## INDIGENOUS PEOPLE ARE STILL HERE

*Learn about and act in support of Indigenous led work.*

- Speak of Indigenous people in the present tense.
- Learn about the story of the land you are on.
- Read Indigenous authors, scholars, journalists, listen to Indigenous voices.
- Learn about structural inequality, white supremacy, and patriarchy.
- Find out about the issues impacting Indigenous communities today.
- Make sure your local schools are including Indigenous peoples and Indigenous histories in their curricula.
- Stop celebrating Columbus Day! Encourage your local city and state to recognize Indigenous Peoples Day instead.
- Learn about the pressing environmental issues where you are, and take action.
- Learn about your local Indigenous sacred sites, and take action to protect them.
- Shift resources to Indigenous-led projects and work.

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## BE A GOOD GUEST

*How can you be a good guest on Indigenous land?*

**Pay** Shuumi Land Tax or support your local Indigenous land tax or communities.

**Plant** native plants and pollinators in your communities and grow food.

**Protect** your local creeks and watersheds.

**Support** Indigenous activists, artists and organizers.

**Be a good neighbor** and take care of each other.

**Divest** from white privilege and patriarchy by:

- Organizing your cities, counties, public institutions to develop land acknowledgements with your local tribes.
- Organizing to take down monuments of racism and violence.
- Organizing to change racist, colonial, or otherwise harmful names of local schools, parks, and shared spaces.
- Support the work of Rematriation and redistribute wealth.

**Support** your local Indigenous-led work.

**Ask** before you act.

**Do** your part, take action today!



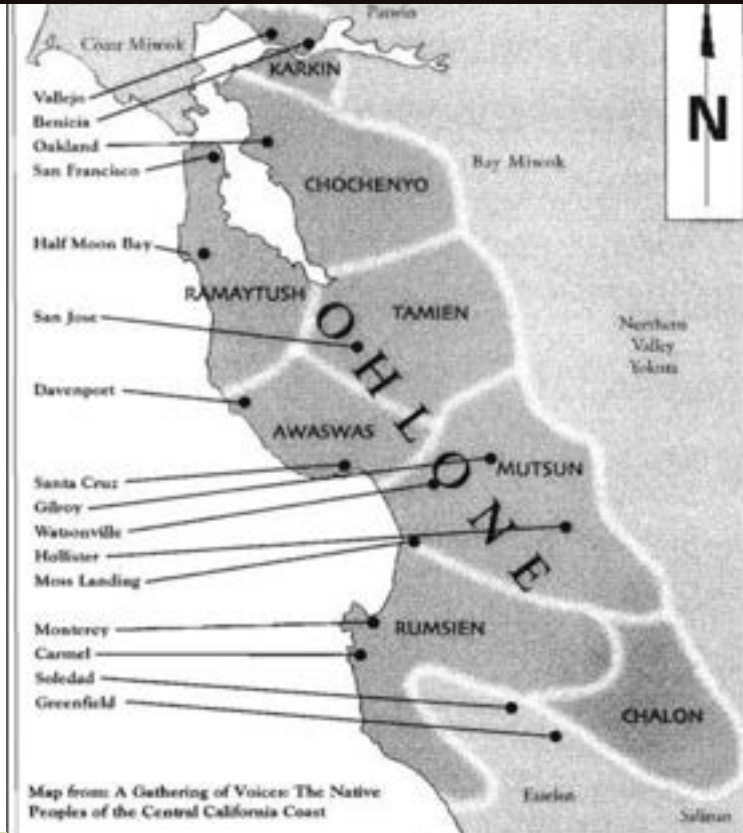
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# TERRITORY MAPS

Maps tell part of the story of people's relations to land but often are biased, narrowly focused or incomplete. Indigenous relation to land is different from ownership and there are no maps that contain all of Indigenous peoples' own names for themselves and their ancestral territories.

Wherever you are, research your local history for more information.



## A GOOD PLACE TO START

[Native Land Map](#)

[National Congress of American Indian Map](#)

Local tribal websites

Local Indigenous organizations and centers

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## REDISTRIBUTION AND RECIPROCITY

### *Transforming the legacy of colonization*

In our world's history, much wealth has been taken from Indigenous and Black communities with long lasting inequalities that still exist today.

As a society we are really just beginning to learn how to navigate what it means to acknowledge the history of the land we are on, to build meaningful deep relationships and collaborations that honor the past and to engage with the knowledge, time, energy and resources of Indigenous people and in respectful and reciprocal ways.

As we consider how to build justice with Black and Indigenous communities, acknowledging histories of harm and taking steps towards healing and repair is essential. What can you do to contribute? How can you shift and redistribute resources to communities who have been extracted from?



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EXAMPLES OF HEALING AND REPARATIONS IN HISTORIC HARM:

Native Reparation from Nightline

Land Reparations Tool Kit from Resource Generation

Reparations Map for Black-Indigenous (BIPOC) Farmers

Truth and Reconciliation in South Africa

Canadian Reparations for boarding school survivors

US reparations to Japanese internment camp survivors

Honor taxes, land taxes, and other Black and Indigenous-led reparation efforts

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## RECOMMENDED READINGS

*These are just a few!*

Racial Justice books for kids

Honor Indigenous people with your family PBS

Indigenous Justice for Environmental Movements Toolkit by Catalyst Project

Resource Guide for Indigenous Solidarity Funding Projects: Honor Taxes & Real Rent Projects

Accomplices not Allies by Indigenous Action

Questions About Home by Catalyst Project

A People's History of the United States by Howard Zinn

An Indigenous People's History of the United States by Roxanne Dunbar Ortiz

Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong.

by James W. Loewen

Rethinking Columbus: The Next 500 Years edited by Bill Bigelow and Bob Peterson

An American Genocide, The US and the California Indian Catastrophe

by Benjamin Madley

Columbus and Other Cannibals by Dr. Jack Forbes

Unsettling Truths: The Ongoing, Dehumanizing Legacy of the Doctrine of Discovery.

by Mark Charles



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## VOCABULARY

### **Rematriate:**

To restore sacred relationships between Indigenous people and their ancestral land. Honoring our matrilineal societies and lineages ways of tending to the land, in opposition of patriarchal violence and dynamics.

### **Regenerate:**

To restore, reform and recreate again what has been taken or lost; a spiritual rebirth.

### **Reparation:**

To make an amends for a wrong one has done, by paying money to or otherwise mitigating harm; the act of repair.

### **Extraction:**

The action of taking out something, especially using effort or force; origins, legacy, or of a family line.

### **Legacy:**

The lineage of something passed by from ancestor, predecessor or the past.

### **Reciprocate:**

To give and take in mutually beneficial ways; to return an action, item or effort in kind.



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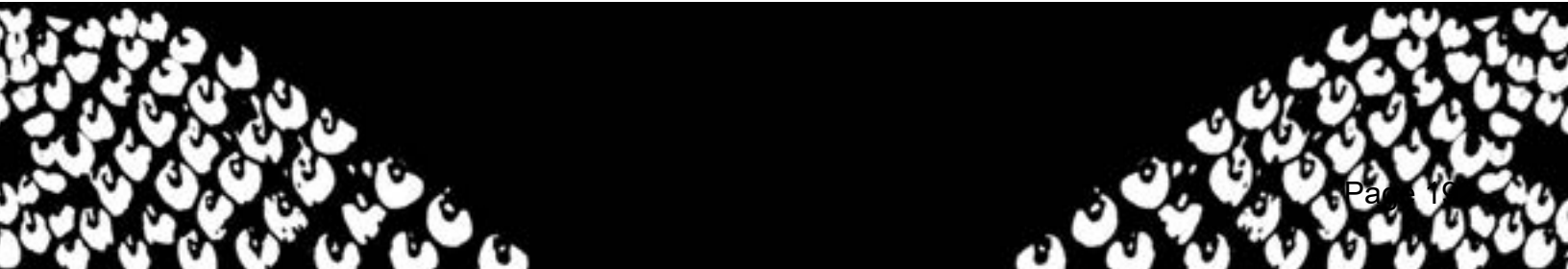
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**THANK YOU  
FOR ENGAGING WITH US**

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# THE WEIGHT OF CITIES: RESOURCE REQUIREMENTS OF FUTURE URBANIZATION

1

## 1. CHALLENGES OF THE FUTURE

- ▶ The proportion of the global population living in cities and towns is expected to rise from 54 percent in 2015 to 66 percent by 2050. Most of this transition will take place in the Global South, especially in Asia and Africa, and will require a **significant expansion of existing cities, as well as the construction of new cities.**
- ▶ Business as usual could result in the annual resource requirements of urban areas growing from 40 billion tonnes in 2010 to nearly 90 billion tonnes by 2050. The high demand for such raw materials will far exceed what the planet can sustainably provide. **Resources should now become a central policy concern**, in addition to concerns over CO<sub>2</sub>, which are now well recognized.
- ▶ In addition, the long-term historic **sprawl of cities by 2 percent per year** threatens to increase global urban land use from just below 1 million km<sup>2</sup> to over 2.5 million km<sup>2</sup> by 2050, **putting agricultural land and food supplies at risk** (see IRP report on *Food Systems and Natural Resources*, 2015).
- ▶ Cities that become more resource-efficient in transport, commercial buildings, and building heating/cooling could achieve **reductions of between 36 to**

**54 percent** in energy use, GHG emissions, metals, land and water use.

## 2. RETHINKING URBANIZATION: RECOMMENDATIONS FOR POLICYMAKERS

**A transition towards low-carbon, resource-efficient and socially just cities** is crucial to advance towards the Sustainability Development Goals and the New Urban Agenda. The concept of **'urban metabolism' (the flow of resources through a city)** can be used to frame thinking about how cities can improve citizens' access to essential services (a focus on well-being for all) while managing their resources wisely and producing minimal waste. This transition could be achieved through the following approaches:

- 1. Urban metabolisms must shift from 'linear' to 'circular':** This implies new ways of managing the movement of resources through the city. Businesses and cities will have to focus on offering high value services rather than selling artefacts; providing heat instead of heaters, mobility instead of highways and cars, light instead of light bulbs. Concepts such as 'urban mining', 'resource cascading' and 'industrial symbiosis' and the various manifestations of the 're-economy' (reduce, reuse, recycle) will define the new urbanism.





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## 2. Urban metabolisms must be monitored to assist strategic planning at local government level:

Local governments must understand cities' inputs (e.g. biomaterials) and outputs (e.g. waste and emissions), using these to develop resource efficiency strategies.<sup>1</sup> In addition, the relationship between gross domestic product (GDP)<sup>2</sup> and material flows, global land use and GHG emissions must be measured, and targets must be set. The negative externalities of various resource uses must be priced in to provide economic incentives for behavioural change.

## 3. City planning 'defaults' must be changed:

Cityscapes need to be designed for people rather than cars, and must allow the poor, in particular, to access the opportunities on offer in the city and prevent uncontrolled sprawl:

- ▶ **Create compact urban growth:** a network of high-density nodes of people, jobs and amenities (approximately 15,000 people per km<sup>2</sup>) that are connected by efficient and affordable mass transit systems (e.g. light rail, rail, bus rapid transit) and are surrounded by medium-density areas (7,500 to 10,000 people per km<sup>2</sup>). Transit-oriented development (TOD) and area development should be approached as integrated portfolios.
- ▶ **Human-scale sustainable design** that creates conditions for liveable functionally and socially mixed-use neighbourhoods, with options for soft mobility (e.g. walking, cycling) and 'passive' heating, cooling and lighting at the building level.
- ▶ **Resource-efficient urban components**, such as vehicle sharing, electric vehicles and charging point networks, efficient energy, waste and water systems, smart grids, cycle paths, energy-efficient buildings, new heating, cooling and lighting technology, etc.

- ▶ **Urban infrastructure planning for cross-sector efficiency**, such as using waste heat in district energy systems and waste materials in construction, such as fly-ash bricks.

- ▶ **Promotion of sustainable behaviours**, such as reducing and/or separating waste at source for recycling, using public transport, walking or cycling, enjoying public spaces, etc.

## 4. A new governance model and politics of new imaginative business propositions and experimentation can provide hope for a better future:

An 'entrepreneurial urban governance' is proposed, which envisages an active and goal-setting role for the State, but in ways that allows broader coalitions of urban 'agents of change' to emerge. This would foster new imaginative business propositions to guide strategic planning for vibrant, green and socially inclusive cities and promote experimentation. It would also connect to global city networks and 'twin town' or 'sister city' initiatives to foster systemic learning between cities. Concepts such as 'living labs', city deals, innovation hubs and special zones indicate that cities are now thinking much more in terms of 'learning by doing'. Experimentation needs to result in a contextually appropriate balance between economic, social, technological and sustainable development.

## 5. Higher levels of government must support city-level innovation for resource efficiency:

Collaboration with higher levels of government is essential if cities are to overcome regulatory barriers and access funding for innovation. It is crucial that existing infrastructure budgets are channelled in new directions. A low-carbon scenario would require adding only 5 percent to infrastructure spending (Global Commission on the Economy and Climate, 2014).

<sup>1</sup> Resource efficiency strategies use fewer resources to achieve the same level of output or use the same amount of resources to achieve a greater output.

<sup>2</sup> There is a need to move beyond GDP as the only measurement of progress, and to shift to a system that assesses well-being.



For more information please contact the Secretariat of the International Resource Panel at:  
**resourcepanel@unep.org**

The full report and Summary for Policymakers can be downloaded at:  
**<http://www.resourcepanel.org/reports/weight-cities>**

**Senate Bill No. 1000**

CHAPTER 587

An act to amend Section 65302 of the Government Code, relating to land use.

[Approved by Governor September 24, 2016. Filed with Secretary of State September 24, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1000, Leyva. Land use: general plans: safety and environmental justice.

(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. That law requires this general plan to include several elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, wildland and urban fires, and climate adaptation and resilience strategies. That law requires that the safety element be reviewed and updated, in the case of flooding and fire hazards, upon the next revision of the housing element after specified dates or, in the case of climate adaptation and resilience strategies, upon either the next revision of a local hazard mitigation plan after a specified date or on or before January 1, 2022, as applicable. That law also requires, after the initial revision of the safety element to address flooding, fires, and climate adaptation and resilience strategies, that for each subsequent revision the planning agency review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.

This bill would instead require a planning agency to review and revise the safety element to identify new information, as described above, only to address flooding and fires.

This bill would, in addition, add to the required elements of the general plan an environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities, as defined, within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The bill would also require the environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, as specified, identify objectives and policies to promote civil engagement in the public decisionmaking process, and identify objectives

and policies that prioritize improvements and programs that address the needs of disadvantaged communities. The bill would require the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, to be adopted or reviewed upon the adoption or next revision of 2 or more elements concurrently on or after January 1, 2018. By adding to the duties of county and city officials, this bill would impose a state-mandated local program.

(2) This bill would incorporate additional changes to Section 65302 of the Government Code, proposed by AB 2651 that would become operative only if this bill and AB 2651 are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas,



when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) “Military readiness activities” mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For purposes of this paragraph, “users of streets, roads, and highways” mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information

described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

- (A) The reclamation of land and waters.
- (B) Prevention and control of the pollution of streams and other waters.
- (C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (D) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (E) Protection of watersheds.
- (F) The location, quantity and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

- (A) Highways and freeways.
- (B) Primary arterials and major local streets.
- (C) Passenger and freight online railroad operations and ground rapid transit systems.
- (D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
- (E) Local industrial plants, including, but not limited to, railroad classification yards.
- (F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level ( $L_{dn}$ ). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, “flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
  - (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
  - (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
  - (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
  - (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.
- (C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).
- (3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:
- (A) Information regarding fire hazards, including, but not limited to, all of the following:
    - (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
    - (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.
    - (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.
    - (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open-space designations of homeowner associations.
    - (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.
  - (B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the Internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.



(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of natural features and ecosystem processes, when developing alternatives for consideration. For the purposes of this clause, “natural infrastructure” means the preservation or restoration of ecological systems, or utilization of engineered systems that use ecological processes, to increase resiliency to climate change, manage other environmental hazards, or both. This may include, but is not limited to, floodplain and wetlands restoration or preservation, combining levees with restored natural systems to reduce flood risk, and urban tree planting to mitigate high heat days.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by

reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) After the initial revision of the safety element pursuant to paragraphs (2) and (3) upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not available during the previous revision of the safety element.

(6) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(7) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(8) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental

justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) “Disadvantaged communities” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) “Public facilities” includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) “Low-income area” means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.

SEC. 1.5. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas,

when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) “Military readiness activities” mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For purposes of this paragraph, “users of streets, roads, and highways” mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information

described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

- (A) The reclamation of land and waters.
- (B) Prevention and control of the pollution of streams and other waters.
- (C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (D) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (E) Protection of watersheds.
- (F) The location, quantity, and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

- (A) Highways and freeways.
- (B) Primary arterials and major local streets.
- (C) Passenger and freight online railroad operations and ground rapid transit systems.
- (D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
- (E) Local industrial plants, including, but not limited to, railroad classification yards.
- (F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level ( $L_{dn}$ ). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.



(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, “flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
  - (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
  - (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
  - (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
  - (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.
- (C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).
- (3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:
- (A) Information regarding fire hazards, including, but not limited to, all of the following:
    - (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
    - (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.
    - (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.
    - (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
    - (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.
  - (B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the Internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of natural features and ecosystem processes, when developing alternatives for consideration. For the purposes of this clause, “natural infrastructure” means the preservation or restoration of ecological systems, or utilization of engineered systems that use ecological processes, to increase resiliency to climate change, manage other environmental hazards, or both. This may include, but is not limited to, floodplain and wetlands restoration or preservation, combining levees with restored natural systems to reduce flood risk, and urban tree planting to mitigate high heat days.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by

reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) After the initial revision of the safety element pursuant to paragraphs (2) and (3) upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not available during the previous revision of the safety element.

(6) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(7) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(8) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental



justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) “Disadvantaged communities” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) “Public facilities” includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) “Low-income area” means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65302 of the Government Code proposed by this bill and Assembly Bill 2651. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65302 of the Government Code, and (3) this bill is enacted after Assembly Bill 2651, in which case Section 65302 of the Government Code, as amended by Assembly Bill 2651, shall remain operative only until the operative date of this bill, at which time Section 1.5 of this bill shall become operative, and Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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RESOLUTION NO. 65,210–N.S.

AMENDING THE WEST BERKELEY PLAN AND, BY REFERENCE, THE GENERAL PLAN

WHEREAS, the City of Berkeley (“City”) adopted the West Berkeley Plan in 1993; and adopted Zoning Ordinance amendments to implement that Plan in 1999; and

WHEREAS, beginning in 2007, the City Council requested that staff revise regulations in West Berkeley to allow flexibility in zoning restrictions to facilitate development of large multi-parcel sites and to encourage building reuse and expansion; and

WHEREAS, the West Berkeley Project was developed to meet these goals while remaining consistent with the primary goals and objectives of the West Berkeley Plan; and

WHEREAS, in addition to various Zoning Ordinance revisions, the West Berkeley Project includes revisions to the Land Use Chapter of the West Berkeley Plan, Section VII. *Land Use Regulations of the West Berkeley Plan – For Adoption in Principle* to reflect the proposed changes to zoning regulations; and

WHEREAS, the West Berkeley Plan is incorporated by reference into the General Plan, and therefore such revisions are also amendments to the General Plan; and

WHEREAS, the Planning Commission discussed the West Berkeley Project at approximately 30 meetings in 2008, 2009 and 2010, held two public hearings and, on October 13, 2010 through a series of eight motions, recommended (7-2-0) (Ayes: Clarke, Eisen, Gurley, Novosel, Pollack, Samuels, Stoloff. Noes: Dacey, Poschman) that the City Council certify the Final EIR and adopt the Zoning Ordinance and West Berkeley Plan amendments; and

WHEREAS, the City Council held duly noticed public hearings on January 25 and February 8, 2011, the public hearings were continued to February 22 and March 22, 2011, and the public hearing was closed on March 22, 2011; and

WHEREAS, the proposed amendments to the West Berkeley Plan Land Use Chapter, Section VII. *Land Use Regulations of the West Berkeley Plan – For Adoption in Principle* are consistent with the Purposes of the West Berkeley Plan, including maintaining the full range of land uses and economic activities, maintaining the ethnic and economic diversity, and maintaining and improving the quality of life; and

WHEREAS, the proposed amendments are also consistent with West Berkeley Plan goals and policies, including, but not limited to allowing modification to zoning regulations to improve the West Berkeley industrial business climate, to attract emerging business sectors, and to retain, to the degree feasible, the economic diversity of West Berkeley businesses, and especially space for artists and crafts-people and jobs for residents of Berkeley who may be underemployed or unemployed; and

WHEREAS, the West Berkeley Plan states that the Plan is a living document and should be reconsidered and changed as appropriate, over time; and

WHEREAS, the proposed amendments to the West Berkeley Plan support the proposed zoning amendments included as part of the West Berkeley Project; and

WHEREAS, the City has prepared, in conformance with the California Environmental Quality Act (CEQA), an Environmental Impact Report, and the City Council adopted a Resolution certifying the Final EIR, adopting the Mitigation Monitoring Program and making all required findings pursuant to CEQA; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 2120 Milvia Street, Second Floor, Berkeley, California.

NOW THEREFORE, BE IT RESOLVED that West Berkeley Plan shall be amended as shown on Attachments A and B of this Resolution.

BE IT FURTHER RESOLVED that the West Berkeley Plan is part of the General Plan and that the General Plan is hereby also amended by reference.

The foregoing Resolution was adopted by the Berkeley City Council on March 22, 2011 by the following vote:

Ayes: Anderson, Capitelli, Maio, Moore, Wengraf, Wozniak and Bates.

Noes: Arreguin and Worthington.

Absent: None.

  
\_\_\_\_\_  
Tom Bates, Mayor

Attest:   
\_\_\_\_\_  
Mark Numairville, CMC, Deputy City Clerk

## PROPOSED AMENDMENTS TO THE WEST BERKELEY PLAN

### REVISIONS ARE PROPOSED TO SECTION VII, "LAND USE REGULATIONS OF THE WEST BERKELEY PLAN – FOR ADOPTION IN PRINCIPLE"

The following text and proposed modifications represent pages 42 through 58 of the West Berkeley Plan (December 1993).

#### VII. Land Use District Regulations of the West Berkeley Plan--for Adoption in Principle

##### Status of the Regulations

The land use regulations below are central to the West Berkeley Plan. They spell out generally what uses are permitted and prohibited in each of the districts created by the Plan, what allowable height and bulk standards would be, and set forth a series of regulatory concepts for special situations. These include limits on changes of use of manufacturing facilities, on buffers between residential and heavy manufacturing sites, and other issues. They are much of what the framers of the West Berkeley Plan understand to be the content of the Plan.

Nevertheless, these regulations are proposed for adoption in principle only, rather than adoption as an amendment to Berkeley's General Plan (as the rest of the document is). They are proposed in this way for technical reasons. Development regulations such as these should ultimately reside in the Zoning Ordinance, and will be found there once West Berkeley's zoning is brought into conformity with the Plan. City staff anticipates that the zoning will be drafted and approved next year. The procedure for adopting the zoning changes should be relatively streamlined, as it will be relying on the West Berkeley Plan Environmental Impact Report as environmental documentation. If these regulations were adopted as part of the General Plan, any change to them, however minor, would require a General Plan amendment. Such amendments are--because of state planning law--procedurally complex, and limited in number.

For these reasons, adoption of this section in principle is recommended. Such adoption will make clear that zoning provisions should closely follow the Plan, while assuring the most appropriate and expeditious procedure for enacting and amending that zoning.

#### **2011 Update:**

On March 22, 2011, the City Council modified certain text in the Zoning Ordinance related to implementing the West Berkeley Plan, modified this "Land Use Regulation section of the West Berkeley Plan consistent with these zoning changes, and certified the West Berkeley Project EIR for these changes [give ordinance number], These changes occur in West Berkeley Plan Section VII, with each change followed with the text "(Action 2011)."

- *District permitted and prohibited uses*
- *B. Special Situations and Regulations*
- 2010 Update Note: *Table 1-5 Recommended Development Standards by Zone* (Plan page 53), which was prepared to assist with development of zoning regulations has not been updated and should not be considered a reliable source for zoning designations. Correct zoning designations are available in the City of Berkeley Zoning Ordinance, in the appropriate zoning district text.

#### **DISTRICT PERMITTED AND PROHIBITED USES**

(See also Special Situations section)

Generally Permitted and Prohibited Uses

**Manufacturing District** ("Pink")

See also Development Standards, Manufacturing/Residential Buffers for regulations affecting certain sites

Permitted Uses (see Development Standards chart for sizes of projects requiring Administrative Use Permit, Use Permit with Public Hearing) See Zoning Ordinance for definitions of and discretionary levels for each use (added 2011)

- Arts & Crafts Uses (workspaces only, not live-work)
- Alternative Fueling Stations (added 2011)
- Auto body & painting
- Automobile dismantling ("junkyards")
- Auto repair
- Bus, Cab, truck, and public utility depots
- Composting
- Construction yards and associated offices
- Farms and Agricultural establishments
- Industrial Product Sales (Gases & Chemicals)
- Manufacturing: Food processing, textiles, apparel, lumber & wood products, furniture, paper & allied products, printing (exclusive of publishing); asphalt products, leather products (exclusive of primary production of leather); stone, clay, and glass products; fabricated metals, industrial machinery, electrical machinery & electronics, transportation equipment, scientific instruments, miscellaneous manufacturing.
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
- Parking lots (for uses located in the district)
- Self-storage ("mini-storage") (removed 2011)
- Warehouses
- Wholesale trade and distribution
- Warehouse-based non-store retail (added 2011)

Conditionally Permitted Uses (Public Hearing required regardless of project size) (removed 2011)

- Chemicals, including pharmaceuticals (exclusive of the manufacturing of alkalis, chlorine, chemical warfare gases, DDT, chloroform, fertilizers, and explosives)
- Parking structures
- Primary metals, including smelting and refining

Ancillary Uses (Uses permitted only as an integral part of manufacturing or wholesale trade site) (removed 2011)

- Factory Outlets (for products manufactured on site)
- Laboratories
- Offices
- Services to Buildings and Dwellings (Added 2011)
- Visual and Aural Arts Production (Added 2011)
- Alternative Fueling/Charging Stations (Added 2011)



Prohibited Uses--Manufacturing District

- Banks and financial establishments
- Gasoline stations
- Group quarters residences
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Hotels and motels
- Laboratories (freestanding)
- Live-work
- Manufacturing: Tobacco products, alkalies, chlorine, chemical warfare gases, DDT, pesticides, chloroform, fertilizers, explosives; primary production of leather; petroleum refining, products of petroleum and coal not elsewhere classified; tires, inner tubes, synthetic rubber, asbestos products, ordnance and accessories, reprocessing of nuclear cores & scrap
  - Offices (freestanding)
- Publishing
- Residences
- Restaurants
- Retail establishments, except permitted factory outlets
- Schools and day care facilities
- Mini-Storage (Added 2011)

**Mixed Manufacturing District ("Blue")**

See also Development Standards, Large Site Development Process (Zoning Ordinance sections modified 2011); Manufacturing/Residential Buffers (regulations affecting frontage along portions of 7th St., Dwight Way)

Permitted Uses (see Development Standards chart for sizes of projects requiring Administrative Use Permit, Use Permit with Public Hearing) See Zoning Ordinance for definitions of, and discretionary levels for each use (added 2011)

- Alternative Fueling/Charging Stations (Added 2011)
- Arts & Crafts Uses (workspaces only, not live-work)
- Auto body & painting
- Automobile dismantling ("junkyards")
- Auto repair
- Bus, Cab, truck, and public utility depots
- Childcare (Added 2011)
- Composting
- Construction yards and associated offices
- Farms and Agricultural establishments
- Industrial Product Sales (Gases & Chemicals)
- Manufacturing: Food processing, textiles, apparel, lumber & wood products, furniture, paper & allied products, printing (exclusive of publishing); asphalt products, leather products (exclusive of primary production of leather); stone, clay, and glass products; fabricated metals, industrial machinery, electrical machinery & electronics, transportation equipment, scientific instruments, miscellaneous manufacturing.
- Parking Lots (for uses located in the district)
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
- Research and Development as defined in the Zoning Ordinance (added 2011)
- Services to Buildings and Dwellings (Added 2011)

- ~~◦ Visual and Aural Arts Production (Added 2011)~~
- ~~◦ Warehouses~~
- ~~◦ Warehouse-based Non-store Retail (Added 2011)~~
- ~~◦ Wholesale trade and distribution~~

~~Uses Always Requiring Public Hearing (regardless of project size) (deleted 2011)~~

- ~~◦ Chemicals, including pharmaceuticals (exclusive of the manufacturing of alkalies, chlorine, chemical warfare gases, DDT, chloroform, fertilizers, and explosives)~~
- ~~◦ Parking structures~~
- ~~◦ Primary metals, including smelting and refining~~

~~Ancillary Uses (Uses permitted only as an integral part of manufacturing or wholesale trade site) (deleted 2011)~~

- ~~◦ Factory Outlets (for products manufactured on site)~~
- ~~◦ Laboratories on the ground floor~~
- ~~◦ Offices on the ground floor~~

~~Upper story Uses (Uses permitted on the second story or above) (deleted 2011)~~

- ~~◦ Laboratories (other than ancillary)~~
- ~~◦ Offices (other than ancillary)~~
- ~~◦ Publishing~~

Prohibited Uses

- Banks and financial establishments
- Gasoline stations except Alternative Fueling/Charging Stations
- Group quarters residences
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Hotels and motels
- ~~◦ Laboratories on the ground floor (not part of a manufacturing district) (deleted 2011)~~
- Live-work
- Manufacturing: Tobacco products, alkalies, chlorine, chemical warfare gases, DDT, pesticides, chloroform, fertilizers, explosives; primary production of leather; petroleum refining, products of petroleum and coal not elsewhere classified; tires, inner tubes, synthetic rubber, asbestos products, ordnance and accessories, reprocessing of nuclear cores & scrap
- Offices on the ground floor, not part of a manufacturing facility
- Residences
- Restaurants
- Retail establishments, except permitted factory outlets
- Schools and day care facilities
- Self-storage ("mini-storage")

### Mixed Use/Light Industrial District ("Green")

See also Development Standards; Conversions from Manufacturing to Other Uses; Live-Work Development

Permitted Uses (see Development Standards chart for sizes of projects requiring Administrative Use Permit, Use Permit with Public Hearing) See Zoning Ordinance for definitions of, and discretionary levels for each use (added 2011)

#### 1. Industrial & Agricultural Uses

- Arts and Crafts (workspaces only, live-work limited)
- Alternative Fueling Stations (added 2011)
- Auto repair
- Bus, Cab, truck, and public utility depots
- Construction yards & associated offices
- Farms & agricultural establishments
- Manufacturing: Food processing (e.g. bakeries, wineries); textiles, apparel, furniture, lumber & wood products, printing and publishing; stone, clay, and glass products; industrial machinery; electrical machinery & electronics (except production of semiconductors and related devices); scientific instruments; miscellaneous manufacturing
- Manufacturing Repair and Service
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
- Research and Development as defined in Zoning Ordinance (added 2011)
- Vocational Schools (providing training for uses in district)
- Warehouses
- Warehouse-based Non-store Retail (added 2011)
- Wholesale trade and distribution

#### 2. Offices and Services

- Offices—General, medical, and professional (see Conversions from manufacturing to other uses)

#### 3. Retail

- Building Materials and Garden Supplies—
- Business Services (not to exceed 3,000 sq.ft.)—Services to Buildings and Dwellings (added 2011)

#### 4. Other Uses

Parking lots

~~Uses Always Requiring Public Hearing (regardless of project size) (deleted 2011)~~

- Alternative Fueling/Charging Stations (added 2011)
- Auto body and painting
- Day Care/Childcare (modified 2011)
- Live-Work (Manufacturing and Arts & Crafts uses only)
- Manufacturing of leather products, rubber products, plastic products, paper products, fabricated metals
- Parking structures
- Restaurants
- Schools (other than Vocational Schools described above)
- Shelters for Homeless Persons
- Truck and Utility Trailer Rental and Leasing (added 2011)

- Visual and Aural Arts Production (modified 2011)

Uses Permitted in Selected Locations—portions of Mixed Use/Light Industrial district north of Gilman St. and west of 3rd St. (Southern Pacific RR) (deleted 2011)

- Laboratories (not part of manufacturing facilities)\*
- Manufacture of pharmaceuticals

#### Prohibited Uses--Mixed Use/Light Industrial District

- Banks and Financial establishments (public service)
- Gasoline stations except Alternative Fueling/Charging Stations (added 2011)
- Group Quarters other than Shelters for Homeless Persons
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Hotels and Motels
- Manufacturing—All uses prohibited in Manufacturing zone and Chemicals (except pharmaceuticals in selected locations), petroleum products, primary metals processing (e.g. "foundries"), production of semiconductors and related devices, transportation equipment and primary production of leather, rubber, plastic, or paper
- Residences (live/work conditionally permitted, see above)
- Retail stores, except as listed above
- Self-storage ("mini-storage")

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\*Pending further study when Hazard Ranking System is developed for rezoning. Certain types of laboratories may be inappropriate for these locations.

#### **Mixed Use/Residential District**

See also Development Standards, Conversions from Manufacturing to Other Uses, Permitted Uses, Live-Work

Permitted Uses (see Development Standards chart for sizes of projects requiring Administrative Use Permit, Use Permit with Public Hearing) See Zoning Ordinance for definitions of, and discretionary levels for each use (added 2011)

##### 1. Residential

- Residences—Single-family, Multi-family, Group Quarters
- Day Care/Childcare (modified 2011)
- Schools

##### 2. Industrial & Agricultural

- Arts and Crafts (workspaces only)
- Farms and Agricultural establishments
- Manufacturing Repair and Service
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
- Warehouses
- Warehouse-based Non-store Retail (added 2011)
- Wholesale trade and distribution

##### 3. Retail

- Building Materials and Garden Supplies
- ~~Business Services—Services to Buildings and Dwellings (added 2011)~~
- Food Stores (not to exceed 5,000 sq.ft.)
- Cleaners, laundries, and laundromats

#### 4. Other Uses

Parking lots (for uses located in the district)

#### ~~Uses Always Requiring Public Hearing—(regardless of project size) (deleted 2011)~~

- Auto body, auto painting, auto repair (with setbacks from residential use)  
Bus, Cab, truck, and public utility depots
- Construction yards and associated offices
- Live-work (work activities those permitted in district)
- Manufacturing— Food processing (e.g. bakeries, wineries), clothing & textile production, furniture production, wood products, printing and publishing; stone, clay, and glass products; industrial machinery, electrical machinery & electronics (except production of semiconductors and related devices), scientific instruments, miscellaneous manufacturing, leather products, rubber products, plastic products, paper products
- Restaurants
- Visual and Aural Arts Production (modified 2011)

#### Prohibited Uses

- Banks and financial establishments (public service)
- Gasoline stations except Alternative Fueling/Charging stations (added 2011)
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Hotels and motels  
Laboratories\* (deleted 2011)
- Manufacturing—All uses prohibited in Manufacturing zone and Chemicals (including pharmaceuticals), lumber milling, petroleum products, primary metals processing, production of semiconductors and related devices, primary production of leather, rubber, plastic, or paper (e.g. pulp mills)
- Retail stores, except as listed above

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\*Pending further study when Hazard Ranking System is developed for rezoning. Certain types of laboratories may be appropriate for this district

**Commercial District** ("Red") (See also Development Standards, Live-Work)

Generally Permitted Uses (see Development Standards chart for sizes of projects requiring Administrative Use Permit, Use Permit with Public Hearing) See Zoning Ordinance for definitions of, and discretionary levels for each use (added 2011)

1. Retail

- Barber shops, beauty salons, and other hair cuteries
- Gasoline stations
- Hotels and motels
- Cleaners, laundries, and laundromats
- Restaurants
- Retail stores (all types)

2. Residential

- Day Care
- Schools

3. Live-Work

- Live-work (work activities those permitted in district)

4. Offices

- Banks and financial establishments
- Business Services (above the ground floor in designated commercial nodes)
- Offices—General, Medical, and Professional (above the ground floor in designated commercial nodes)

5. Industrial and Agricultural

- Arts and Crafts (workspaces)
- Auto body, auto painting, and auto repair
- Farms and agricultural establishments
- Wholesale trade and distribution

6. Other Uses

Parking lots (for uses located in the district)

~~Uses Always Requiring Public Hearing (regardless of project size) (deleted 2011)~~

- Construction yards and associated offices
- Manufacturing—Food processing, printing and publishing, wood products, furniture making, stone, clay, and glass products  
Parking structures
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
  - Residential uses—single family, multi-family, and group quarters (above the ground floor in designated commercial nodes)



**Prohibited Uses--Commercial District**

- Bus, Cab, truck, and public utility depots
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Laboratories (freestanding)
- Manufacturing (other than uses specified above)

**Residential Districts**

See also Development Standards

Permitted Uses in All Residential Zones—R1A, R-3, R-4

- Parks, playgrounds, playlots
- Day care for six or fewer children

Uses Requiring a Public Hearing (regardless of project size) in All Residential Zones

- Churches, Community Centers, and Libraries
- Day Care
- Food stores (less than 3,000 sq.ft.)
- Cleaners, laundries, and laundromats
- Residences—1 unit, 2 unit
- Schools

Uses Requiring a Public Hearing (regardless of project size) in R-3, R-4 zones only, not permitted in R-1A zones

- Group Quarters
- Medical buildings and hospitals
- Multiple dwellings

Uses Requiring a Public Hearing (regardless of project size) in R-4 zone only, not permitted in R-1A and R-3 zones

- Hotels and motels
- Institutions and offices
- Retail ancillary to hotels, motels, institutions and offices

Uses Prohibited in All Residential Zones

- All other uses—agricultural, other retail, manufacturing, wholesaling

Note: Most of the "residential core" area of West Berkeley between Dwight and Camelia (excluding University Ave.) and 6th St. and the San Pablo commercial strip is zoned R-1A. However, parts of the blocks on either side of University Ave. are zoned R-3 or R-4.

## B. Special Situations and Regulations

### Change of Use from Manufacturing and Industrial Uses to Other Uses

**Rationale:** The West Berkeley Plan's regulation of "conversions" (technically "changes of use") from manufacturing and wholesale trade is a central element of the Plan's land use concept. In the Mixed Use/Light Industrial ("Green") zone in particular, the conversion limits seek to maintain the industrial character of the area, without completely blocking other uses there. The district description above makes clear how—in many respects—the Light Industrial district is the key manufacturing and industrial district in West Berkeley. Staff estimates that the district contains at least 2.2 million square feet of privately owned manufacturing and wholesaling space, in dozens and dozens of buildings, which range in size from a few thousand square feet to the 162,000 square feet of Utility Body. This district—in contrast with the Manufacturing and Mixed Manufacturing districts—contains a substantial percentage of manufacturers and wholesalers which rent rather than own their space, putting them at much greater risk of displacement.

If no limits on the conversion of manufacturing space were enforced here, widespread displacement of manufacturing would be possible, contrary to the Plan's economic development and land use policy. On the other hand, if the City were to seek to protect manufacturers' spaces in the absence of such a rule, the list of permitted uses in the district would have to be much more restrictive. Thus, given the existence of limits on conversion, the Plan can be much more permissive about allowing certain uses as new construction (e.g. offices) while maintaining the area as an industrial district. The conversion limitation approach allows change, but regulates its pace and scope. Indeed, if the full 25% of space allowed to convert actually were to convert (an admittedly unlikely occurrence), some 550,000 square feet of space would be changed to office or other uses. If this 550,000 square feet were to convert, some 40% of the district's current space would be non-manufacturing/wholesaling, about the maximum level at which the district could still be called "industrial."

The issue is also relevant in the Mixed Use/Residential district, although this district is both smaller and designed to be less protective of manufacturing. In this district, the Plan calls for conversions of manufacturing/wholesaling buildings of 10,000 square feet or more to be reviewed for their impact on the industrial character of the area. Specific criteria will be proposed in the West Berkeley rezoning proposal.

#### **2011 Updates:**

- **Arts and Crafts, Non-store Retail and Contractors, as defined in the Zoning Ordinance are allowed uses within the Protected Spaces (including Warehouse, Wholesale Trade, Manufacturing and Material Recovery Enterprise)**
- **Research and Development, as defined and regulated in the Zoning Ordinance, if allowed in the MU-LI and MM districts, and may be allowed in Wholesale Trade and Warehouse protected space if allowed by zoning.**

**Regulation:** "Conversion" (Change of Use) of Manufacturing or Wholesaling Space in Mixed Use/Light Industrial District

Scope of Regulation—Changes of buildings currently or last used for manufacturing, wholesale trade, or warehouse uses to any other use, except manufacturing, wholesale trade, or warehouse use.

Limit on Change of Use—The change of use of any manufacturing, wholesale trade, or warehouse use to a use other than manufacturing, wholesale trade or warehousing would be limited to 25% of the floor area of the building now used for purposes other than offices, laboratories, properly approved live-work spaces, or properly approved retail space.

**Example:** Thus in a manufacturing site with 100,000 square feet of space (other than office), 25,000 could be converted (with a Use Permit) to other uses permitted in the district. No further conversion would be permitted.

Hardship Exception—Buildings which are uneconomic to maintain in at least 75% industrial use could be converted to other uses permitted in the district with a Use Permit granted by the Zoning Adjustments

Board after a Public Hearing. The Board would be required to find that there are exceptional physical circumstances pertaining to the building, which do not pertain to most other buildings in the district, which make it impossible to reuse for industrial purposes. The simple fact that other uses would be more profitable is not adequate for this Use Permit.

### **Heavy Manufacturing/Residential Buffers**

**Rationale:** The intent of this regulation is to maintain a minimum distance of 150 feet between residential and "heavy" manufacturing uses in order to mitigate environmental impacts, such as noise, odor, vibration and glare, which would interfere with reasonable residential use and to provide a workable environment for these manufacturers.

#### **Regulation:**

Affected Districts--Mixed Use/Residential; Mixed Use/Light Industrial; Mixed Manufacturing; Manufacturing

#### Mixed Use-Residential

- No new residential use may be established within 150 feet of any property in a manufacturing district (i.e. Manufacturing, Mixed-Manufacturing); nor within 150' of existing "heavy" manufacturer in any zone. Additions to existing residential uses permitted at a "reasonable" level - standards to be set forth in the rezoning unless a Use Permit is obtained. (added 2011)
- No new or expanded manufacturing use may be established within 150 feet of an existing residential use, unless Performance Standards are met and a Use Permit is obtained.

#### Manufacturing; Mixed-Manufacturing; Mixed Use-Light Industrial Districts

- No new or expanded manufacturing use may be established within 150 feet of a residential property located in the Mixed Use-Residential zone, unless Performance Standards are met and a Use Permit is obtained.
- No new or expanded manufacturing use may be established within 150 feet of an existing residential use regardless of zone, unless Performance Standards are met and a Use Permit is obtained.

Note: Residential uses are prohibited in the Manufacturing, Mixed Manufacturing, and Mixed Use/Light Industrial district.

## Large Site Development Process

**Rationale:** West Berkeley has a few large sites—sites of 5 acres or more under a single ownership—which present special challenges and opportunities for planning and development in West Berkeley. These large sites—such as the Miles or (ex)Colgate property—are of a scale where they have a major impact on the area around them, and noticeable impacts on West Berkeley as a whole. They also may require modification of the uses and development standards in a district to facilitate a feasible large scale project.

For these reasons, the West Berkeley Plan incorporates a concept of a Large Site Development Process. While the process remains to be defined, the concept is that a special approval process would be used for certain projects. Because of the importance of these projects, the Planning Commission would be involved in the process. The process would also provide a formal mechanism for early citizen input.

The rezoning will propose a Zoning Ordinance amendment to provide for a Master Plan Permit. It would be a middle ground alternative between the Use Permit and the Development Agreement. While a master permit could be issued for a multi-building project, there would be a procedure for review of individual buildings at their time of construction. This alternative could incorporate many of the master planning features of a Development Agreement, but would be acted upon under the procedures of the Zoning Ordinance, rather than as a separate contract.

It is important to note that no special process would be required of large scale projects which conform in all substantive respects to the uses and development standard of their district. Such a project, however large, would require simply the normal Use Permit(s) and environmental review (an Environmental Impact Report or other appropriate documentation).

**2011 Update: The Master Use Permit (MUP) section of the Zoning Ordinance (Chapter 23B.36) is modified. The Regulations noted in the Plan are no longer accurate. Please reference the proposed revisions to Chapter 23B.36 for the updated Master Use Permit regulations.**

**Regulation:** Projects which are eligible for the Large Site Development Process are those which:

- On sites of at least 5-4 (modified 2011) acres; and
- Proposing to incorporate uses which would not otherwise be permitted in the district; or
- Requesting an “alternative” land use entitlement, such as a Development Agreement. Another possibility is a Master Plan Permit, whereby a single permit would be issued for the development of a number of buildings and/or uses within a given range.

## Performance Standards

**Rationale:** The West Berkeley Plan incorporates the concept of “performance standards.” Performance standards differ from traditional zoning development standards in that they regulate the impacts of land uses—noise, odor, vibration, etc. By contrast, traditional zoning standards deal with the physical form of building—building mass, height, yards (setbacks), lot coverage, parking, etc. Performance standards set maximum permissible levels for the release of the item they regulate—e.g. X decibels of noise. Such performance standards are an integral part of Portland’s “Industrial Sanctuary” zoning policy, and are used in Oakland and many other communities.

Performance standards become particularly important in a context where disparate uses are close together—like West Berkeley. When differing districts abut each other, performance standards limiting noxious environmental impacts can help substitute for the absence of distance between uses. The sometimes difficult industrial/residential interface is a particularly salient site.

While manufacturing is typically the primary focus of performance standards, other types of business such as construction, transportation, laboratories, and nightclubs can have off-site impacts, and therefore are appropriate as subjects of performance standard regulation.

**Regulation:** To be included in rezoning

### **Live-Work Development**

**Rationale:** Live-work space has become an increasingly important element of the West Berkeley built environment. More and more people, in an ever-widening variety of fields, are interested in combining their living and working sites. Originally targeted by state legislation to artists and craftspeople, live-work now serves many more occupations. Originally envisioned as occurring in converted warehouses, in recent years there have been newly constructed purpose built live-work buildings as well. There are now over a dozen legally permitted live-work sites in West Berkeley, with 4 more projects (ranging in size from 1 large unit to 17 units) under construction, as of September, 1993. Given strong interest by both space users and developers, additional live-work developments--particularly new construction developments--are likely.

Live-work is generally a positive presence in Berkeley and West Berkeley, but it must be carefully regulated so that it does not cause negative impacts. Live-work generates life in neighborhoods which are otherwise moribund at night, increasing activity and safety. It can provide workspaces which do not need to be commuted to. Some live-work still houses artists, a culturally important but often economically marginal segment of the population.

Live-work originally grew up in the interstices of economically marginal industrial areas. However, in 1990s West Berkeley, both built space and land is scarce, highly prized, and competitive. This means that live-work uses have the potential of displacing or being physically incompatible with manufacturing, especially "heavier" manufacturing. These potentials for incompatibility have grown as live-work has gained new constituencies, who are not always as tolerant of the pre-existing industrial land uses as artists and craftspeople tended to be. Some developers of live-work have complained about the activities of manufacturing uses which long predated the live-work project. In those parts of West Berkeley which combine industrial and residential uses (in the Mixed Use/Residential district), existing residents are concerned about the visual, parking, and economic impacts of new live-work developments in the area.

**Regulatory Concept:** The West Berkeley Plan intends to regulate live-work along 2 dimensions. First is location: live-work is permitted in the Mixed Use/Residential districts (where historically most live-work has occurred) and the Commercial district; restricted to artists and craftspeople in the Mixed Use/Light Industrial district; and barred outright in the Manufacturing, Mixed Manufacturing, and Residential districts (although in the last home occupations are permitted). These provisions keep live-work out of the "heavy" manufacturing districts, where there are great physical incompatibilities. Live-work is restricted in the Light Industrial district to help maintain the industrial character of that area, but allow that live-work which is most likely to be compatible.

The second dimension of regulation is new development standards for live-work, covering such matters as height, bulk (total permitted amount of construction), parking, open space, and other issues, particularly for newly constructed live-work spaces. There are also general construction standards for live-work--one is what requirement should there be for live/work projects to provide and/or contribute to the provision of affordable live-work spaces. Another is what the approval process requirements should be live-work projects, and how these requirements should relate to residential and commercial permit thresholds. Because of the complexity of these issues, specific proposals for them will be presented as part of the rezoning of West Berkeley.

## PROPOSED AMENDMENTS TO THE WEST BERKELEY PLAN

### REVISIONS ARE PROPOSED TO SECTION VII, "LAND USE REGULATIONS OF THE WEST BERKELEY PLAN – FOR ADOPTION IN PRINCIPLE"

The following text and proposed modifications represent pages 42 through 58 of the West Berkeley Plan (December 1993).

#### VII. Land Use District Regulations of the West Berkeley Plan--for Adoption in Principle

##### Status of the Regulations

The land use regulations below are central to the West Berkeley Plan. They spell out generally what uses are permitted and prohibited in each of the districts created by the Plan, what allowable height and bulk standards would be, and set forth a series of regulatory concepts for special situations. These include limits on changes of use of manufacturing facilities, on buffers between residential and heavy manufacturing sites, and other issues. They are much of what the framers of the West Berkeley Plan understand to be the content of the Plan.

Nevertheless, these regulations are proposed for adoption in principle only, rather than adoption as an amendment to Berkeley's General Plan (as the rest of the document is). They are proposed in this way for technical reasons. Development regulations such as these should ultimately reside in the Zoning Ordinance, and will be found there once West Berkeley's zoning is brought into conformity with the Plan. City staff anticipates that the zoning will be drafted and approved next year. The procedure for adopting the zoning changes should be relatively streamlined, as it will be relying on the West Berkeley Plan Environmental Impact Report as environmental documentation. If these regulations were adopted as part of the General Plan, any change to them, however minor, would require a General Plan amendment. Such amendments are--because of state planning law--procedurally complex, and limited in number.

For these reasons, adoption of this section in principle is recommended. Such adoption will make clear that zoning provisions should closely follow the Plan, while assuring the most appropriate and expeditious procedure for enacting and amending that zoning.

#### **2011 Update:**

On March 22, 2011, the City Council modified certain text in the Zoning Ordinance related to implementing the West Berkeley Plan, modified this "Land Use Regulation section of the West Berkeley Plan consistent with these zoning changes, and certified the West Berkeley Project EIR for these changes [give ordinance number], These changes occur in West Berkeley Plan Section VII, with each change followed with the text "(Action 2011)."

- *District permitted and prohibited uses*
- *B. Special Situations and Regulations*
- 2010 Update Note: *Table 1-5 Recommended Development Standards by Zone* (Plan page 53), which was prepared to assist with development of zoning regulations has not been updated and should not be considered a reliable source for zoning designations. Correct zoning designations are available in the City of Berkeley Zoning Ordinance, in the appropriate zoning district text.

#### **DISTRICT PERMITTED AND PROHIBITED USES**

(See also Special Situations section)

Generally Permitted and Prohibited Uses

**Manufacturing District** ("Pink")



See also Development Standards, Manufacturing/Residential Buffers for regulations affecting certain sites

Permitted Uses See Zoning Ordinance for definitions of and discretionary levels for each use (added 2011)

- Arts & Crafts Uses (workspaces only, not live-work)
- Alternative Fueling Stations (added 2011)
- Auto body & painting
- Automobile dismantling ("junkyards")
- Auto repair
- Bus, Cab, truck, and public utility depots
- Composting
- Construction yards and associated offices
- Farms and Agricultural establishments
- Industrial Product Sales (Gases & Chemicals)
- Manufacturing: Food processing, textiles, apparel, lumber & wood products, furniture, paper & allied products, printing (exclusive of publishing); asphalt products, leather products (exclusive of primary production of leather); stone, clay, and glass products; fabricated metals, industrial machinery, electrical machinery & electronics, transportation equipment, scientific instruments, miscellaneous manufacturing.
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste  
Parking lots (for uses located in the district)
- (removed 2011)
- Warehouses
- Wholesale trade and distribution
- Warehouse-based non-store retail (added 2011)

(removed 2011)

- Chemicals, including pharmaceuticals (exclusive of the manufacturing of alkalis, chlorine, chemical warfare gases, DDT, chloroform, fertilizers, and explosives)
- Parking structures
- Primary metals, including smelting and refining

(removed 2011)

- Factory Outlets (for products manufactured on site)
- Laboratories
- Offices
- Services to Buildings and Dwellings (Added 2011)
- Visual and Aural Arts Production (Added 2011)
- Alternative Fueling/Charging Stations (Added 2011)

Prohibited Uses--Manufacturing District

- Banks and financial establishments
- Gasoline stations
- Group quarters residences
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Hotels and motels
- Laboratories (freestanding)
- Live-work
- Manufacturing: Tobacco products, alkalis, chlorine, chemical warfare gases, DDT, pesticides, chloroform, fertilizers, explosives; primary production of leather; petroleum refining, products of petroleum and coal not elsewhere classified; tires, inner tubes, synthetic rubber, asbestos products, ordnance and accessories, reprocessing of nuclear cores & scrap
  - Offices (freestanding)
- Publishing
- Residences
- Restaurants
- Retail establishments, except permitted factory outlets
- Schools and day care facilities
- Mini-Storage (Added 2011)

**Mixed Manufacturing District ("Blue")**

See also Development Standards, Large Site Development Process (Zoning Ordinance sections modified 2011); Manufacturing/Residential Buffers (regulations affecting frontage along portions of 7th St., Dwight Way)

Permitted Uses) See Zoning Ordinance for definitions of, and discretionary levels for each use (added 2011)

- Alternative Fueling/Charging Stations (Added 2011)
- Arts & Crafts Uses (workspaces only, not live-work)
- Auto body & painting
- Automobile dismantling ("junkyards")
- Auto repair
- Bus, Cab, truck, and public utility depots
- Childcare (Added 2011)
- Composting
- Construction yards and associated offices
- Farms and Agricultural establishments
- Industrial Product Sales (Gases & Chemicals)
- Manufacturing: Food processing, textiles, apparel, lumber & wood products, furniture, paper & allied products, printing (exclusive of publishing); asphalt products, leather products (exclusive of primary production of leather); stone, clay, and glass products; fabricated metals, industrial machinery, electrical machinery & electronics, transportation equipment, scientific instruments, miscellaneous manufacturing.
- Parking Lots (for uses located in the district)
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
- Research and Development as defined in the Zoning Ordinance (added 2011)
- Services to Buildings and Dwellings (Added 2011)

- Visual and Aural Arts Production (Added 2011)
- Warehouses
- Warehouse-based Non-store Retail (Added 2011)
- Wholesale trade and distribution

(deleted 2011)

- Chemicals, including pharmaceuticals (exclusive of the manufacturing of alkalis, chlorine, chemical warfare gases, DDT, chloroform, fertilizers, and explosives)
- Parking structures
- Primary metals, including smelting and refining

(deleted 2011)

- Factory Outlets (for products manufactured on site)
- Laboratories on the ground floor
- Offices on the ground floor

(deleted 2011)

- Laboratories (other than ancillary)
- Offices (other than ancillary)
- Publishing

#### Prohibited Uses

- Banks and financial establishments
- Gasoline stations except Alternative Fueling/Charging Stations
- Group quarters residences
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Hotels and motels
- (deleted 2011)
- Live-work
- Manufacturing: Tobacco products, alkalis, chlorine, chemical warfare gases, DDT, pesticides, chloroform, fertilizers, explosives; primary production of leather; petroleum refining, products of petroleum and coal not elsewhere classified; tires, inner tubes, synthetic rubber, asbestos products, ordnance and accessories, reprocessing of nuclear cores & scrap
- Offices on the ground floor, not part of a manufacturing facility
- Residences
- Restaurants
- Retail establishments, except permitted factory outlets
- Schools and day care facilities
- Self-storage ("mini-storage")

**Mixed Use/Light Industrial District** ("Green")

See also Development Standards; Conversions from Manufacturing to Other Uses; Live-Work Development

Permitted Uses (See Zoning Ordinance for definitions of, and discretionary levels for each use (added 2011))

1. Industrial & Agricultural Uses

- Arts and Crafts (workspaces only, live-work limited)
- Alternative Fueling Stations (added 2011)
- Auto repair
- Bus, Cab, truck, and public utility depots
- Construction yards & associated offices
- Farms & agricultural establishments
- Manufacturing: Food processing (e.g. bakeries, wineries); textiles, apparel, furniture, lumber & wood products, printing and publishing; stone, clay, and glass products; industrial machinery; electrical machinery & electronics (except production of semiconductors and related devices); scientific instruments; miscellaneous manufacturing
- Manufacturing Repair and Service
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
- Research and Development as defined in Zoning Ordinance(added 2011)
- Vocational Schools (providing training for uses in district)
- Warehouses
- Warehouse-based Non-store Retail (added 2011)
- Wholesale trade and distribution

2. Offices and Services

- Offices—General, medical, and professional (see Conversions from manufacturing to other uses)

3. Retail

- Building Materials and Garden Supplies—
- Services to Buildings and Dwellings (added 2011)

4. Other Uses

Parking lots

(deleted 2011) ◦ Alternative Fueling/Charging Stations (added 2011)

- Auto body and painting
- Childcare (modified 2011)
- Live-Work (Manufacturing and Arts & Crafts uses only)
- Manufacturing of leather products, rubber products, plastic products, paper products, fabricated metals
- Parking structures
- Restaurants
- Schools (other than Vocational Schools described above)
- Shelters for Homeless Persons
- Truck and Utility Trailer Rental and Leasing (added 2011)
- Visual and Aural Arts Production (modified 2011)

(deleted 2011)

- Laboratories (not part of manufacturing facilities)\*
- Manufacture of pharmaceuticals

Prohibited Uses--Mixed Use/Light Industrial District

- Banks and Financial establishments (public service)
- Gasoline stations except Alternative Fueling/Charging Stations (added 2011)
- Group Quarters other than Shelters for Homeless Persons
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Hotels and Motels
- Manufacturing—All uses prohibited in Manufacturing zone and Chemicals (except pharmaceuticals in selected locations), petroleum products, primary metals processing (e.g. "foundries"), production of semiconductors and related devices, transportation equipment and primary production of leather, rubber, plastic, or paper
- Residences (live/work conditionally permitted, see above)
- Retail stores, except as listed above
- Self-storage ("mini-storage")

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\*Pending further study when Hazard Ranking System is developed for rezoning. Certain types of laboratories may be inappropriate for these locations.

**Mixed Use/Residential District**

See also Development Standards, Conversions from Manufacturing to Other Uses, Permitted Uses, Live-Work

Permitted Uses See Zoning Ordinance for definitions of, and discretionary levels for each use (added 2011)

1. Residential

- Residences—Single-family, Multi-family, Group Quarters
- Childcare (modified 2011)
- Schools

2. Industrial & Agricultural

- Arts and Crafts (workspaces only)
- Farms and Agricultural establishments
- Manufacturing Repair and Service
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
- Warehouses
- Warehouse-based Non-store Retail (added 2011)
- Wholesale trade and distribution

3. Retail

- Building Materials and Garden Supplies

- Services to Buildings and Dwellings (added 2011)
- Food Stores (not to exceed 5,000 sq.ft.)
- Cleaners, laundries, and laundromats

#### 4. Other Uses

Parking lots (for uses located in the district)

(deleted 2011)

- Auto body, auto painting, auto repair (with setbacks from residential use)  
Bus, Cab, truck, and public utility depots
- Construction yards and associated offices
- Live-work (work activities those permitted in district)
- Manufacturing— Food processing (e.g.bakeries, wineries), clothing & textile production, furniture production, wood products, printing and publishing; stone,clay,and glass products; industrial machinery, electrical machinery & electronics (except production of semiconductors and related devices), scientific instruments, miscellaneous manufacturing,leather products, rubber products, plastic products, paper products
- Restaurants
- Visual and Aural Arts Production (modified 2011)

#### Prohibited Uses

- Banks and financial establishments (public service)
- Gasoline stations except Alternative Fueling/Charging stations (added 2011)
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Hotels and motels  
(deleted 2011)
- Manufacturing—All uses prohibited in Manufacturing zone and Chemicals (including pharmaceuticals), lumber milling, petroleum products, primary metals processing, production of semiconductors and related devices, primary production of leather, rubber, plastic, or paper (e.g. pulp mills)
- Retail stores, except as listed above

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\*Pending further study when Hazard Ranking System is developed for rezoning. Certain types of laboratories may be appropriate for this district



**Commercial District** ("Red") (See also Development Standards, Live-Work)

Generally Permitted Uses ( See Zoning Ordinance for definitions of, and discretionary levels for each use (added 2011)

1. Retail

- Barber shops, beauty salons, and other hair cuteries
- Gasoline stations
- Hotels and motels
- Cleaners, laundries, and laundromats
- Restaurants
- Retail stores (all types)

2. Residential

- Day Care
- Schools

3. Live-Work

- Live-work (work activities those permitted in district)

4. Offices

- Banks and financial establishments
- Business Services (above the ground floor in designated commercial nodes)
- Offices—General, Medical, and Professional (above the ground floor in designated commercial nodes)

5. Industrial and Agricultural

- Arts and Crafts (workspaces)
- Auto body, auto painting, and auto repair
- Farms and agricultural establishments
- Wholesale trade and distribution

6. Other Uses

Parking lots (for uses located in the district)

(deleted 2011)

- Construction yards and associated offices
- Manufacturing—Food processing, printing and publishing, wood products, furniture making, stone, clay, and glass products
- Parking structures
- Recyclable materials collection points, exclusive of facilities handling primarily hazardous waste
  - Residential uses—single family, multi-family, and group quarters (above the ground floor in designated commercial nodes)

**Prohibited Uses--Commercial District**

- Bus, Cab, truck, and public utility depots
- Hazardous waste transfer stations & disposal facilities (freestanding facilities)
- Laboratories (freestanding)
- Manufacturing (other than uses specified above)

**Residential Districts**

See also Development Standards

Permitted Uses in All Residential Zones—R1A, R-3, R-4

- Parks, playgrounds, playlots
- Day care for six or fewer children

Uses Requiring a Public Hearing (regardless of project size) in All Residential Zones

- Churches, Community Centers, and Libraries
- Day Care
- Food stores (less than 3,000 sq.ft.)
- Cleaners, laundries, and laundromats
- Residences—1 unit, 2 unit
- Schools

Uses Requiring a Public Hearing (regardless of project size) in R-3, R-4 zones only, not permitted in R-1A zones

- Group Quarters
- Medical buildings and hospitals
- Multiple dwellings

Uses Requiring a Public Hearing (regardless of project size) in R-4 zone only, not permitted in R-1A and R-3 zones

- Hotels and motels
- Institutions and offices
- Retail ancillary to hotels, motels, institutions and offices

Uses Prohibited in All Residential Zones

- All other uses—agricultural, other retail, manufacturing, wholesaling

Note: Most of the "residential core" area of West Berkeley between Dwight and Camelia (excluding University Ave.) and 6th St. and the San Pablo commercial strip is zoned R-1A. However, parts of the blocks on either side of University Ave. are zoned R-3 or R-4.

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If no limits on the conversion of manufacturing space were enforced here, widespread displacement of manufacturing would be possible, contrary to the Plan's economic development and land use policy. On the other hand, if the City were to seek to protect manufacturers' spaces in the absence of such a rule, the list of permitted uses in the district would have to be much more restrictive. Thus, given the existence of limits on conversion, the Plan can be much more permissive about allowing certain uses as new construction (e.g. offices) while maintaining the area as an industrial district. The conversion limitation approach allows change, but regulates its pace and scope. Indeed, if the full 25% of space allowed to convert actually were to convert (an admittedly unlikely occurrence), some 550,000 square feet of space would be changed to office or other uses. If this 550,000 square feet were to convert, some 40% of the district's current space would be non-manufacturing/wholesaling, about the maximum level at which the district could still be called "industrial."

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- **Arts and Crafts, Non-store Retail and Contractors, as defined in the Zoning Ordinance are allowed uses within the Protected Spaces (including Warehouse, Wholesale Trade, Manufacturing and Material Recovery Enterprise)**
- **Research and Development, as defined and regulated in the Zoning Ordinance, if allowed in the MU-LI and MM districts, and may be allowed in Wholesale Trade and Warehouse protected space if allowed by zoning.**

**Regulation:** "Conversion" (Change of Use) of Manufacturing or Wholesaling Space in Mixed Use/Light Industrial District

Scope of Regulation—Changes of buildings currently or last used for manufacturing, wholesale trade, or warehouse uses to any other use, except manufacturing, wholesale trade, or warehouse use.

Limit on Change of Use—The change of use of any manufacturing, wholesale trade, or warehouse use to a use other than manufacturing, wholesale trade or warehousing would be limited to 25% of the floor area of the building now used for purposes other than offices, laboratories, properly approved live-work spaces, or properly approved retail space.

**Example:** Thus in a manufacturing site with 100,000 square feet of space (other than office), 25,000 could be converted (with a Use Permit) to other uses permitted in the district. No further conversion would be permitted.

Hardship Exception—Buildings which are uneconomic to maintain in at least 75% industrial use could

be converted to other uses permitted in the district with a Use Permit granted by the Zoning Adjustments Board after a Public Hearing. The Board would be required to find that there are exceptional physical circumstances pertaining to the building, which do not pertain to most other buildings in the district, which make it impossible to reuse for industrial purposes. The simple fact that other uses would be more profitable is not adequate for this Use Permit.

### Heavy Manufacturing/Residential Buffers

**Rationale:** The intent of this regulation is to maintain a minimum distance of 150 feet between residential and "heavy" manufacturing uses in order to mitigate environmental impacts, such as noise, odor, vibration and glare, which would interfere with reasonable residential use and to provide a workable environment for these manufacturers.

**Regulation:**

Affected Districts--Mixed Use/Residential; Mixed Use/Light Industrial; Mixed Manufacturing; Manufacturing

Mixed Use-Residential

- No new residential use may be established within 150 feet of any property in a manufacturing district (i.e. Manufacturing, Mixed-Manufacturing); nor within 150' of existing "heavy" manufacturer in any zone. Additions to existing residential uses permitted at a "reasonable" level - standards to be set forth in the rezoning unless a Use Permit is obtained. (added 2011)
- No new or expanded manufacturing use may be established within 150 feet of an existing residential use, unless Performance Standards are met and a Use Permit is obtained.

Manufacturing; Mixed-Manufacturing; Mixed Use-Light Industrial Districts

- No new or expanded manufacturing use may be established within 150 feet of a residential property located in the Mixed Use-Residential zone, unless Performance Standards are met and a Use Permit is obtained.
- No new or expanded manufacturing use may be established within 150 feet of an existing residential use regardless of zone, unless Performance Standards are met and a Use Permit is obtained.

Note: Residential uses are prohibited in the Manufacturing, Mixed Manufacturing, and Mixed Use/Light Industrial district.

### Large Site Development Process

**Rationale:** West Berkeley has a few large sites—sites of 5 acres or more under a single ownership—which present special challenges and opportunities for planning and development in West Berkeley. These large sites—such as the Miles or (ex)Colgate property—are of a scale where they have a major impact on the area around them, and noticeable impacts on West Berkeley as a whole. They also may require modification of the uses and development standards in a district to facilitate a feasible large scale project.

For these reasons, the West Berkeley Plan incorporates a concept of a Large Site Development Process. While the process remains to be defined, the concept is that a special approval process would be used for certain projects. Because of the importance of these projects, the Planning Commission would be involved in the process. The process would also provide a formal mechanism for early citizen input.

The rezoning will propose a Zoning Ordinance amendment to provide for a Master Plan Permit. It would be a middle ground alternative between the Use Permit and the Development Agreement. While a master permit could be issued for a multi-building project, there would be a procedure for review of individual buildings at their time of construction. This alternative could incorporate many of the master planning features of a Development Agreement, but would be acted upon under the procedures of the Zoning Ordinance, rather than as a separate contract.

It is important to note that no special process would be required of large scale projects which conform in all substantive respects to the uses and development standard of their district. Such a project, however large, would require simply the normal Use Permit(s) and environmental review (an Environmental Impact Report or other appropriate documentation).

**2011 Update: The Master Use Permit (MUP) section of the Zoning Ordinance (Chapter 23B.36) is modified. The Regulations noted in the Plan are no longer accurate. Please reference the proposed revisions to Chapter 23B.36 for the updated Master Use Permit regulations.**

**Regulation:** Projects which are eligible for the Large Site Development Process are those which:

- On sites of at least 4 (modified 2011) acres; and
- Proposing to incorporate uses which would not otherwise be permitted in the district; or
- Requesting an “alternative” land use entitlement, such as a Development Agreement. Another possibility is a Master Plan Permit, whereby a single permit would be issued for the development of a number of buildings and/or uses within a given range.

### Performance Standards

**Rationale:** The West Berkeley Plan incorporates the concept of “performance standards.” Performance standards differ from traditional zoning development standards in that they regulate the impacts of land uses—noise, odor, vibration, etc. By contrast, traditional zoning standards deal with the physical form of building—building mass, height, yards (setbacks), lot coverage, parking, etc. Performance standards set maximum permissible levels for the release of the item they regulate—e.g. X decibels of noise. Such performance standards are an integral part of Portland’s “Industrial Sanctuary” zoning policy, and are used in Oakland and many other communities.

Performance standards become particularly important in a context where disparate uses are close together—like West Berkeley. When differing districts abut each other, performance standards limiting noxious environmental impacts can help substitute for the absence of distance between uses. The sometimes difficult industrial/residential interface is a particularly salient site.

While manufacturing is typically the primary focus of performance standards, other types of business such as construction, transportation, laboratories, and nightclubs can have off-site impacts, and therefore are

appropriate as subjects of performance standard regulation.

**Regulation:** To be included in rezoning

### **Live-Work Development**

**Rationale:** Live-work space has become an increasingly important element of the West Berkeley built environment. More and more people, in an ever-widening variety of fields, are interested in combining their living and working sites. Originally targeted by state legislation to artists and craftspeople, live-work now serves many more occupations. Originally envisioned as occurring in converted warehouses, in recent years there have been newly constructed purpose built live-work buildings as well. There are now over a dozen legally permitted live-work sites in West Berkeley, with 4 more projects (ranging in size from 1 large unit to 17 units) under construction, as of September, 1993. Given strong interest by both space users and developers, additional live-work developments--particularly new construction developments--are likely.

Live-work is generally a positive presence in Berkeley and West Berkeley, but it must be carefully regulated so that it does not cause negative impacts. Live-work generates life in neighborhoods which are otherwise moribund at night, increasing activity and safety. It can provide workspaces which do not need to be commuted to. Some live-work still houses artists, a culturally important but often economically marginal segment of the population.

Live-work originally grew up in the interstices of economically marginal industrial areas. However, in 1990s West Berkeley, both built space and land is scarce, highly prized, and competitive. This means that live-work uses have the potential of displacing or being physically incompatible with manufacturing, especially "heavier" manufacturing. These potentials for incompatibility have grown as live-work has gained new constituencies, who are not always as tolerant of the pre-existing industrial land uses as artists and craftspeople tended to be. Some developers of live-work have complained about the activities of manufacturing uses which long predated the live-work project. In those parts of West Berkeley which combine industrial and residential uses (in the Mixed Use/Residential district), existing residents are concerned about the visual, parking, and economic impacts of new live-work developments in the area.

**Regulatory Concept:** The West Berkeley Plan intends to regulate live-work along 2 dimensions. First is location: live-work is permitted in the Mixed Use/Residential districts (where historically most live-work has occurred) and the Commercial district; restricted to artists and craftspeople in the Mixed Use/Light Industrial district; and barred outright in the Manufacturing, Mixed Manufacturing, and Residential districts (although in the last home occupations are permitted). These provisions keep live-work out of the "heavy" manufacturing districts, where there are great physical incompatibilities. Live-work is restricted in the Light Industrial district to help maintain the industrial character of that area, but allow that live-work which is most likely to be compatible.

The second dimension of regulation is new development standards for live-work, covering such matters as height, bulk (total permitted amount of construction), parking, open space, and other issues, particularly for newly constructed live-work spaces. There are also general construction standards for live-work--one is what requirement should there be for live/work projects to provide and/or contribute to the provision of affordable live-work spaces. Another is what the approval process requirements should be live-work projects, and how these requirements should relate to residential and commercial permit thresholds. Because of the complexity of these issues, specific proposals for them will be presented as part of the rezoning of West Berkeley.





## BEN BARTLETT

VICE MAYOR

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Vice Mayor Ben Bartlett (Author), Mayor Jesse Arreguin, Councilmember Kate Harrison, and Councilmember Sophie Hahn (Co-Sponsors)  
 Subject: Berkeley Food Utility and Access Resilience Measure (FARM)

### RECOMMENDATION

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.
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.
3. Adopt a resolution to support the goals of the FARM initiative and the development of hyperlocal urban food production with community-based organizations.

### POLICY COMMITTEE RECOMMENDATION

On May 8, 2023, the Health, Life Enrichment, Equity, & Community Committee adopted the following action: M/S/C (Bartlett/Taplin) to send the item to Council with a positive recommendation. Vote: All Ayes.

### BACKGROUND & CURRENT SITUATION

To support food resilience for the residents, the City of Berkeley should adopt a "hyper-local" in place of a "local" approach to food production and distribution. Food labeled as "local" receives its definition from a provision of the Farm Act from 2008. Under that law, a food item is deemed local when "the total distance that the product is transported is less than 400 miles from the origin or the product."<sup>1</sup> Hence, under this definition, fruits and vegetables sourced from Southern California are still considered "local" to the City of Berkeley. Given the recent floods that have destroyed many homes, lands, and crops, there is an urgent need to develop a program for stronger food resilience in California.<sup>2</sup>

The FARM initiative, on the other hand, supports the development of *hyper-local* urban

<sup>1</sup> Food, Conservation, and Energy Act of 2008 (June 18, 2008)  
<https://www.govinfo.gov/content/pkg/PLAW-110publ246/pdf/PLAW-110publ246.pdf>

<sup>2</sup> Staff, RICH RODRIGUEZ | . KMPH. "It's Just a Mess': California Farmers Growing Concerned over Lingering Flood Waters." *KRCR*, 27 Mar. 2023, <https://krcrtv.com/news/videos/its-just-a-mess-california-farmers-growing-concerned-over-lingering-flood-waters-pistachio-trees-kings-county-farm-breckenridge-corcoran-tule-river-deer-creek-cal-fire>.

food production to support community resilience in Berkeley. Hyper-local produce is food grown right in a community's backyard and available for purchase and consumption at local markets and restaurants. The benefit of being a hyper-local food supplier is that produce can be harvested and delivered on the same day. This results in food being fresh longer than produce delivered from long distances and lessening the risk of supply chain disruption. For example, Gotham Greens in New York City produces hyper-local commercial food via urban rooftop gardens. Opportunities for hyper-local and building "Agri-hoods" (urban neighborhoods focused on local food production) continue to grow. This includes communities integrating food production into neighborhood design, with hyper-local methods of urban agriculture including SPIN Farming, (small plot intensive) vertical farming, and rooftop growing. According to Curtis Stone, SPIN farming expert and author of "The Urban Farmer" and, urban farmers can earn \$75,000 on 15,000 Square Feet and can grow between 6,000 to 7,000 pounds of food on 1/10<sup>th</sup> of an acre. The City of Berkeley is 17 square miles or approximately 11,000 acres.<sup>3</sup> One scenario envisions using distributed local production and SPIN farming to cultivate 5% of Berkeley's total acreage. Assuming a yield of 7,000 pounds of produce per 1/10<sup>th</sup> of an acre, the scenario would provide 38 million pounds of fresh produce a year. While not enough to fully support the entire city, it is a significant step forward to food resilience, particularly for the 20,000 low-income individuals in the community.

By March of 2023, the emergency allotment for low-income individuals and households enrolled in the Federal Supplemental Nutrition Assistance Program (SNAP) will end.<sup>4</sup> This change comes at a time of historic inflation, with food prices increasing by 10%. According to Cal Policy Research, 10% of students in the UC System access SNAP Benefits, which helps students make ends meet while attending university.<sup>5</sup> The FARM Initiative sets the framework to not only increase the production and supply of fresh produce in Berkeley, but also to facilitate group buying power for SNAP participants in Berkeley, to help lower the cost, support local growers, and help the community eat healthier.

Berkeley is home to the local foods revolution, yet thousands of Berkeley residents are food insecure. Natural disasters and economic downturns exacerbate this insecurity, and climate change increases the likelihood and severity of food supply interruption.

Berkeley has the framework for food resiliency through its successful farmers' markets; service providers who have been providing meals to homeless individuals since the early 1970s; community groups like Consider the Homeless and Food Not Bombs, which distribute food to homeless populations; and the Berkeley Food Network (BFN). Founded in 2016 in collaboration

<sup>3</sup> Maki, Olivia, How Urban Farmers Can Earn \$75,000 on 15,000 Square Feet (February 29, 2016)

<https://civileats.com/2016/02/29/how-urban-farmers-curtis-stone-earns-75000-on-15000-square-feet/>

<sup>4</sup> "McCorvey, J., and Rob Wile. ""With Foods Stamp Cuts just Days Away, Millions of Americans Brace for Tougher Times Int He Grocery Aisle" Feb 26, 2023 [https://www.nbcrightnow.com/national/with-food-stamp-cuts-just-days-away-millions-of-americans-brace-for-tougher-times-in/article\\_3e070c3e-b616-11ed-a950-0f3c90f9985b.html](https://www.nbcrightnow.com/national/with-food-stamp-cuts-just-days-away-millions-of-americans-brace-for-tougher-times-in/article_3e070c3e-b616-11ed-a950-0f3c90f9985b.html)

<sup>5</sup> California Community College and University of California student participation in CalFresh food benefits (February 23, 2022) <https://www.capolicylab.org/california-community-college-and-university-of-california-student-participation-in-calfresh-food-benefits/>

with community organizations, BFN promotes access to nutritional food by using “innovative, community-centered solutions to build a more sustainable, resilient, and equitable food system.”<sup>6</sup>

The City should preemptively safeguard its residents from a food supply chain interruption through a Food Utility and Access Resilience Measure (FARM). The FARM initiative achieves food resilience by (1) developing hyper-local food production sources; (2) connecting these sources to each other and local community hubs, including food banks, grocery stores, restaurants, and schools; and (3) powering hyper-local food production sources using renewable energy with battery backup storage that can operate despite disruptions to the main power grid. These efforts will be assisted by the requirements under SB 1383, which requires restaurants and grocery stores to compost leftover food. These businesses would benefit from having a lower-cost method of disposing of still-fresh but excess food.

#### 1. Community resilience

Government planners are faced with an emergent set of existential threats to populations and infrastructure. Many threats stem from the rapid advancement of climate change, with the increasing frequency of extreme weather events, such as hurricanes, tornadoes, floods, droughts, and fires. In addition to climate disasters, disaster preparedness must brace for pandemics, electrical failure, targeted violence, cyber-attacks, water and energy infrastructure failure, sea level rise, supply chain breakdown, and food insecurity. These threats arise from various sources and therefore require a systems-level approach that addresses all the possible points of failure in an urban food supply chain.

Accordingly, policymakers are embracing new emergency preparedness and disaster mitigation models centered on equity and resilience at the community level (community resilience). Community resilience refers to the ability of a community to withstand and recover from disruptions, such as natural disasters, economic downturns, or health crises. Community resilience leverages local community networks; local knowledge; local communication channels; local resources; and local bodies of governance and leadership.

#### 2. Food resilience

One component of community resilience is food resilience, which refers to the ways in which a community can ensure its members have access to healthy and nutritious food, even during times of crisis. This can involve a variety of strategies, such as growing food locally, supporting local agriculture, building community gardens, developing food storage and preservation facilities, and forming relationships with local food producers. By building a resilient local food system, communities can reduce their

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<sup>6</sup> Berkeley Food Network, *About BFN*, (last accessed Jan. 5, 2023), <https://berkeleyfoodnetwork.org/who-we-are/about/>.

reliance on remote sources of food and ensure that they are able to continue providing sustenance for residents, even during challenging times.

FARM’s development of a local, resilient food system empowers the City of Berkeley to achieve one of its key Climate Action Plan goals. Adopted in 2009, the Climate Action Plan calls for the “majority of food consumed in Berkeley” to be produced locally.<sup>7</sup> By creating a network of local food production, FARM lays the foundation for local, higher-yield production of nutritious food that the City can scale up to meet its goal. This environmental objective is intertwined with resilience. Lowering the distance between the location of production and consumption improves the ability to supply food to the people of Berkeley despite disruptions to transportation.

The State of California and the U.S. Federal Government are increasingly incorporating food resilience in disaster planning and view food security as foundational to any resilience effort. For example, California’s budget for the fiscal year 2022-23 allocates \$477 million toward agricultural resilience measures, including climate-friendly agriculture, soil health, water efficiency, and wildfire prevention.<sup>8</sup>

Additionally, California’s Strategic Growth Council (SGC) has called for local-level resilience through its Community Resilience Centers (CRC) program. The CRC program will “fund new construction and upgrades of neighborhood-level resilience centers to provide shelter and resources during climate and other emergencies . . .”<sup>9</sup>

At the federal level, President Joe Biden signed National Security Memorandum-16 (NSM-16) in November 2022 “to strengthen the security and resilience of United States food and agriculture.” NSM-16 provides a process for identifying and assessing threats to food security, strengthens relationships with the private sector, and promotes systems that respond to disruptions in the food sector.<sup>10</sup>

### 3. Food is a fundamental human right.

It has been often said, “There are only nine meals between mankind and anarchy.” And Vladimir Lenin said, “Every society is three meals away from chaos.” Like air and water, food is essential for survival and the only commodity that cannot be postponed. When social, economic, or ecological barriers block access to nutritious

<sup>7</sup> City of Berkeley, *Berkeley Climate Action Plan*, (June 2, 2009), <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>.

<sup>8</sup> Arohi Sharma, *FY22 California Budget Invests in Agricultural Resilience*, NRDC (Sep. 21, 2022), <https://www.nrdc.org/experts/arohi-sharma/fy22-california-budget-invests-food-farm-resilience>.

<sup>9</sup> Cal. Strategic Growth Council, *SGC Launches Development of Community Resilience Centers (CRC) Program*, (July 5, 2022), <https://sgc.ca.gov/news/2022/07-05.html>.

<sup>10</sup> See National Security Memorandum on Strengthening the Security and Resilience of United States Food and Agriculture, (Nov. 10, 2022), <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/10/national-security-memorandum-on-on-strengthening-the-security-and-resilience-of-united-states-food-and-agriculture/>.

food, people suffer. Food-insecure individuals have higher rates of mental health issues, and hungry children attain lower academic achievement than their peers.<sup>11</sup>

The United Nations recognizes the fundamental right to food for all. At its core, this right is the right to “all nutritional elements” necessary to live a “healthy and active life” and to the means to access these elements.<sup>12</sup> The access portion of this right focuses on physical and economic access.<sup>13</sup>

The U.S. federal government has failed to legally recognize such a right, but some states have made progress. In 2021, the State of Maine recognized the right to food in its constitution.<sup>14</sup> The amendment declares that “all individuals have the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health, and well-being.”<sup>15</sup> This amendment follows Maine’s 2017 Food Sovereignty Act, which built a food sovereignty foundation by permitting municipal governments to regulate local food systems with the guarantee of state recognition.<sup>16</sup>

#### 4. Food insecurity rates are rising in the Bay Area.

Food insecurity is a growing crisis throughout the U.S.. The U.S. Department of Agriculture (USDA) defines food insecurity as “a household-level economic and social condition of limited or uncertain access to adequate food.”<sup>17</sup> The USDA found that in 2020, almost 14 million households (10.5% of the population) did not have enough food to meet their needs. In California alone, more than 4 million people were reported to be food insecure in May 2022,<sup>18</sup> and in the Bay Area, food insecurity is increasing. In 2018, the San Francisco Chronicle reported that 11.5% of Bay Area residents, 870,000 people, were food insecure.<sup>19</sup> The economic and public health impacts of COVID-19 exacerbated food insecurity. A 2021 study by San Jose State University found that Bay Area food

<sup>11</sup> Arohi Pathak, Ryan Richards & Marc Jarsulic, *The United States Can End Hunger and Food Insecurity for Millions of People*, Center for American Progress Action Fund (Aug. 11, 2022), <https://www.americanprogress.org/article/the-united-states-can-end-hunger-and-food-insecurity-for-millions-of-people/>.

<sup>12</sup> Off. of the High Comm’r for Hum. Rts., *The Right to Adequate Food*, Fact Sheet No. 34 (Apr. 2010), <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>.

<sup>13</sup> *Id.*

<sup>14</sup> Tess Brennan, *Maine Becomes the First US State to Recognize the Right to Food in a Constitutional Amendment*, Universal Rts. Grp. Geneva (Jan. 19, 2022), <https://www.universal-rights.org/blog/maine-becomes-the-first-us-state-to-recognise-the-right-to-food-in-a-constitutional-amendment/>.

<sup>15</sup> *Id.*

<sup>16</sup> *See id.*

<sup>17</sup> USDA, *Definitions of Food Security*, <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/definitions-of-food-security/>.

<sup>18</sup> Toni Koraza, *California to Face a Devastating Crisis*, NewsBreak (May 5, 2022), <https://original.newsbreak.com/@toni-koraza-561162/2590989189701-california-to-face-a-devastating-crisis>.

<sup>19</sup> Tara Duggan, *How Families Slip Through*, San Francisco Chronicle (Nov. 18, 2018), <https://www.sfchronicle.com/food/article/The-hidden-hungry-A-Bay-Area-paradox-13379274.php>.

insecurity rates spiked from 20% to 33% from the beginning of the COVID-19 pandemic to March 2021.<sup>20</sup>

In Berkeley and Albany pre-pandemic, an estimated 24,000 individuals were food insecure.<sup>21</sup> The demand for food aid in Berkeley increased sharply during the pandemic, forcing the Berkeley Food Network (BFN) to *triple* its operations in the first half of 2020.<sup>22</sup>

Although many households are still bearing the economic impacts of COVID-19, the USDA is cutting SNAP benefits (CalFresh) to pre-pandemic levels after the February 2023 issuance.<sup>23</sup> This deduction comes at a time of record-high food inflation; the U.S. Bureau of Labor Statistics reported that prices for food at home increased by 13.5% in the 12 months ending in August 2022.<sup>24</sup> This spike is “the largest 12-month percentage increase since the period ending in March 1979.”<sup>25</sup>

The growing demand for food aid in Berkeley, coupled with recent reductions in government food benefits, highlights the fragility of the degree of food accessibility at any given time. If there is a disruption in the food supply chain, households that are already food insecure will face even greater barriers to food access. Further, the COVID-19 pandemic demonstrated that disruption would drastically increase the number of households that are food insecure. Without a safety net to insulate our community from these devastating supply chain shocks, a large proportion of households would find themselves in a struggle to survive.

5. *Natural disasters, climate change, and foreign conflicts further threaten food access.*

Climate change, natural disasters, and increasing global conflict jeopardize the world’s food security. The market for food spans internationally, so disruptions in one region send ripple effects, in the form of food scarcity or price shocks, throughout the rest of the food supply chain. The supply chain is fragile; it only takes a disruption in one of the chain’s many links for consumers to lose access to healthy food.<sup>26</sup> Recognizing the supply chain's vulnerability, the USDA built a Food System Transformation framework to

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<sup>20</sup> Giselle Pignotti et al., *Food Insecurity and Food Access during COVID-19 in the San Francisco Bay Area*, San Jose State Univ. (Mar. 2021).

<sup>21</sup> Berkeley Food Network, *Programs*, (last accessed Dec. 20, 2022), <https://berkeleyfoodnetwork.org/what-we-do/programs/>.

<sup>22</sup> Berkeley Food Network, *Major Hunger-Relief Investment Will Help Alleviate Growing Food Insecurity in Berkeley*, (May 19, 2020), <https://berkeleyfoodnetwork.org/major-hunger-relief-investment-will-help-alleviate-growing-food-insecurity-in-berkeley/>.

<sup>23</sup> USDA, *Changes to SNAP Benefit Amounts - 2023*, (updated on Feb. 17, 2023), <https://www.fns.usda.gov/snap/changes-2023-benefit-amounts>.

<sup>24</sup> Bureau of Labor Statistics, *Prices for Food at Home Up 13.5 Percent for Year Ended August 2022*, *The Economics Daily* (Sep. 15, 2022), <https://www.bls.gov/opub/ted/2022/prices-for-food-at-home-up-13-5-percent-for-year-ended-august-2022.htm>.

<sup>25</sup> *Id.*

<sup>26</sup> Mario Lubetkin, *2021 Revealed the Fragility of Food Systems*, ReliefWeb (Dec. 16, 2021), <https://reliefweb.int/report/world/2021-revealed-fragility-food-systems>.



create a more resilient food network.<sup>27</sup> Climate change reduces food availability and is exacerbated by transporting food long distances that could be grown locally.

The COVID-19 pandemic disrupted “all segments of food supply chains,” including farming, food processing, transportation, and final demand.<sup>28</sup> At the farming level, labor-intensive farms – those producing crops like fruits and vegetables – suffered from production shortages when their sick workers were unable to work.<sup>29</sup> Labor shortages also inhibited food processing facilities, with many reporting high rates of worker absences during the pandemic.<sup>30</sup> Necessary pandemic measures severely impacted the transportation of fruits and vegetables. Fruits and vegetables are perishable foods with a “high value-to-weight ratio,” so they are transported on passenger planes. Declines in passenger air travel thus caused bottlenecks in fruit and vegetable transportation.<sup>31</sup> The last step in the supply chain is getting food to consumers. When consumers lost their jobs due to the initial economic downturn in 2020, they lost economic access to food, endangering those without social safety nets.

Like the COVID-19 pandemic, other natural disasters threaten global food security by disrupting agriculture production, food availability, and food accessibility. A survey on natural disasters between 2003 and 2013 by the Food and Agriculture Organization of the United Nations “showed 25% of disaster-related losses are in agriculture sectors . . .”<sup>32</sup> The impact of a natural disaster depends on the type of natural disaster that occurs. For example, researchers report that droughts in China cut wheat yields by 5.8% over 30 years.<sup>33</sup>

These dangers hit close to home. A report by leading conservation research group NatureServe found that California, Texas, and the southeastern United States are where the highest percentages of plants, animals, and ecosystems are at risk.<sup>34</sup> Droughts are a growing danger in California that reduces usable farmland. In 2022, California’s irrigated farmland shrank by 752,000 acres (nearly 10%) compared with

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<sup>27</sup> USDA, *USDA Announces Framework for Shoring Up the Food Supply Chain and Transforming the Food System to Be Fairer, More Competitive, More Resilient*, (June 1, 2022), <https://www.usda.gov/media/press-releases/2022/06/01/usda-announces-framework-shoring-food-supply-chain-and-transforming>.

<sup>28</sup> OECD, *Food Supply Chains and COVID-19: Impacts and Policy Lessons*, (June 2, 2020), <https://www.oecd.org/coronavirus/policy-responses/food-supply-chains-and-covid-19-impacts-and-policy-lessons-71b57aea/>.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> James Ducker, *Investigating the Impact of Disasters on Food and Agriculture*, AZO Life Sciences (last updated Nov. 26, 2021), <https://www.azolifesciences.com/article/Investigating-the-Impact-of-Disasters-on-Food-and-Agriculture.asp>.

<sup>33</sup> Shi et al., *Crop Yield and Production Responses to Climate Disasters in China*, 750 *Science of the Total Environment* (2021).

<sup>34</sup> Brad Brooks, *Huge Chunk of Plants, Animals in U.S. at Risk of Extinction - Report*, Yahoo!News (Feb. 6, 2023), <https://news.yahoo.com/exclusive-huge-chunk-plants-animals-090952175.html>.

2019, the year before the drought.<sup>35</sup> The amount of fallowed farmland in 2022 surpassed the peak during California's last drought, which lasted from 2012 to 2016.<sup>36</sup>

While droughts are long-term natural disasters with creeping effects, wildfires can impact the supply chain immediately. During the 2020 California wildfires, the intense smoke made it unsafe for farm workers and livestock to be outdoors.<sup>37</sup> Without workers, farms had to plow under many crops, meaning these crops never reached consumers. Additionally, the wildfires destroyed vital land where farmers grew food; the fires destroyed the existing crops and contaminated the soil, jeopardizing future harvests.<sup>38</sup>

War can also disrupt the food supply chain. The Russian invasion of Ukraine, one of the world's biggest wheat and corn producers, caused many countries to skyrocket food prices.<sup>39</sup> The invasion halted Ukrainian exports and damaged Ukraine's rail infrastructure. As a result, large quantities of grain were trapped in Ukraine, preventing the entire 2022 harvest from having adequate storage space.<sup>40</sup> This supply shock affected countries throughout the world, including India, Egypt, and South Korea. Further, Russia was one of the top exporters of fertilizers before the invasion. Stricter controls on Russian exports caused the price of fertilizer to spike worldwide, leading farmers to reduce their planned harvests.<sup>41</sup>

## 6. Food Citizenship

"Food citizenship" describes the rights and responsibilities that individuals have in relation to the food they eat and produce. Food citizenship can include making informed choices about food purchases and consumption, supporting sustainable and ethical food systems, and advocating for food policies that prioritize the health and well-being of individuals and the environment. Food citizenship can also involve taking action to address issues such as food waste, hunger, and access to healthy food in underserved communities. Essentially, being a food citizen means actively engaging in the food system and working toward creating a more sustainable and equitable food system for all.

Food citizenship can play an important role in promoting community resilience by supporting local food systems and promoting food security. When communities have

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<sup>35</sup> Ian James, 'It's a Disaster.' Drought Dramatically Shrinking California Farmland, Costing \$1.7 Billion, Los Angeles Times (Nov. 23, 2022), <https://www.latimes.com/environment/story/2022-11-23/drought-cost-california-agriculture-1-7-billion-this-year>.

<sup>36</sup> *Id.*

<sup>37</sup> Phil Lempert, *California Wildfires: The Enormous Effect on Our Food Supply*, Retail Dietitians Bus. Alliance (Dec. 9, 2020), <https://www.retaildietitians.com/articles/california-wildfires-the-enormous-effect-on-our-food-supply/>.

<sup>38</sup> *Id.*

<sup>39</sup> Rob Garver, *Global Food Prices Rise with Ukraine-Russia Agreement in Doubt*, VOA News (Oct. 31, 2022), <https://www.voanews.com/a/global-food-prices-rise-with-ukraine-russia-agreement-in-doubt-/6813606.html>.

<sup>40</sup> Dea Bankova, Prasanta Kumar Dutta & Michael Ovaska, *The War in Ukraine is Fuelling a Global Food Crisis*, Reuters (May 30, 2022), <https://graphics.reuters.com/UKRAINE-CRISIS/FOOD/zjvqkgomjvx/>.

<sup>41</sup> *Id.*

access to healthy and sustainable food sources, they are better able to withstand and recover from disruptions, such as natural disasters or economic downturns.

If a community is able to grow or produce its own food, it is less dependent on outside sources and can continue to provide for itself in the event of a supply chain disruption. Additionally, supporting local food systems can help to boost the local economy and create jobs, which can increase the overall resilience of the community.

Further, food citizenship can promote food justice and equity within a community, ensuring that all members have access to healthy and affordable food. This can reduce food insecurity and prevent vulnerable populations from being disproportionately affected by disruptions to the food system.

7. *A food resilience system could insure Berkeley against disruptions in the food supply chain.*

Building a food resilience system *before* a supply chain disruption protects food-insecure households and prevents more households from becoming food insecure. Food resilience is the ability to withstand and recover from disruptions to food access in a way that ensures a sufficient supply of acceptable and accessible food for all.<sup>42</sup>

8. *FARM as a Community Food Utility: Overview*<sup>43</sup>

The mission of FARM is to foster a resilient food system that can withstand supply chain shocks and ensure all people in the community have access to adequate amounts of wholesome, nutritious foods produced by ecologically sound and socially responsible means. FARM would be a chartered public utility based on the concept of food citizenship, similar to the existing utilities for energy and water systems. FARM would have three major components: a) Community Layer, b) Food Production Layer, and c) Energy Resilience.

a. Community Layer

Growing food locally promotes physical access to food in times of crisis. To ensure that enough food is locally grown, it is critical to connect community gardens, backyard gardens, and other urban farms into a production network with delivery centers.

i. Community Gardens and Backyard Gardens

The FARM should create a network of community gardens and backyard gardens in order to support community resilience by providing local food sources, fostering social connections, and promoting environmental sustainability.

<sup>42</sup> Johns Hopkins Center for a Livable Future, *Food System Resilience*, <https://clf.jhsph.edu/projects/food-system-resilience>.

<sup>43</sup> Ikerd, J. (n.d.). *Enough Good Food For All; A Community Food Utility*. Communityfoodutility. Retrieved January 4, 2023, from <https://sites.google.com/site/communityfoodutility?pli=1>

Community gardens and backyard gardens can provide communities with a local source of fresh, healthy, and affordable produce. This can help to increase food security and reduce dependency on outside sources, making communities more resilient in the face of disruptions to the food supply chain. One backyard garden can provide food for up to six families.

Community gardens can also provide a space for community members to come together and engage in productive, healthy activities. This can help to build social connections and a sense of community, which are important for promoting resilience in the face of challenges.

Furthermore, community gardens and backyard gardens help to promote environmental sustainability and resilience by providing a space for growing food using sustainable and environmentally-friendly practices. This can help to reduce the community's overall ecological footprint and make it more resilient in the face of environmental challenges.

ii. Synchronizing Local Food Production with Food Banks, Restaurants, Schools, and Grocery Stores

Yields from local food production can be distributed to local food banks, restaurants, schools, and grocery stores. This omnichannel production and distribution model has two key benefits. First, it ensures that locally produced food is not wasted. Second, it provides a source of feedback for FARM because restaurants, schools, and grocery stores can provide guidance to FARM for improvements in usability, quantity, and quality.

iii. Supplemental Nutrition Assistance Program (SNAP)

The community layer should incorporate a SNAP group-buying mechanism whereby SNAP recipients can deposit assistance funds into a FARM account. In return, the FARM would ensure that each recipient received enough good food to meet their basic needs, regardless of the amount of their individual SNAP payment. Some non-profit organizations are currently operating in this manner.<sup>44</sup>

b. Production Layer

Additionally, FARM would partner with urban agriculture companies and nonprofits with experience and expertise in producing high crop yields with accelerated harvest velocity in urban settings. The yields from these producers could supplement yields from existing community gardens while minimizing seasonal fluctuations and other disruptions in the supply chain.

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<sup>44</sup> See e.g., *Community Resilience Centers*, CA.gov (last accessed Nov. 30, 2022), <https://sgc.ca.gov/programs/community-resilience-centers/>.

To increase local food production, the City would offer certain economic incentives to urban agriculture companies to co-locate within the City of Berkeley. In exchange for these incentives, companies would agree to give the City Most Favored Nation (“MFN”) status, with the right of first refusal and right of first offer on the companies’ food items in the event of a local food supply chain disruption event (food shock). As discussed below, the FARM board will institute policies that define a food shock that triggers the MFN agreement. For example, the board may define a food shock to include a week-long interruption of certain food staples at two grocery stores.

Recent innovations continue to mitigate the historical limitations of urban agriculture: land, labor, and potential yield. A study on urban farms in New York City found that the crops in urban farms produced higher yields than their conventional farm counterparts, thus making up for the spatial limitations that urban farms may face.<sup>45</sup> Additionally, peri-urban farming, which produces substantial amounts of food on a relatively small amount of land on the fringes of a city, has emerged as a space-efficient form of urban agriculture.<sup>46</sup> Gotham Greens addresses the yield limit issue by growing crops inside greenhouses with hydroponic technology. Gotham Greens’ greenhouses are located near cities, allowing for proximity to communities while avoiding real estate constraints.<sup>47</sup> Closer to home, Upside Foods has opened a production facility to produce high-quality laboratory-grown meat at scale.<sup>48</sup>

i. Controlled Environment Agriculture (CEA)

CEA is an indoor food production method that uses stacked shelves, modular rack systems, or tower gardens to increase crop yields using less surface area significantly.<sup>49</sup> Technologies such as ultra-efficient LED lighting, automated environmental control systems, and dehumidification recapture loops can dramatically reduce resource consumption, including consumption of energy, water, and nutrients. Photographs of such technologies are included in Attachment 1.

Exceptional yields and multiple harvests per year make indoor farming economically viable and sustainable over time. These two factors are

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<sup>45</sup> Mara Gittleman et al., *Using Citizen Science to Quantify Community Garden Crop Yields*, 5 *Cities and the Environment* (2012), <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1095&context=cate>.

<sup>46</sup> Ina Optiz et al., *Contributing to Food Security in Urban Areas: Differences Between Urban Agriculture and Peri-Urban Agriculture in the Global North*, 33 *Agriculture and Human Values* (2016), <https://link.springer.com/article/10.1007/s10460-015-9610-2>.

<sup>47</sup> Gotham Greens, *Our Story*, <https://www.gothamgreens.com/our-story/>.

<sup>48</sup> Katie Spalding, *World’s Most Advanced Lab-Grown Meat Facility Opens in California*, *IFL Science* (Nov. 8, 2021), <https://www.iflscience.com/worlds-most-advanced-labgrown-meat-facility-opens-in-california-61548>.

<sup>49</sup> Sarah Federman, *Vertical Farming for the Future*, *USDA* (Oct. 25, 2021), <https://www.usda.gov/media/blog/2018/08/14/vertical-farming-future>; see e.g., Gardyn, *How It Works*, (last accessed Mar. 3, 2023), <https://mygardyn.com/how-it-works/>.

possible because indoor farming creates an environment for resource-efficient methods such as aeroponics<sup>50</sup> (i.e., spraying nutrient-rich mist on root zones that are suspended in the air) and aquaponics.

Aquaponics is a sustainable farming method that combines traditional aquaculture (raising fish) with hydroponics (growing plants in water without soil). In an aquaponic system, fish produce waste that is converted into plant nutrients. The plants, in turn, help to purify the water for the fish. This closed-loop system can be highly efficient, as it reduces the need for external inputs such as synthetic fertilizers and pesticides, and it allows for year-round production in a controlled environment. Aquaponics can be used to grow various vegetables, herbs, and other plants, as well as raise fish such as tilapia, trout, and bass. It can be a great option for urban farming, as it requires less space and water than traditional farming methods.

Compared to traditional farming techniques, aeroponics and aquaponics dramatically increase yields and quality while reducing water consumption by as much as 90%.<sup>51</sup>

ii. Repurposing Empty Commercial Space

Indoor farms can be developed in underutilized warehouses, shuttered big boxes retail locations such as the vacant CVS on Shattuck and Bancroft, and the vacant Walgreens on Ashby and San Pablo, or under freeway overpasses such as Gilman and I-80. To create dual-purpose land use throughout the city, advanced greenhouses could be elevated above existing ground-level parking lots at locations such as Whole Foods in North Berkeley.

c. Energy Resilience

The food production network should integrate renewable energy systems that can remain resilient in the event of a disruption to the energy grid. Such a system could employ local micro-grids with solar and storage to provide power to local food production facilities. Additionally, a renewable energy system could help limit environmental impact and reduce long-term costs.<sup>52</sup>

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<sup>50</sup> See e.g., Rouses Markets, *Rouses Markets Creates Sustainable Aeroponic Rooftop Garden Above Downtown New Orleans Store*, Cision (May 17, 2012), <https://www.prnewswire.com/news-releases/rouses-markets-creates-sustainable-aeroponic-rooftop-garden-above-downtown-new-orleans-store-151890995.html>; *Rouses Roots on the Rooftop*, Tower Farms (last accessed Mar. 3, 2023), <https://www.towerfarms.com/us/en/possibilities/rooftop-farming/rouses-rooftop-farm>.

<sup>51</sup> Michelle Keller, *Aeroponics - What Is It & Why Is It Important?*, Living Greens Farm (Aug. 4, 2020), <https://www.livinggreensfarm.com/blog/what-is-aeroponics>.

<sup>52</sup> US Department of Agriculture, *Rural Energy for America Program Renewable Energy Systems & Energy Efficiency Improvement Guaranteed Loans & Grants*, <https://www.rd.usda.gov/programs-services/energy-programs/rural-energy-america-program-renewable-energy-systems-energy-efficiency-improvement-guaranteed-loans>.



This renewable energy system would combine various methods of production to maximize redundancies and extend grid independence of the food resilience program in the event of a major energy crisis. Existing technologies such as rooftop solar arrays and onsite battery storage systems can be combined with emerging technologies such as urban wind turbines,<sup>53</sup> transparent solar panels that allow crops below to absorb energy,<sup>54</sup> and biofuel co-generators<sup>55</sup> for use when other means of production are not available. These emerging technologies should be considered and planned for when developing the energy independence component of FARM, placing Berkeley at the forefront of sustainability in urban farming.

#### 9. FARM: Organization

The FARM will be a self-organized, self-funded non-profit serving the City of Berkeley. FARM will have a self-appointed Board of Directors, approved by the City Council, with duties and administrative powers also approved by the Council.

As the work of the FARM supplements sustainability, disaster preparedness, and community health work currently done by City workers. No current work performed by represented City employees will be contracted out through this community-based non-profit organization or other entity.

The FARM could be organized as a “vertical cooperative.”<sup>56</sup> A cooperative is a user-owned and controlled entity from which benefits are distributed equitably.<sup>57</sup> As a vertical cooperative, the FARM would operate on all levels of the vertical food system — linking producers, processors, distributors, retailers, and consumers. The system as a whole must be sustainable if the FARM continues to provide food security for the community. All recipients and participants in the vertical system would be members of the FARM cooperative.

#### 10. FARM: Governance

The FARM will begin with a volunteer, skills-based governing board, named the Food Security Council, with the City acting as a facilitator. Once the FARM has achieved grant funding, the Food Security Council members will be compensated. The Food Security Council should consist of community members, grant writers, SNAP recipients, food producers, an organized labor representative, and experts in resilience, logistics,

<sup>53</sup> IBIS Power, *Easily Upgrade Your Building to Renewable Energy*, (last accessed Dec. 20, 2022), <https://ibispower.eu/powernest/>.

<sup>54</sup> Anthony Cuthbertson, *Record-Breaking Transparent Solar Panels Pave Way for Electricity-Generating Windows*, Independent (Oct. 28, 2022), <https://www.independent.co.uk/tech/solar-panel-world-record-window-b2211057.html>.

<sup>55</sup> Diego Perrone et al., *Energy and Economic Investigation of a Biodiesel-Fired Engine for Micro-Scale Cogeneration*, 14 *Energies* (2021), [https://www.researchgate.net/publication/348594263\\_Energy\\_and\\_Economic\\_Investigation\\_of\\_a\\_Biodiesel-Fired\\_Engine\\_for\\_Micro-Scale\\_Cogeneration](https://www.researchgate.net/publication/348594263_Energy_and_Economic_Investigation_of_a_Biodiesel-Fired_Engine_for_Micro-Scale_Cogeneration).

<sup>56</sup> John Ikerd, *The Economic Pamphleteer: Reflections on Cooperation*, *Journal of Agriculture, Food Systems, and Community Development* (2013), <https://doi.org/10.5304/jafscd.2013.032.001>.

<sup>57</sup> USDA, *Understanding Cooperatives: Cooperative Business Principles*, (Revised Apr. 2011), [https://www.rd.usda.gov/sites/default/files/publications/CIR\\_45-2.pdf](https://www.rd.usda.gov/sites/default/files/publications/CIR_45-2.pdf).

renewable energy, agriculture technology, and public health. All members would be appointed by the nonprofit. The Food Security Council will have six core responsibilities:

1. Form the FARM as a non-profit organization;
2. Apply for grant funding;
3. Seek external partnerships;
4. Manage the FARM’s efforts to develop and maintain food production and distribution processes;
5. Determine the caloric needs of residents based on empirical evidence to set food production goals for the FARM; and
6. Define food shock events (e.g., how many days without staples constitute a food shock).

**11. FARM: Potential Funding Sources**

Funding sources include fees for administering government food assistance programs and grants from California, the USDA, and the Department of Energy (DOE) are available.

a. Federal and State Food Insecurity Related Grants and Programs

| Grant or Program                                                            | Amount                                                            | Source/ Sponsor | Eligible Projects                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Local Foods, Local Places</a>                                   | -                                                                 | USDA and EPA    | Developing the local food economy. Examples: community gardens, kitchens, farmer's markets, and other food-related enterprises that can create new businesses and revitalize main streets, improve access to fresh, local food, and protect the environment. |
| <a href="#">Community Food Projects Competitive Grants Program (CFPCGP)</a> | \$25K-35K in planning; Up to \$125K per year for up to four years | USDA            | Planning toward the improvement of community food security in accordance with the goals of CFPCGP.                                                                                                                                                           |
| <a href="#">The GusNIP - Nutrition Incentive Program</a>                    | -                                                                 | USDA            | Projects intended to increase the purchase of fruits and vegetables by providing incentives at the point of purchase among income-eligible consumers participating in the USDA Supplemental Nutrition Assistance Program (SNAP)                              |

|                                                             |                                                                                                                                |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Farm to School Grant</a>                        | Up to \$500K                                                                                                                   | USDA | Linking local producers with schools and other organizations participating in child nutrition programs working to purchase and include locally grown fruits, vegetables, grains, meat, dairy, and seafood in program meals.                                                                                                                                                                                                                                                                                                                                                                            |
| <a href="#">Conservation Innovation Grants</a>              | -                                                                                                                              | USDA | Projects supporting the development of farming technology to efficiently increase agricultural production through the conservation of natural resources, such as water and soil.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <a href="#">The Farmers Market Promotion Program (FMPP)</a> | -                                                                                                                              |      | Projects that develop, coordinate, and expand direct producer-to-consumer markets to help increase access to and availability of locally and regionally produced agricultural products by developing, coordinating, expanding, and providing outreach, training, and technical assistance to domestic farmers markets, roadside stands, community-supported agriculture programs, agritourism activities, online sales or other direct producer-to-consumer (including direct producer-to-retail, direct producer-to-restaurant, and direct producer-to-institutional marketing) market opportunities. |
| <a href="#">Local Food Promotion Program</a>                | \$25,000 to \$100,000 (for Planning projects) and \$100,000 to \$500,000 (for Implementation and Farm to Institution projects) | USDA | Grants for Planning projects help food businesses to develop and test services. Grants for Implementation projects fund the creation of food businesses like community kitchens. Grants for Farm to Institution projects support institutional food services like schools with linkage to farms.                                                                                                                                                                                                                                                                                                       |
| <a href="#">Food and Agriculture Service Learning</a>       | -                                                                                                                              | USDA | For private organizations or non-profits to increase the capacity for food, garden, and nutrition education within host organizations or entities, such as school cafeterias and                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                         |  |  |                                                                                                                                                                             |
|-------------------------|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Program</a> |  |  | classrooms while fostering higher levels of community engagement between farms and school systems by bringing together stakeholders from distinct parts of the food system. |
|-------------------------|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

b. Federal and State Resilience Grants and Programs

| Grant or Program                                                                     | Amount | Source/ Sponsor                            | Eligible Projects                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------|--------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">CA Community Resilience Centers</a> (anticipated release in spring 2023) | -      | California Strategic Growth Council        | New construction and upgrades of neighborhood-level resilience centers to provide shelter and resources during climate and other emergencies. The program will also fund year-round services and ongoing programming that build overall community resilience. |
| <a href="#">Building Resilient Infrastructure and Communities (BRIC) Grant</a>       | -      | FEMA                                       | Hazard mitigation projects, reducing the risks they face from disasters and natural hazards.                                                                                                                                                                  |
| <a href="#">Hazard Mitigation Grant Program (HMGP)</a>                               | -      | FEMA/ OEM                                  | Developing hazard mitigation plans and rebuilding in a way that reduces, or mitigates, future disaster losses in local communities.                                                                                                                           |
| <a href="#">Regional Resilience Planning and Implementation Grant Program</a>        | -      | Governor’s Office of Planning and Research | Advancing resilience and responding to their greatest climate risks through three major activities: capacity building, planning (including identifying climate resilience priorities), and project implementation.                                            |
| <a href="#">CA Transformative Climate Communities</a>                                | -      | California Strategic Growth Council        | Development and infrastructure projects that achieve major environmental, health, and economic benefits in California’s most disadvantaged communities.                                                                                                       |

c. Federal and State Renewable Energy Grants and Programs

| Grant or Program                                                               | Amount        | Source/<br>Sponsor                                      | Eligible Projects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------|---------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Energy Efficiency and Conservation Block Grant (EECBG) Program</a> | \$500,000,000 | Department of Energy                                    | Development and implementation of an energy efficiency and conservation strategy; establishment of financial incentive programs for energy efficiency improvements.                                                                                                                                                                                                                                                                                                                                                                                   |
| <a href="#">CA Transformative Climate Communities</a>                          | -             | California Strategic Growth Council                     | Development and infrastructure projects that achieve major environmental, health, and economic benefits in California’s most disadvantaged communities.                                                                                                                                                                                                                                                                                                                                                                                               |
| <a href="#">CA Distributed Electricity Backup Assets Program</a>               | -             | California                                              | Construction of cleaner and more efficient distributed energy assets that would serve as on-call emergency supply or load reduction for the state's electrical grid during extreme events.                                                                                                                                                                                                                                                                                                                                                            |
| <a href="#">CA Climate Catalyst Revolving Loan Fund</a>                        | -             | California Infrastructure and Economic Development Bank | <p>Projects that promote climate-smart technologies and practices across the agricultural value chain</p> <p>Projects may include (but are not limited to):</p> <ul style="list-style-type: none"> <li>● On-farm and food processing renewable energy, including electricity, fuels, and bioenergy</li> <li>● Energy, water, and materials efficiency</li> <li>● Methane reduction projects that use best practice approaches consistent with state policy goals</li> <li>● Energy storage or microgrids</li> <li>● Equipment replacements</li> </ul> |
| <a href="#">Renewable Energy For Agricultural Program (REAP)</a>               | -             | California Energy Commission                            | Installation of renewable energy technologies serving agricultural operations to reduce greenhouse gas emissions.                                                                                                                                                                                                                                                                                                                                                                                                                                     |

12. Berkeley is well positioned for a food resilience program.

The City of Berkeley has already taken steps that facilitate a food resilience program. In 2018, the City updated its Urban Agriculture Ordinance, lowering barriers to urban farming in Berkeley.<sup>58</sup> The update reduced the permit costs for larger-scale farming projects to \$1,000.00 and removed requirements that restricted farming to select city-owned properties.<sup>59</sup>

ENVIRONMENTAL SUSTAINABILITY

A food resilience program that involves urban agriculture is expected to reduce pollution from food transportation. Urban agriculture shortens the supply chain, truncating the journey from farm to table.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Adopted in 2009, Berkeley’s Climate Action Plan outlines a vision for a more sustainable city. One key goal in the Plan is for the “majority of food consumed in Berkeley” to be produced locally.<sup>60</sup> FARM advances this goal by bringing food production and individuals closer together.

On July 24, 2022, the City of Berkeley adopted an ordinance that updated the municipal code on urban agriculture as follows<sup>61</sup>:

Purpose (23.318.010)

The purpose of the Urban Agriculture related regulations contained in this chapter is to provide the following community benefits:

- A. Support the local economy and increase access to fresh local produce.
- B. Strengthen the health and social fabric of communities by encouraging and supporting community gardens.
- C. Accomplish the Berkeley Climate Action Plan goal of supporting efforts to build more complete and sustainable local food production and distribution systems

Applicability (23.318.020)

These regulations supersede definitions of incidental or ancillary uses.

Urban Agriculture Uses and Levels of Discretion (23.318.030)

- A. Zoning Certificate. When all of the thresholds in Section [23.318.040](#) (Thresholds) are met, the use is considered Low-Impact Urban Agriculture (LIUA) and is allowed by right with a Zoning Certificate.
- B. Administrative Use Permit. When one or more of the thresholds in Section [23.318.040](#) (Thresholds) are not met, the use is considered High-Impact Urban Agriculture (HIUA) requires an AUP. (Ord. 7787-NS § 2 (Exh. A), 2021)

<sup>58</sup> Stuart Luman, *Berkeley’s New Urban Agriculture Ordinance Encourages Residents to Grow Their Own Food*, Berkeleyside (Aug. 27, 2018), <https://www.berkeleyside.org/2018/08/27/berkeley-urban-agriculture-law>.

<sup>59</sup> *Id.*

<sup>60</sup> City of Berkeley, *Berkeley Climate Action Plan*, (June 2, 2009), <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>.

<sup>61</sup> Berkeley Municipal Code 23.318.050.



### Thresholds (23.318.040)

The levels of discretion for urban agriculture are based on the following thresholds:

- A. Maximum parcel size of 7,500 square feet.
- B. Maximum lot coverage of 20 percent for accessory structures and buildings.
- C. Maximum group classes and workshops of 20 participants per class conducted no more than three times per week.
- D. Hours of operation from 8:00 a.m. to 8:00 p.m., including but not limited to activities related to gardening and planting of horticultural crops, group classes, and sales.
- E. Use of organic pesticides. (Ord. 7787-NS § 2 (Exh. A), 2021)

### Operation Standards (23.318.050)

- Performance Standards. The growing, production, or sale of urban agricultural products may not involve hazardous materials or processes or create offensive or objectionable noise, vibration, odors, heat, dirt, or electrical disturbance perceptible by a person beyond the lot line of the subject lot.
- Sales and Donations.
  - Sales and/or donations of urban agricultural products grown and produced on-site are permitted.
  - If selling or donating urban agricultural products to the public, the urban agriculture use shall comply with all applicable food safety laws, including the California Health and Safety Code.
- Garbage and Compost.
  - Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing, or storage structures and all garbage shall be removed from the site weekly.
  - Compost piles and containers must be set back at least 10 feet from residential buildings when an urban agriculture use abuts a residential use.
- Farm Equipment. Use of mechanized farm equipment is not permitted in Residential Districts and when the urban agriculture use abuts a residential use, with the following exceptions:
  - Heavy equipment may be used initially to prepare the land for agriculture use.
  - Landscaping equipment designed for household use is permitted.
  - Equipment when not in use must be enclosed or otherwise screened from sight. (Ord. 7787-NS § 2 (Exh. A), 2021)

### FISCAL IMPACTS OF RECOMMENDATION

Fiscal impacts include staff time for analysis.

### RATIONALE FOR RECOMMENDATION

Food insecurity rates in the Bay Area are worrying. Food shortages, natural disasters, and global conflicts further threaten the availability and economic accessibility of healthy food. The increasingly intense impacts of climate change create heightened cause for concern. Therefore, to create a food safety net in the City of Berkeley, it is necessary to implement FARM.

While FARM is not intended to replace conventional food retailing, it should produce enough food to supplement the normal food supply during times of distress. Reaching this quantity requires a coordinated effort and collaboration with experts in the field of urban agriculture, including small businesses and nonprofit organizations. Therefore, the Office of Economic Development should research incentives for these entities to partner with the City of Berkeley to design and implement a food utility pilot.

#### OUTCOMES AND EVALUATION

This food resilience initiative is expected to address food insecurity for the City's population and maintain that security in the event of environmental and economic shocks.

#### Contributors

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#### ATTACHMENTS

1. Resolution No. XXXXX
2. The Lorin Business Association Letter of Support
3. Alameda County Democratic Central Committee Letter of Support
4. United Food & Commercial Workers 5 (UFCW 5) Letter of Support
5. Building and Construction Trades Council of Alameda County, AFL-CIO Letter of Support
6. IBEW Local Union 595 Letter of Support
7. NECA Letter of Support
8. SEIU 1021 Letter of Support
9. Vertical Crop Consultants Letter of Support
10. UC Berkeley Berkeley Food Institute Letter of Support
11. Future Table Letter of Support
12. Dig Deep Farm (DSAL) Letter of Support
13. DoorDash Letter of Support
14. Photographs of Urban Farming Installations
15. FARM PowerPoint Presentation May 2023

Attachment 1

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

A RESOLUTION OF THE BERKELEY CITY COUNCIL IN SUPPORT OF THE GOALS OF THE FOOD ACCESS AND RESILIENCE MEASURE (FARM) INITIATIVE AND THE DEVELOPMENT OF HYPERLOCAL URBAN FOOD PRODUCTION AND DISTRIBUTION WITH COMMUNITY-BASED ORGANIZATIONS

WHEREAS, the City of Berkeley and the Bay Area are experiencing increasing impacts of climate change, natural disasters, global conflicts, inflation, and food shortages; posing significant threat to the availability and economic accessibility of healthy foods; and

WHEREAS, the Berkeley Food Access and Resilience Measure (FARM) initiative calls for a self-funded community based organization, connecting producers, processors, distributors, retailers, and consumers to ensure food security in the community; and

WHEREAS, the FARM initiative will be governed by a Food Security Council; and

WHEREAS, the FARM initiative will be financed through a combination of government grants and private philanthropy; and

WHEREAS, the FARM initiative aligns with the goals of the Federal Government and State of California's food and energy resilience policies and grants; and

WHEREAS, The City of Berkeley's Climate Action Plan and Urban Agriculture Ordinance seeks to reduce pollution from the transportation of food by incentivizing urban farming and supporting local food production;

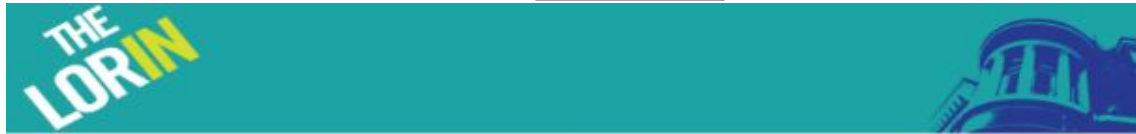
WHEREAS, the development and implementation of FARM will require collaboration with community-based organizations, SNAP recipients, organized labor, small businesses, and non-profit organizations;

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley hereby supports the goals of the Food Access and Resilience Measure (FARM) and the development of hyperlocal urban food production by providing incentives and funding opportunities for community based organizations;

BE IT FURTHER RESOLVED that the City of Berkeley will partner with community-based organizations implementing the goals of the FARM initiative.

THEREFORE, IT IS FURTHER RESOLVED that the City of Berkeley encourages the community, small businesses, labor organizations, and non-profits, to support the FARM initiative and participate in collaborative efforts to achieve food security and resilience within the City of Berkeley.

**Attachment 2**



3/17/2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the Lorin Business Association, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

Liz Lisle, YaVette Holts, and KC Cavanagh  
Board Member of the Lorin Business Association

Attachment 3



April 8, 2023

**SUPPORT FOR BERKELEY FOOD UTILITY AND ACCESS RESILIENCE MEASURE**

Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Dear Honorable Mayor and City Council:

On behalf of the Alameda County Democratic Party, I am writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

Igor A. Tregub  
Chair, Alameda County  
Democratic Party



**Attachment 4**



**John Nunes**  
President

**Jack Landes**  
Secretary - Treasurer

**Main Office:**

**United Food & Commercial  
Workers Union, Local 5**  
28870 Mission Boulevard  
Hayward, CA 94544-5510  
(510) 889-0870  
Fax: (510) 889-6415  
Toll Free: (877) 655-FIVE  
[www.ufcw5.org](http://www.ufcw5.org)

240 South Market Street  
San Jose, CA 95113-2310  
(408) 998-0428  
Fax: (408) 971-8355

323 Miller Avenue  
So. San Francisco, CA 94080  
(650) 871-5730  
Fax: (650) 871-3504

4121 Alhambra Avenue  
Martinez, CA 94553-3823  
(925) 228-8800  
Fax: (925) 228-8355

1145 North Main Street  
Salinas, CA 93906-3614  
(831) 757-3094  
Fax: (831) 757-9115

323 Geary Street, Room 709  
San Francisco, CA 94102  
(415) 693-0143  
Fax: (415) 675-7645

85 Galli Drive, Suite H  
Novato, CA 94949-5716  
(415) 883-6833  
Fax: (415) 883-1043

840 E Street, Suite 8  
Eureka, CA 95501-6804  
(707) 442-1751  
Fax: (707) 442-9572

April 25, 2023  
Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of UFCW Local 5, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

James Araby  
Director of Strategic Campaigns





**Attachment 5**

***Building and Construction Trades Council  
of Alameda County, AFL-CIO***

7750 Pardee Lane, Suite 100  
Oakland, CA 94621

[btca@btcalameda.org](mailto:btca@btcalameda.org) | (510) 430-8664

Andreas Cluver  
Secretary-Treasurer

Rob Stoker  
President

Rafael Gonzalez  
Vice President

Chuck Leonard  
Sergeant in Arms

- Auto & Marine Painters, #1176
- Boilermakers, #549
- Brick & Tile Layers, #3
- Carpet & Linoleum, #12
- Cement Masons, #300
- Electrical Workers, #595
- Elevator Constructors #8
- Glaziers #169
- Insulators & Asbestos Workers, #16
- Iron Workers, #378
- Laborers, #67
- Laborers, #304
- Operating Engineers, #3
- Painters, #3
- Plasterers, #66
- Plumbers & Steamfitters, #342
- Roofers, #81
- Sheet Metal Workers, #104
- Sign & Display, #510
- Sprinkler Fitters, #483
- Teamsters, #853
- U.A., Utilities / Landscape, #355

April 11, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

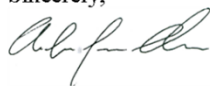
On behalf of the Alameda County Building & Construction Trades Council, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,



Andreas Cluver, Secretary-Treasurer  
Building & Construction Trades Council of Alameda County

## Attachment 6



March 8, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of IBEW Local Union 595, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Respectfully,

Greg Bonato  
Business Manager-Financial Secretary

GB:klp/opeiu#29/afl-cio

925.556.0595 • 925.556.0600 fax • [www.ibew595.org](http://www.ibew595.org) • 6250 Village Parkway, Dublin, CA 94568

**Attachment 7**



*National Electrical Contractors Association*

March 9, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the Northern California Chapter of the National Electrical Contractors Association (NECA), we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Armstrong", is written over a circular stamp.

Greg E. Armstrong  
Executive Director  
Northern California Chapter, NECA



Attachment 8



May 4, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**Qualified Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

I write on behalf of SEIU 1021 Alameda County Committee on Political Education to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM).

The Berkeley Chapter of SEIU 1021 represents the disaster, health, nutrition, and resilience workers who keep Berkeley safe and healthy. We strongly support the concept of this item, and appreciate that it establishes a program that supplements the work done by SEIU 1021 workers without contracting out any City work currently or potentially performed by represented employees.

We understand that this Council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster. Thousands of people in Berkeley are food insecure, including workers, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Given that threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We offer strong qualified support for this item and respectfully request you favorably consider this amended Berkeley Food Utility Access and Resilience Measure.

Sincerely,  
Andrea Mullarkey  
SEIU 1021 CSU/PTRLA COPE Coordinator



Attachment 9



102 Cedar Ln.  
Clinton NC 28328

5/5/2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:


On behalf of Vertical Crop Consultants Inc, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,



Tripp Williamson  
CEO  
Vertical Crop Consultants Inc.



Attachment 10



Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of Berkeley Food Institute, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to safeguard Berkeley residents' access to sustenance during natural and economic disasters.

Thousands of Berkeley residents are food insecure, and numerous others are on the verge of food insecurity. Natural disasters and economic downturns threaten to place even more households in food insecurity in Berkeley, which is already in a precarious position. The COVID-19 pandemic highlighted the precarious nature of our food supply. In 2020, the pandemic caused labor shortages and layoffs across industries, resulting in an increase in staple food prices, a decrease in staple food availability, and a reduction in consumers' ability to afford these foods. The combination of these factors drastically increased the demand for food assistance in Berkeley. The Berkeley Food Network, a local organization that provides food to those in need, had to quadruple its operations in the first half of 2020 alone in order to meet demand. Similarly, Berkeley Student Farms, a network of student led UC Berkeley Campus Gardens were the main supplier of fresh produce to the UC Berkeley Food Pantry during the first two weeks of shelter-in-place in 2020. Due to the increasing frequency of threats to food access caused by climate change, it is crucial to protect our community before a disruption to our food supply occurs.

FARM is a proactive initiative that mitigates the risk of food supply chain disruptions at multiple levels. At its foundation, FARM establishes a network of local food production to supplement the current supply chain. This network creates and integrates local food sources, including urban agriculture facilities and community farms. In addition, FARM safeguards this network from natural disasters by integrating a renewable energy system that can function despite disruptions to the primary power grid. FARM aligns with the emergency preparedness vision of the State of California and the disaster preparedness initiatives of federal agencies.

We strongly support this item and respectfully request the Mayor and City Council to vote in favor of the Berkeley Food Utility Access and Resilience Measure.

Sincerely,



Nathalie Muñoz

BFI Community Engagement Program Manager

**Berkeley Food Institute**  
University of California, Berkeley  
50 University Hall, Berkeley, CA 94720-3102

(510) 529-1533  
food.berkeley.edu  
foodinstitute@berkeley.edu

Attachment 11



May 7, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of FutureTable, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

*Lorin Fries*

Lorin Fries  
Founder and Lead Partner, FutureTable

---

Attachment 12

DocuSign Envelope ID: 93943A69-B03A-4282-B6AC-FF0F72B5A225

May 8, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the Alameda County Deputy Sheriffs' Activities League (DSAL) and Dig Deep Farms, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM, in partnership with our county-wide circular food economy, All In Eats, creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

DocuSigned by:  
  
A3383DE7738A464...

DocuSign Envelope ID: 93943A69-B03A-4262-B6AC-FF0F72B5A225

Patrick Eiser  
DSAL Director of Operations  
peiser@acdsal.org

**Attachment 13**



May 26, 2023

Mayor Arreguín and City Council Members  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of DoorDash, I am writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

As part of our mission to empower local economies, DoorDash is proud to broaden food access for the communities we serve. Launched in 2018, our Project DASH initiative enables food banks, food pantries, and other social service organizations to connect food and other important resources to neighbors in the community using the same logistics technology used by DoorDash merchant partners. Project DASH has powered over 3.5 million deliveries of food equal to more than an estimated 60 million meals provided to people experiencing food insecurity across the U.S. and Canada, building the capacity of local food banks and community hubs to serve more people, more effectively.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Natural disasters and economic downturns threaten to thrust even more households into food insecurity. FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production and local distribution network to supplement the existing supply chain. This network connects local food sources to community hubs including food banks, grocery stores, restaurants, and schools.

We support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure. We know local delivery can be a powerful tool in breaking down barriers to access, and we look forward to working with Berkeley as it seeks to further develop this initiative and other efforts to protect against food insecurity.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Curtis'.

Laura Curtis  
Senior Manager, Governmental Relations – West



Attachment 14



Attachment 15

# Berkeley Food Utility and Access Resilience Measure (FARM)



Ben Bartlett  
Vice Mayor, City of Berkeley

**“There are only  
nine meals  
between mankind  
and anarchy.”**

- Vladimir Lenin



## Recommendation

To the Honorable Mayor and Members of the City Council



Protecting the City's food supply from natural disasters and economic disruptions by creating a community-based non-profit organization to implement an integrated local food production and distribution system

To design and offer economic incentives for non-profits, agricultural producers, and small businesses to partner with the City



## Current Situation



- California is currently facing one of the worst flooding situations in many years
- After three years of droughts, many farmers are concerned about lingering flood waters
- Proving the importance of creating a program that will support food resiliency and local farm workers



## Achieving Food Resiliency



### Local Production

Develop local food production sources

### Connect

Connect these sources to each other and local community hubs

### Power

Power local food production sources using renewable energy with battery backup storage



## Community Resilience



### What is community resilience?

Ability of a community to withstand and recover from disruptions

### Threats to the Community:

- Governments faced with existential threats to populations and infrastructure
- Rapid advancement of climate change
- Extreme weather events
- Disaster preparedness
- Soaring Food Prices

Need a systems – level approach to address possible points of failure in urban food supply chain



## Food Resilience



### What is food resilience?

The ways in which a community can ensure its members have access to health and nutritious food, even during times of crisis

- Berkeley’s Climate Action Plan set a target of majority of food consumed to be from local food production
- A local food system empowers Berkeley to achieve a key Climate Action Plan goal → producing local food for consumption
- California allocated \$477 million toward agricultural resilience measures
- California’s Strategic Growth Council called for local-level resilience through Community Resilience Centers program
- U.S. government is incorporating food resilience in disaster planning



## Food is a Fundamental Human Right



### Like air and water...

Food is essential for survival and the only commodity that cannot be postponed.

- Food insecure individuals have higher rates of mental health issues
  - Hungry children attain lower academic achievement
- United Nations recognizes that the right to all nutritional elements is necessary to live a healthy and active life

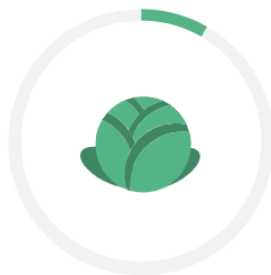


## Food Insecurity Data

Food insecurity is a growing crisis throughout the United States



**11.5%** Of people in the Bay Area are food insecure in 2018  
870,000 people



**10.5%** Of the US population did not have enough food to meet their needs  
14 million households



**20%** Spike in food insecurity in the Bay Area from the beginning of COVID-19 Pandemic  
20-33%, specifically



## Threats to Food Access



### Climate Change

If the land lacks the nutrients that crops need to grow, the food chain will be stopped from the beginning

### Natural Disasters

All segments of food supply chains can be affected by a natural disaster such as droughts, wildfires, and more

### Foreign Conflict

A disruption in one region can send ripple effects to the rest of the world





# FARM as a Community Food Utility

## Community Layer

- Community Gardens and Backyard Gardens
- Synchronizing Local food production with food banks, restaurants, schools and grocery stores
- Supplemental Nutrition Assistance Program (SNAP)

## Production Layer

- Controlled Environmental Agriculture (CEA)
- Repurposing Empty Commercial Space

## Energy Resilience

- Integrating renewable energy systems that remain resilient

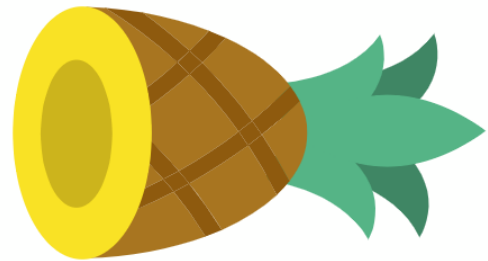


# FARM: Organization

The FARM will be a self-funded non-profit chartered by the City of Berkeley, with a self-appointed Board of Directors, approved by the City Council, with duties and administrative powers also approved by the City Council.

## Vertical Cooperative

- User-owned and controlled entity from which benefits are distributed equitably
- FARM would operate on all levels of vertical food system - linking producers, processors, distributors, retailers and consumers
- System must be sustainable, all recipients and participants would be members of FARM





## Defining Local

Synchronizing community gardens with food towers to maximize food production and reduce 100 mile radius to something closer to be determine by Food Security Council

### Hyper Local

- food grown right in a communities' backyard
- available for purchase at a market or consumption at local restaurants.
- benefit: produce can be harvested and delivered on the same day and can remain fresh longer than produce delivered from long distances.

### Local

- definition from Farm Act from 2008,
- definition= produced "so that the total distance that the product is transported is less than 400 miles from the origin or the product."



## Equity

Group buying power for SNAP participants in Berkeley to lower cost and eat healthier

### Making food more affordable

- Food prices have gone up by 10%
- FARM Initiative sets the framework to structure group buying power for SNAP participants, to help lower the cost, support local growers and help the community eat healthier

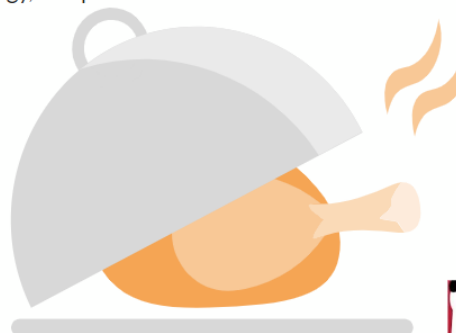


## FARM Governance: Food Security Council

- FARM will begin with a volunteer, skills-based governing board: Food Security Council
- Once the FARM has achieved grant funding, the Food Security Council members will be compensated
- The Food Security Council should consist of community members, grant writers, SNAP recipients, food producers, an organized labor representative
  - Experts in resilience, logistics, renewable energy, and public health.

### Food Security Council Responsibilities:

1. Form FARM as a non-profit
2. Apply for funding
3. Seek external partnerships
4. Develop and maintain food production and distribution processes;
5. Determine the caloric needs of residents
6. Define food shock



## Potential Funding Sources

Funding sources include fees for administering government food assistance programs and grants from California, the USDA, and the Department of Energy (DOE) are available.



## Self Directed and Self Funded



## FARM: Conclusion

Food shortages, natural disasters, and global conflicts further threaten the availability and economic accessibility of healthy food. The increasingly intense impacts of climate change create heightened cause for concern. Therefore, to create a food safety net in the City of Berkeley, it is necessary to implement FARM.



# Supporters

- The Lorin Business Association
- Alameda County Democratic Central Committee
- United Food & Commercial Workers 5 (UFCW 5)
- Building and Construction Trades Council of Alameda County, AFL-CIO
- IBEW Local Union 595
- NECA
- SEIU 1021
- Vertical Crop Consultants
- UC Berkeley Berkeley Food Institute
- Future Table
- Dig Deep Farm (DSAL)



# Thank you!

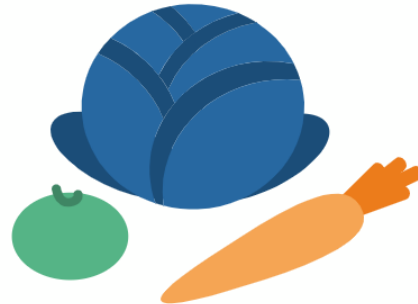
## Contact:

### Vice Mayor Ben Bartlett

- [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)
- 510-981-7130

### Additional Contributors:

Nina Li  
James Chang  
Dafne Cruz Rodriguez









Councilmember Ben Bartlett  
City of Berkeley, District 3

CONSENT CALENDAR  
March 27, 2018

To: Honorable Mayor and Members of the City Council  
From: Councilmember Ben Bartlett  
Subject: Health Equity & Innovation District

RECOMMENDATION

Referral to the Planning Commission, the Community Health Commission, the Commission on Aging, and the City Manager to establish a Health Equity & Innovation District (HID).

The goal of the HID is to reduce chronic racial health disparities and improve the overall public health strategy of Berkeley by fostering innovations in healthcare delivery, improving resiliency, and strengthening the integration of health services and systems. The HID is intended to draw investment and grant opportunities, as well as to explore the expansion of scope of practice for medical providers.

The City should explore incentives for health service organizations and health technology organizations that:

- A. Are sited within HID; AND
  - B. Offer free or low-cost direct health services to community members
- OR
- Partner with the City of Berkeley's Public Health Division or existing medical non-profits to deliver enhanced health programs and eliminate health disparities.

The City may seek to promote the following and other similar policies and programs:

- Remote Medicine:
  - Employing new technologies to deliver personal health and prevention solutions (such as tracking health data to identify opportunities for health improvement)
  - Platforms for active aging with the goal of maintaining and fostering the cognitive abilities of elderly patients suffering from cognitive impairments
  - Remote consultations in order to provide residents, especially senior residents with chronic health conditions, with regular check-ins and follow-ups
- Data Analysis:
  - Surveying and statistical analysis to identify the communities' greatest health-related needs

- Gathering environmental data (e.g. sensors monitoring air quality or other monitoring of the built environment) in order to evaluate health related impacts
- Machine learning and artificial intelligence techniques in order to mine data to identify sources of health issues, such as lead contaminated paint or food poisoning, and cluster events
- Disaster Preparedness:
  - Analyzing and identifying improvements for the City's emergency disaster preparedness protocols and infrastructure, including incorporating mental health resilience and psychiatric first-aid
- Mental Health:
  - Internet and technology based cognitive behavioral therapy
- Mobile Services:
  - Mobile dentistry services, including high-speed and eco-friendly digital impression technology and mobile based tablet intraoral scanners
- Education and Resources:
  - Interactive kiosks that would help people identify, locate, and sign up for, resources, information, and services, including information regarding prevention of colds and flus, cancer, and diabetes
- Culturally Responsive Services
  - Supporting the development of a service network rooted in practices that will appropriately serve low-income communities of color.
  - Stay in alignment with Alameda County Innovation Report for culturally responsive service allocation.
  - Train providers in order to understand needs of population for adequate service delivery.
- Trauma informed Health Services
  - Supporting systems and staff in understanding trauma to better accommodate those with lived experience.
  - Funding coalitions and services that support the development of long term trauma informed services.
- Community Based Services
  - Development of coalition of organizations within health zone to address specific needs of community as identified in needs assessment.

## BACKGROUND

Health benefits are not experienced equally throughout the city. Health inequities in Berkeley persist in patterns based on race, ethnicity, geography, as well as income and education. For example, African American residents in South and West Berkeley have higher rates of adverse pregnancy outcomes, childhood asthma hospitalizations, heart disease, high blood pressure, stroke, and diabetes.<sup>1</sup>

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<sup>1</sup> Compared to a white resident, an African American resident in Berkeley is:

- 20 times more likely to be a teen pregnant
- 2.5 times more likely to be born too small
- 4 times more likely to be diagnosed with diabetes

In an equitable region, individuals of all races, incomes, ages, genders, and other social identities have equal opportunities to live healthy lives. The investments and policies proposed by the South & West Berkeley Health Innovation Zone Pilot Program would reduce inequality and improve the lives of the city's most vulnerable and disadvantaged residents.

Berkeley is one of three California cities with its own Public Health division. This initiative seeks to expand upon the services provided by our Public Health division in order to promote health entrepreneurship and deliver next-generation health innovation to the entire Berkeley community.

As our population ages and inequality and homelessness continues to grow, we are faced with an increasing prevalence of chronic and degenerative conditions along with fragmented healthcare provision. We predict that there will be a growing demand for qualified services that only new models of care will be able to support. We must leverage innovation, encourage partnerships, and promote entrepreneurship in order to create infrastructure and services to increase equitable health promotion and risk prevention through education and service delivery.

The City of Berkeley's Public Health division recognizes health inequities as a priority and the City is committed to addressing and eliminating health inequities. This initiative would take another step in the direction of accomplishing this goal. This is meant to provide a model for best practices to aid the development of universal health care in California.

#### FINANCIAL IMPLICATIONS

Staff time.

#### CONTACT PERSON

Councilmember Ben Bartlett, (510) 981-7130

- 
- 14 times more likely to be hospitalized for diabetes
  - 12 times more likely to be hospitalized due to hypertensive heart disease
  - 2 times more likely to die in a given year from any condition
  - 2.5 times more likely to die of cardiovascular disease
  - 9 times more likely to be hospitalized for asthma (this is for a child less than five years old)





CONSENT CALENDAR  
November 7, 2023

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson (Author)  
 Subject: Modernizing and updating outdated & unnecessary language in the BMC related to transportation

RECOMMENDATION

Adopt first reading of an Ordinance amending BMC Chapters 6.32, 14.32, and 14.68 to:

1. Rescind outdated or unnecessary regulations pertaining to jaywalking, skateboarding, bicycle licenses, and bicycle establishment requirements
2. Allow 24/7 use of public paths by pedestrians and bicyclists for the purpose of transportation
3. Allow bicyclists on non-electric bicycles to ride on the sidewalk while exercising due care and yielding right-of-way to pedestrians when no Class I, Class II, or Class IV bicycle facility is available
4. Align the penalty for bicycle violations with other moving violations by amending it from a misdemeanor to an infraction
5. Update definitions of bicycles and scooters to align with definitions in the California Vehicle Code

PROPOSED POLICY COMMITTEE TRACK

Facilities, Infrastructure, Transportation, Environment, & Sustainability.

BACKGROUND

Berkeley Municipal Code Chapter 6.32 regulates parks and public pathways, and Chapters 14.32 and 14.68 regulate pedestrians and bicyclists respectively. BMC 14.32 was adopted in 1952 and BMC 14.68 was adopted in 1976, with minimal amendments since adoption. As a result, many provisions of these ordinances are outdated and do not reflect current practice, terminology, or state law. Table 1 summarizes proposed amendments to the municipal code and their justifications.

Table 1: Summary of Proposed Amendments

| Proposed Amendment                                               | Reasoning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.32.020: Allowing use of public paths during park closure hours | Public paths in parks, such those in Ohlone Park, Strawberry Creek Park, San Pablo Park, and Cedar-Rose Park, provide a connection for pedestrians and bicyclists where the park interrupts the continuity of public streets. Several of these paths also connect directly to on-street and off-street bicycle facilities. In addition to recreation, these paths serve an important transportation function and should be open for through travel 24/7 as public streets are.                              |
| 6.32.050 – 060: Clarifying vehicle regulations in parks          | BMC 6.32.010 includes bicycles and scooters in the definition of “vehicle.” However, BMC 6.32.050 and 6.32.060 regulate vehicles in a manner that seems to only make sense for automobiles and motorcycles — for example, disallowing their use on public paths and requiring that they be parked in painted parking spaces. This amendment clarifies that these restrictions only apply to motor vehicles.                                                                                                 |
| 14.32.020 – 050: Rescinding jaywalking regulations               | The California Vehicle Code (CVC) already regulates jaywalking, rendering these BMC sections redundant as local law is preempted by state law. Furthermore, the passage of AB 2147 (2022) decriminalized jaywalking when there is no immediate danger. <sup>1</sup> The City of Berkeley supported a previous iteration of this bill (AB 1238) that would have repealed jaywalking laws altogether. <sup>2</sup> Rescinding the City’s local jaywalking laws is therefore in line with past Council action. |
| 14.32.060: Rescinding skateboarding regulations                  | The CVC already regulates skateboarding, prohibiting the use of motorized skateboards on sidewalks, roadways, and trails. <sup>3</sup> This BMC section requires skateboarders to wear reflective or light-colored clothing after dark — a requirement that is not imposed on bicyclists, scooter riders, or roller skaters.                                                                                                                                                                                |
| 6.32.010, 14.68.110: Updating bicycle, electric                  | These amendments align the definitions in the BMC with recently updated definitions in the CVC, improving clarity, consistency,                                                                                                                                                                                                                                                                                                                                                                             |

<sup>1</sup> [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2147](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2147)

<sup>2</sup> <https://berkeleyca.gov/sites/default/files/documents/2021-05-11%20Item%2027%20Support%20for%20AB%201238%20and%20AB%20122.pdf>

<sup>3</sup>

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=21968.&nodeTreePath=15.5&lawCode=VEH](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=21968.&nodeTreePath=15.5&lawCode=VEH)



|                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>bicycle, and motorized scooter definitions</p>                                            | <p>and accuracy. Terminology is updated throughout BMC 6.32 and 14.68.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>14.68.020 – 100, 320 – 340: Rescinding bicycle licensing requirements</p>                 | <p>These regulations are currently not enforced or followed in practice. There is no system in place for residents to register their bicycles with BPD and has not been since at least 2015. Furthermore, this change is necessary to comply with state law: AB 1909 (2022) prohibits jurisdictions from requiring bicycle licenses.<sup>4</sup> In lieu of obtaining bicycle licenses, residents can register their bikes with Bike Index, a free, non-profit, and open-source database that partners with local community organizations such as Bike East Bay.<sup>5</sup></p>                                                                                                                                                                                                                                                                  |
| <p>14.68.130: Allowing sidewalk bicycling with due care</p>                                  | <p>Sidewalk bicycling is a direct result of insufficient bicycling facilities and dangerous traffic conditions on streets. Research shows that bike infrastructure is disproportionately absent from Black and Latino neighborhoods, and bicyclist citations are subsequently issued disproportionately in these neighborhoods.<sup>6</sup> The due care clause still allows for enforcement in situations where the bicyclist is not yielding right-of-way to pedestrians or otherwise not exercising due care. This ordinance permits sidewalk bicycle with due care for people riding non-electric bicycles on streets without Class I, Class II, or Class IV bicycle facilities. This recommendation is similar to language in AB 825,<sup>7</sup> which was passed by the California state legislature but failed to be signed into law.</p> |
| <p>14.68.140: Allowing bicycling in parks, playgrounds, and school grounds with due care</p> | <p>The current language, requiring “permission of the person having supervision of said playground, park or school ground,” is unenforceable as it is unclear who has the supervisory power to grant access to a public park or playground. Trespassing laws already prohibit trespassing on public property after hours and on private property. This change strikes the permission requirement and adds a requirement to exercise due care for children playing in the area.</p>                                                                                                                                                                                                                                                                                                                                                                |
| <p>14.68.210 – 300: Rescinding bicycle establishment requirements</p>                        | <p>These regulations are currently not enforced or followed in practice. BPD does not have sufficient capacity to enforce the regulations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

<sup>4</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1909](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1909)

<sup>5</sup> <https://bikeeastbay.org/Register>

<sup>6</sup> <https://www.sciencedirect.com/science/article/pii/S1361920921003254>

<sup>7</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB825](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB825)

|                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>14.68.370: Amending penalty for violation to be an infraction instead of a misdemeanor</p> | <p>In the state of California, misdemeanors are punishable by a maximum fine of \$1,000 or up to 6 months of imprisonment. Infractions are less serious offenses with fines of \$100 to \$500 and no imprisonment option.<sup>8</sup> Examples of misdemeanors are reckless driving, driving under the influence, and hit and runs, which are violations far more severe than those outlined in this chapter. This change brings penalties for violations of this chapter in line with the vast majority of moving violations.</p> |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

FINANCIAL IMPLICATIONS

No significant financial implications.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable negative environmental impacts associated with this action.

CONTACT PERSON

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

Attachments:

1: Ordinance

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<sup>8</sup> <https://berkeley.municipal.codes/BMC/1.20.020>

ORDINANCE NO. -N.S.

ORDINANCE AMENDING TITLES 6 AND 14 OF THE BERKELEY MUNICIPAL CODE  
TO UPDATE BICYCLE AND PEDESTRIAN REGULATIONS

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

Section 1. That Berkeley Municipal Code Chapter 6.32 is amended to read as follows:

**Chapter 6.32 PARKS AND PUBLIC PATHWAYS--USE RESTRICTIONS**

**6.32.010 Definitions.**

A. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power, devices used exclusively upon stationary rails or tracks, and motor-driven wheelchairs or similar devices used by a physically handicapped person; provided, however, that for the purposes of this chapter, a bicycle shall be deemed a vehicle.

B. "Bicycle" means a device upon which a person may ride, propelled exclusively by human power, except as provided in BMC 6.32.010.C, through a belt, chain or gears, and having one or more wheels. An electric bicycle is a bicycle.

C. "Electric bicycle" means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

1. "Class 1 electric bicycle," or "low-speed pedal-assisted electric bicycle," means a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

2. "Class 2 electric bicycle," or "low-speed throttle-assisted electric bicycle," means a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

3. "Class 3 electric bicycle," or "speed pedal-assisted electric bicycle," means a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a speedometer.

~~B. "Automobile" means every motor vehicle, as herein defined, except motorcycles.~~

DC. "Loud or offensive noise" means willful disruption of the public tranquility or peace by any tumultuous proceeding.

ED. "Motorcycle" means every motor vehicle, other than a tractor, designed to travel on not more than three wheels in contact with the ground.

F. "Motorized scooter" means any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by a motor.

~~E~~. "~~Motor-driven cycle~~" means any motorcycle, including every motor scooter, with a motor which produces less than fifteen gross brake horsepower, and every bicycle with motor attached.

GF. "Motor vehicle" means every device, as herein defined, which is self-propelled. Electric bicycles and motorized scooters are not motor vehicles.

HG. "Operator" means every person who drives, operates or is in actual physical control of a ~~motor~~ vehicle.

IH. "Person" means every natural person, firm, copartnership, association or corporation.

J. "Public path" means public rights-of-way other than sidewalks dedicated to pedestrian use and connecting public streets. (Ord. 4731-NS § 1, 1974; Ord. 4716-NS § 1, 1974)

### 6.32.020 Park hours.

A. No person shall enter upon or otherwise remain within City parks, or portions thereof, between the hours or for the period specifically posted as closure hours at the entrance to the particular park and, where applicable, adjacent to any portion of a park being closed.

B. Where no hours are posted, a park shall be closed between the hours of ten p.m. and six a.m., except that parks equipped with user operated lights shall be closed between the hours of eleven p.m. and six a.m.

C. Closure hours shall not apply to persons, bicycles, and motorized scooters traveling on a public path within a park for the sole purpose of transportation through the park.

DC. Reserved. (Ord. 6524-NS § 1, 2000; Ord. 5823-NS § 1, 1987; Ord. 5454-NS § 1, 1982; Ord. 4716-NS § 8, 1974)

**6.32.030 Park rules and uses.**

A. The City Manager or their designee is authorized to issue such regulations and take such other actions as are necessary to preserve park property and public safety and to distribute park space and facilities among competing uses, including the prohibition of certain activities or restriction of them to certain times and/or locations. Failure to obey any directive issued by the City Manager or their designee pursuant to this section shall be a violation of this chapter.

B. Whenever any activity is restricted or prohibited in specified areas of any park, or whenever the use of specified areas is restricted or prohibited, the City Manager or their designee shall cause signs to be posted or permits to be issued notifying the public of such restrictions or prohibitions. Failure to obey the restrictions stated in any properly posted sign or in any permit shall be a violation of this chapter.

C. This ordinance is intended to be declaratory of and does not constitute any change in existing law. (Ord. 6577-NS § 1, 2000)

**6.32.040 Offensive noise.**

A. It is unlawful for any person to produce or cause to be produced loud or offensive noise in public parks after the hour of ten p.m. and before the hour of seven a.m.

B. Programs and events which may be sponsored by the Department of Recreation, Parks and Community Services or by authorized groups, where a valid permit has been issued therefor by the Director of Recreation and Parks, may continue after ten p.m., but such programs or events shall not unreasonably disturb the neighborhood. (Ord. 6577-NS § 2, 2000; Ord. 4736-NS § 6 (part), 1974; Ord. 4716-NS § 5, 1974)

**6.32.050 Traffic prohibited in Aquatic Park when.**

It is unlawful for any person to operate, park, stop or leave standing any motor vehicle in the Berkeley Aquatic Park at any time from a half-hour after sunset to a half-hour before sunrise, except that portion lying east of the lake between the southern line of the extension of Bancroft Way and the northern line of the extension of Addison Street. (Ord. 6577-NS § 2, 2000; Ord. 4716-NS § 3, 1974)

**6.32.060 Parking and vehicle operation restrictions.**

It is unlawful for any person to stop, park or leave standing any ~~vehicle, motor vehicle, automobile, or motorcycle or motor-driven cycle~~, whether attended or unattended, in any park in the City, including the Berkeley Aquatic Park, except that motor vehicles may be parked in the allotted parking spaces designated by painted or marked lines placed for the purpose of allotting spaces to parked motor vehicles, and in such cases

where there are no painted or marked lines designating the allotted parking spaces, motor vehicles shall be parked in such a manner that both wheels on the right side of the roadway of such motor vehicle are not more than six inches from the right-hand edge of the roadway, and such motor vehicle is at least three feet distant from any motor vehicle standing in the front or the rear thereof. It is further unlawful to operate any ~~vehicle~~, motor vehicle, automobile, motorcycle, or Class 3 electric bicycle ~~or motor-driven cycle~~ in parks and on public paths except on roadways designated for vehicular use. (Ord. 6577-NS § 2, 2000: Ord. 4716-NS § 2, 1974)

### **6.32.070 Vehicle removal authorized when--Procedures required.**

The Police Department is authorized to remove or cause to be removed to the nearest garage or other place of safety, or to a garage designated or maintained by the City, any vehicle that is stopped, standing or parked in violation of any of the provisions herein and when signs are posted giving notice of such removal. The provisions of the California Vehicle Code pertaining to notice to owner and garagekeeper's lien shall apply in the event of such removal. (Ord. 6577-NS § 2, 2000: Ord. 4716-NS § 7, 1974)

### **6.32.080 Applicability--Exceptions.**

Authorized officers, employees, agents or representatives of the City shall be excepted from the provisions of this chapter only when such officer, employee, agent or representative is on the official business of the City and such official business requires such person to be in a City park. (Ord. 6577-NS § 2, 2000: Ord. 4716-NS § 4, 1974)

### **6.32.090 Signs required.**

The Police Department is authorized and directed to erect, maintain, place and paint the necessary signs and markings which shall give notice of the regulations prescribed in this chapter. (Ord. 6577-NS § 2, 2000: Ord. 4716-NS § 6, 1974)

### **6.32.095 Skate parks--rules.**

A. All persons using skate parks within the City of Berkeley shall comply with the following requirements:

1. Only persons using skateboards and skates, including but not limited to roller skates, in-line skates and/or roller blades, shall be allowed within any skate park. Persons without skateboards or skates are not allowed within skate parks.
2. Persons using bicycles or scooters are not allowed within any skate park.



3. All persons using skate parks shall wear a helmet, elbow pads and kneepads, suitable to provide protection in the event of falls or collisions. Such safety equipment must be worn at all times.
  4. Additional obstacles or other materials, including but not limited to ramps and jumps, are prohibited within skate parks.
  5. Glass products are prohibited within skate parks.
  6. Earphones or headsets are prohibited while skating or otherwise using a skate park.
- B. Skate parks shall be open only from 6:30 a.m. until 9:30 p.m., provided that if a skate park does not have adequate lighting for after-dark operation, as determined by the City Manager or designee, it shall close no later than one-half (1/2) hour before sunset. No person shall be allowed within a skate park outside of these hours.
- C. The City Manager, or designee, may close any skate park whenever the City Manager, or said designee, determines that such a closure is necessary, or may promulgate other rules as necessary, for the protection of public property or public safety.
- D. No skating contests or events of any kind are permitted within skate parks without the prior written approval of the City Manager or designee.
- E. Amplified sounds are not permitted in skate parks.
- F. Graffiti of any form within, on, or around any skate park is prohibited.
- G. All injuries must be reported to the City Manager's office.
- H. For purposes of this ordinance, a skate park is a public recreational facility that is designed and built specifically to provide skating opportunities to persons using either a skateboard or skates. A skateboard is a flat platform, two to three feet in length, with no handholds, attached to four wheels for riding on while standing or crouching. Skates are defined as a boot or shoe having wheels either attached in-line at the center of the boot or having two wheels attached at the toe and two wheels attached at the heel.
- I. Any person who violates this section shall, in addition to any other criminal or civil penalties provided by this Code, be subject to removal from all skate parks operated by the City of Berkeley for up to twenty-four (24) hours, upon the order of any authorized employee or officer of the City. (Ord. 6592-NS 2, 2000)

**6.32.100 Violation--Penalty.**

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20 of this code. (Ord. 6577-NS § 2, 2000; Ord. 5591-NS § 1 (part), 1984; Ord. 4716-NS § 9, 1974)

Section 2. That Berkeley Municipal Code Chapter 14.32 is amended to read as follows:

## **Chapter 14.32 PEDESTRIAN REGULATIONS**

### **14.32.010 Traffic Engineer to establish marked crosswalks.**

The City Traffic Engineer is authorized to establish and maintain crosswalks and to designate them by appropriate devices or painted signs upon the surface of the roadway. (Ord. 3262-NS § 8, 1952)

### ~~14.32.020 When pedestrian must use crosswalks.~~

~~It is unlawful for any pedestrian to cross a roadway in any business district other than by a crosswalk. (Ord. 3262-NS § 8.1, 1952)~~

### ~~14.32.030 Crossing at right angles.~~

~~It is unlawful for any pedestrian to cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. (Ord. 3262-NS § 8.2, 1952)~~

### **14.32.0240 Standing in roadway--Use of divisional islands.**

It is unlawful for any person to stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic and it is unlawful for any person to use any safety zone or divisional island for any purpose other than that necessary to provide temporary safety from moving vehicular traffic. This section shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street or divisional island in the line of duty. (Ord. 4241-NS § 1, 1967; Ord. 3262-NS § 8.3, 1952)

### ~~14.32.050 Pedestrians to obey special pedestrian traffic signals.~~

~~Pedestrians shall obey the indication of special traffic signals installed for pedestrians only and shall disregard the indication of a vehicular traffic signal at any location where special pedestrian traffic signals are in place. (Ord. 3262-NS § 8.4, 1952)~~

### ~~14.32.060 Regulating the use of skateboards.~~

~~Skateboards shall obey all rules applicable to pedestrians, the California Vehicle Code and comply with the following regulations:~~

~~A. No age restrictions shall be placed upon skateboard users;~~

~~B. Skateboarders shall wear reflecting material and/or light colored clothing when skateboarding after dark;~~

~~C. Butt boarding and lying down on skateboards shall be prohibited;~~

~~D. Home made ramps in streets shall be prohibited;~~

~~E. Sidewalks shall be used for skateboarding where available, and skateboarders will yield the right-of-way to pedestrians;~~

~~F. Where sidewalks are not available, the skateboarder will be required to use the extreme left hand edge of the roadway; facing oncoming traffic;~~

~~G. Skateboarders are required to obey traffic laws and vehicles codes set forth in California Highway Patrol's Skateboard Safety Handbook. (Ord. 5853-NS § 1, 1988)~~

Section 3. That Berkeley Municipal Code Chapter 14.68 is amended to read as follows:

**Chapter 14.68 BICYCLES ~~AND BICYCLE ESTABLISHMENTS~~**

**14.68.010 Definitions.**

~~A. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power, except as provided in BMC 14.68.010.B, through a belt, chain or gears, and having one or more wheels either two or three wheels in a tandem or tricycle arrangement. An electric bicycle is a bicycle.~~

~~B. "Bicycle establishment" means and includes a business operated by any person, partnership, association or corporation, wherein new or used bicycles or bicycle parts are purchased, sold, dismantled or junked.~~

~~BC. "Motorized Electric bicycle" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than two gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.~~

1. “Class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” means a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

2. “Class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” means a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

3. “Class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” means a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a speedometer.

C. “Non-electric bicycle” means a bicycle that does not fall under BMC 14.68.010.B.

CD. “Motorized scooter” means any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by a motor. (Ord. 7786-NS § 3, 2021; Ord. 4957-NS §§ 1-3, 1976)

## **Article I. Bicycles and Motorized ~~Bicycles~~Scooters**

### **~~14.68.020 License and registration required.~~**

~~It is unlawful for any person to operate or use a bicycle or motorized bicycle in the city which has not been registered and licensed in accordance with Section 39002(a) of the Vehicle Code of the state. (Ord. 4957-NS § 4, 1976)~~

### **~~14.68.030 Applicability of provisions.~~**

~~Any bicycle or motorized bicycle not subject to the provisions of Division 16.7 of the Vehicle Code of the state of California shall be subject to this chapter, as provided by Section 39002(b) of the Vehicle Code of the state. (Ord. 4957-NS § 5, 1976)~~

### **~~14.68.040 License--Application required.~~**

~~Every person making application for a bicycle license or registration in the City shall make application to the Chief of Police, either directly or through a bicycle establishment, upon forms provided by the Chief of Police. Said application form shall contain such information as may be required by the Chief of Police as to the applicant and the description of the bicycle licensed. (Ord. 6230-NS § 1, 1994; Ord. 4957-NS § 6, 1976)~~

**~~14.68.050 License--Proof of ownership.~~**

~~For each bicycle license issued, the applicant may be required to provide proof of ownership to the Chief of Police. Said proof shall be in any form designated by the Chief of Police to be satisfactory for such purpose. (Ord. 4957-NS § 7, 1976)~~

**~~14.68.060 License--Bicycle to be presented.~~**

~~Upon making application for a bicycle license or bicycle license renewal, the applicant shall present the bicycle at such place designated by the Chief of Police as a licensing facility. (Ord. 4957-NS § 8, 1976)~~

**~~14.68.070 License--Examination of applicant required when.~~**

~~Upon making an application for a first bicycle license, the applicant may be required to be examined by an examining officer designated by the Chief of Police. The Chief of Police may further designate the manner of examination. Upon completion of said examination, the examining officer may refuse to issue a license to the applicant if the said examination discloses to the examining officer that the applicant does not have a reasonable knowledge of the provisions of this chapter, the provisions of Division 11 (commencing with Section 21220) of the Vehicle Code of the state, or that the applicant is unable to exercise reasonable control in operating a bicycle. (Ord. 4957-NS § 9, 1976)~~

**~~14.68.080 License--Renewal procedures.~~**

~~Application for a bicycle license renewal shall be made by presentation of the licensed bicycle and the registration certificate last issued for the bicycle, and by payment of the full annual fee for said bicycle as provided by this chapter. (Ord. 4957-NS § 10, 1976)~~

**~~14.68.090 License--Fees.~~**

~~The fees required to be paid pursuant to the provisions of this chapter are:~~

~~A. For each new bicycle license and registration certificate, the sum shall be two dollars per year or any portion thereof;~~

~~B. For each transfer of registration certificate, the sum shall be one dollar;~~

~~C. For each replacement of a bicycle license and registration certificate, the sum shall be one dollar;~~

~~D. For each replacement of a registration certificate only, there shall be no fee;~~

~~E. For each bicycle license renewal, the sum shall be one dollar. (Ord. 5181-NS § 1, 1979; Ord. 4957-NS § 11, 1976)~~

#### **14.68.100 License--Issuance.**

~~Upon approval of the application and payment of the license fee, the Chief of Police will issue a license and a copy of the registration certificate to the applicant pursuant to Section 39003 of the Vehicle Code of the state. (Ord. 4957-NS § 12, 1976)~~

#### **14.68.02110 Operation--Conformity with chapter provisions required.**

It is unlawful for any person to operate a bicycle ~~\_or motorized bicycle~~ or motorized scooter in the City in violation of any of the provisions of this chapter. (Ord. 4957-NS § 13, 1976)

#### **14.68.03120 Riding ~~motorized~~ electric bicycles and motorized scooters on sidewalk prohibited.**

No person shall ride or operate an electric ~~motorized~~ bicycle or motorized scooter on any sidewalk in the City. (Ord. 7786-NS § 4, 2021; Ord. 4957-NS § 14, 1976)

#### **14.68.04130 Riding bicycles on sidewalk permitted when.**

No person shall ride or operate a bicycle on any sidewalk in the city except:

A. ~~Juveniles~~ Persons, exercising the due care and giving the pedestrian the right-of-way, may ride and operate their non-electric bicycles upon the sidewalk adjacent to a street that does not include a Class I, Class II, or Class IV bikeway, as defined in Section 890.4 of the Streets and Highway Code, ~~except such sidewalks as are in front of schools, stores or buildings used for business purposes;~~

B. ~~Juveniles~~ Persons riding or operating a non-electric bicycle on the sidewalk shall do so in single file at a speed no higher than 10 miles per hour;

C. Peace officers who determine in good faith that riding or operating a bicycle on the sidewalk is necessary to perform official duties. (Ord. 6113-NS § 1, 1992; Ord. 4957-NS § 15, 1976)

#### **14.68.05140 Operation restrictions--~~Playgrounds, parks, school grounds.~~**

No person shall ride or operate a bicycle ~~\_or motorized bicycle~~ upon any playground, park, or school ground where children are playing, without ~~the permission of the person~~



~~having supervision of said playground, park or school ground due regard for the safety of the operator and other persons upon such place.~~ (Ord. 4957-NS § 16, 1976)

#### **14.68.06150 Operation restrictions--Public places.**

No person shall ride or operate a bicycle ~~or motorized bicycle~~ upon any public place in the City other than a public street or highway, without due regard for the safety of the operator and other persons upon such public place. (Ord. 4957-NS § 17, 1976)

#### **14.68.07160 Stunt riding.**

No person riding or operating a bicycle ~~or motorized bicycle~~ shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public place, other than a street or highway, in the City. (Ord. 4957-NS § 18, 1976)

#### **14.68.08170 Procedures on emerging from driveway or alley.**

The operator of a bicycle ~~or motorized bicycle~~ or motorized scooter, on leaving a driveway or alley when the operator's view of either the sidewalk or street area is obstructed, shall stop such bicycle ~~or motorized bicycle~~ or motorized scooter immediately prior to riding upon or across such sidewalk or street area. (Ord. 4957-NS § 19, 1976)

#### **14.68.09180 Parking Restrictions.**

No person shall park any bicycle ~~, motorized bicycle,~~ or motorized scooter against windows or parking meters or on the main-traveled portion of the sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property. (Ord. 7786-NS § 5, 2021; Ord. 4957-NS § 20, 1976)

#### **14.68.1090 Accidents--Procedures required.**

The operator of any bicycle ~~or motorized bicycle~~ or motorized scooter involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and shall give their name and, address ~~and the license number of their bicycle or motorized bicycle~~ to the person with whom they had the accident, and shall obtain the same information from the other person. (Ord. 4957-NS § 21, 1976)

#### **14.68.11200 Accidents--Report required when.**

It shall be the duty of the operator of any bicycle ~~or motorized bicycle~~ or motorized scooter to make a written report of any accident resulting in death or injury to the Police Department immediately after such accident. (Ord. 4957-NS § 22, 1976)

## **Article II. Bicycle Establishments**

### **14.68.210 Business license and permit required.**

~~No person or persons in the city shall establish, carry on or operate a bicycle establishment, except as authorized by this chapter, and without first obtaining a business license as provided in Ordinance 2805-NS of the City, and a permit from the Chief of Police. (Ord. 4957-NS § 23, 1976)~~

### **14.68.220 Permit--Application.**

~~A. The application for such permit shall be in writing and signed by the applicant and shall set forth the following information: The name, age and residence address of the applicant if a natural person, or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers with their respective residence addresses, or if a partnership, association or unincorporated company, the names of the partners or persons comprising the partnership, association or company with their respective residence addresses. The application shall state whether the applicant had conducted a bicycle establishment prior to the current filing. If so, the applicant shall specify each and every such business, its location and dates of operation.~~

~~B. The application shall be made on forms provided by the Chief of Police and filed in duplicate with the Chief of Police. (Ord. 4957-NS § 24, 1976)~~

### **14.68.230 Permit--Not transferable.**

~~No person having a bicycle establishment permit under the provisions of this chapter shall transfer, sell, assign, loan or permit any person to have or use such permit. (Ord. 4957-NS § 25, 1976)~~

### **14.68.240 Weekly secondhand buy report required.**

~~A. All persons operating a bicycle establishment are required to make a weekly report to the Chief of Police upon forms provided for that purpose by the Chief of Police, giving the true name and address of the person from whom each bicycle or bicycle part is purchased, and a description of each bicycle, its frame number and the number of any license found thereon, if any. If the bicycle does not have a license, the buyer shall require the seller to obtain the approval of the Chief of Police to complete such sale or exchange. This report shall be known as the "secondhand buy report," and shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall remain with the dealer, and the triplicate shall be given to the seller. It shall be the duty of the dealer to mail or deliver to the Chief of Police all reports at the close of each business week.~~

~~B. This section shall not apply to new bicycles or bicycle parts purchased at wholesale. (Ord. 4957-NS § 26, 1976)~~

~~**14.68.250 Dealer's report of sale required weekly.**~~

~~All persons operating a bicycle establishment shall make a weekly report to the Chief of Police upon forms provided for that purpose by the Chief of Police, to report all sales made, including the name and address of each person to whom a bicycle is sold, together with the make, frame number and license number found thereon, if any. These reports shall be known as the "dealer's report of sale," and shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall be retained by the dealer, and the triplicate shall be given to the seller. It shall be the duty of the dealer to make or deliver all reports to the Chief of Police at the close of each business week. (Ord. 4957-NS § 27, 1976)~~

~~**14.68.260 Holding period for bicycles and parts.**~~

~~No person operating a bicycle establishment shall alter, repair or dispose of any bicycle or bicycle part purchased or taken in exchange as secondhand bicycle or bicycle part thereof until after the expiration of thirty days from the date of purchase or exchange, and during those thirty days the bicycle or bicycle part so obtained shall remain without alteration on the premises of such bicycle establishment, shall be kept separate from bicycles or bicycle parts previously purchased, and shall be subject to inspection at any time during business hours by the Chief of Police, or any police officer or other person designated by the Chief of Police. (Ord. 4957-NS § 28, 1976)~~

~~**14.68.270 Bicycle register--Required--Contents.**~~

~~A. The Chief of Police shall furnish free of charge to every person operating a bicycle establishment a book known as the "bicycle register" in which shall be entered in plain and legible handwriting a record of all bicycles or bicycle parts purchased or taken in exchange. The entry must be made at the time of purchase or immediately thereafter and shall include, in addition to the date and hour of purchase, a full description of the bicycle or bicycle part, the price paid therefor, and the name, address, age, height, weight and complexion of the seller. In entering the description of the bicycle, the name of the manufacturer and the factory serial number thereof shall in every case be recorded if known or if it can be ascertained.~~

~~B. This section shall not apply to new bicycles or bicycle parts purchased at wholesale. (Ord. 4957-NS § 29, 1976)~~

~~**14.68.280 Bicycle register--Disposition of purchased items.**~~

~~The operator of a bicycle establishment shall also enter in the bicycle register a record showing the disposition of each bicycle purchased, indicating whether such bicycle was resold or dismantled. (Ord. 4957-NS § 30, 1976)~~

#### ~~14.68.290 Bicycle register--Safekeeping--Inspection.~~

~~The operator of a bicycle establishment shall keep the bicycle register in a safe place and see that it is not mutilated or destroyed. The bicycle register shall remain the property of the City, and shall be opened to inspection by the Chief of Police or any police officer at any time the establishment is open for business, and it may be taken by such police officer from the possession of the operator of a bicycle establishment if deemed necessary. (Ord. 4957-NS § 31, 1976)~~

#### ~~14.68.300 Permit--Revocation conditions.~~

~~A. Bicycle establishment licenses issued pursuant to this chapter may be revoked by the Chief of Police after notice and hearing for any of the following reasons:~~

- ~~1. Fraud, misrepresentation, or any false statement contained in the application for a permit;~~
- ~~2. Any violation of any provision of this chapter or any provisions of any other chapter or law relating to and regulating the bicycle establishment;~~
- ~~3. Conviction of the permit holder of any felony or lesser crime reasonably related to the purposes of this chapter.~~

~~B. Any hearing on revocation or suspension conducted by the Chief of Police shall be conducted pursuant to written rules of procedure adopted by the City Council. (Ord. 4957-NS § 32, 1976)~~

### **Article III. General Regulations**

#### **14.68.12310 Provisions supersede other regulations.**

The provisions of this chapter with reference to bicycles and motorized scooters shall supersede and be in lieu of any other ordinance or section of any other ordinance which is in conflict with the provisions of this chapter. (Ord. 4957-NS § 40, 1976)

#### ~~14.68.320 License transfer prohibited.~~

~~It is unlawful to transfer a bicycle license from one bicycle or motorized bicycle to another. (Ord. 4957-NS § 34, 1976)~~

**14.68.330 Dismantled or junked bicycles--Return of registration certificate.**

~~Upon dismantling or disposing of a bicycle or motorized bicycle as junk, the licensee shall turn in the registration certificate for such bicycle or motorized bicycle to the Chief of Police within ten days of the date of said disposal indicating that the bicycle or motorized bicycle was junked. (Ord. 4957-NS § 35, 1976)~~

**14.68.340 Bicycle rental agency--Licensing requirements.**

~~All persons engaged in operating a bicycle rental agency for the purpose of renting or lending bicycles or motorized bicycles to patrons shall first obtain a bicycle license and registration certificate for each bicycle or motorized bicycle prior to renting or lending such bicycle or motorized bicycle. (Ord. 4957-NS § 36, 1976)~~

**14.68.13350 Abandoned or unidentified bicycles and motorized scooters.**

All bicycles ~~and motorized bicycles~~and motorized scooters that are abandoned or unidentified remaining in the hands of the Chief of Police shall at the end of six months be sold at auction and the proceeds therefrom deposited in the general fund of the City. (Ord. 4957-NS § 37, 1976)

**14.68.14360 Violation of provisions by persons under eighteen--Penalty.**

Where this chapter has been violated by juveniles under the age of eighteen years, in lieu of such fine ~~and imprisonment~~ provided in Section 14.68.150370, and in lieu of filing charges in the juvenile court, the Chief of Police may prohibit the operation upon the streets, alleys and public places in the City for a period not to exceed thirty days of a bicycle or motorized scooter so used in such violation, in which event the bicycle or motorized scooter so used in such violation shall be impounded by the Chief of Police and retained by them during the period of the operation which is prohibited, ~~and the owner's registration card shall be held for a like period.~~ (Ord. 4957-NS § 39, 1976)

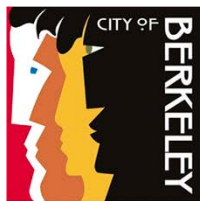
**14.68.15370 Violations Generally--Penalty.**

Any person found to be in violation of any of the provisions of this chapter, ~~except for Section 14.68.130, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Chapter 1.20 of this code. Any person found to be in violation of Section 14.68.130~~ shall be deemed guilty of an infraction and upon conviction thereof shall be punished as set forth in Chapter 1.20 of this code. (Ord. 6921-NS § 1, 2006; Ord. 5716-NS § 3 (part), 1986; Ord. 4957-NS § 38, 1976)

Section 4. 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.





CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 November 7, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Councilmember Ben Bartlett (Co-Author), Councilmember Terry Taplin (Co-Author)

Subject: Referral: Neighborhood-Scale Commercial

RECOMMENDATION

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.

Staff and the Planning Commission should consider conditions to avoid detrimental impacts on surrounding residential uses and neighborhoods, including but not limited to limitations on operating hours, signage, loading/unloading activity, limitations on selling alcohol, restricting applicants to businesses with fewer than three locations, and establishing different permitting requirements depending on square footage, proposed use, or other factors.

BACKGROUND

Small, locally owned businesses are an integral part of the City of Berkeley, contributing to its lively, eclectic atmosphere and its economic development. As the city has evolved, so too has the environment for small businesses. Across Berkeley's residential neighborhoods, there are sites, often on corners and at intersections in neighborhoods, that once hosted commercial activities on parcels where such commercial activities would no longer be legal. While some remain, many have been converted into residences.

Starting a small business can be rewarding, but there are barriers to entry for aspiring business owners who do not have the capital to start their own businesses in our current environment. Opening a small business can require heavy upfront costs and risks — especially given the cost of renting and furnishing a traditional commercial space. Small business owners often face significant risks when starting their businesses, as they may need to rely on personal savings or loans, or even use their homes as collateral to cover the upfront costs of starting a business.

Changes to allow neighborhood-scale commercial uses in residential zones would enable Berkeley residents to create new and more affordable commercial spaces, increasing economic diversity, walkability, and neighborhood vitality. Allowing residents to create new spaces for micro businesses within residential spaces like garages will allow more people to contribute to the economic growth and diversity of the City and

create opportunities for businesses that would otherwise be economically infeasible in traditional commercial spaces.

This referral contemplates exploring zoning changes that would enable property owners to reactivate formerly commercial spaces in neighborhoods for active commercial uses or to enable new neighborhood-scale commercial uses in residential areas.

Put simply, this referral seeks to *legalize neighborhood corner stores*, and similar gentle commercial uses.

### CURRENT SITUATION AND ITS EFFECTS

As commercial rents in the City of Berkeley increase, it becomes more and more difficult for small business owners to pay for their commercial spaces. Increasingly, businesses that can afford to do business here will be more likely to be corporate chains, crowding out small businesses.

Making it easier to use residential spaces for non-disruptive, neighborhood-scale commercial uses would create new opportunities to generate intergenerational wealth for people of color, addressing systemic wealth inequities. In the Bay Area, only 29% of businesses are owned by people of color.<sup>1</sup> Small businesses in the Bay Area have struggled during the COVID-19 pandemic, especially POC-owned small businesses. The impacts of the pandemic have helped spotlight the systemic racism and wealth inequality in the region. We can help address this through policy reforms that create economic opportunity for those who have been left behind by the market.

The new work-from-home reality presents an opportunity for neighborhood-scale commercial spaces to thrive. Many Berkeley residents remain in their homes throughout much of the week, working from home. 35 percent of Bay Area residents still work from home, one of the highest rates in the country.<sup>2</sup> Residents should be given the option to be able to walk to a neighborhood grocery to buy a few ingredients for lunch or to walk to a neighborhood coffee shop to work in a distraction-free environment for the afternoon. These objectives can be achieved in a way that complements, not detracts from, neighborhood character.

Berkeley's neighborhoods supported neighborhood commercial units in the past—and they still support a select few grandfathered units that still remain, such as the neighborhood retail space shown below. As Berkeley's neighborhoods densify and more people continue working from home, the demand for nearby walkable access to groceries, coffee shops, and other amenities will only continue to grow.

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<sup>1</sup> PR Newswire, "People of Color Small Businesses More Vulnerable to COVID-19 Impacts Due to Historic, Ongoing Systemic Inequities," January 27, 2022, <https://www.prnewswire.com/news-releases/people-of-color-small-businesses-more-vulnerable-to-covid-19-impacts-due-to-historic-ongoing-systemic-inequities-301468964.html>.

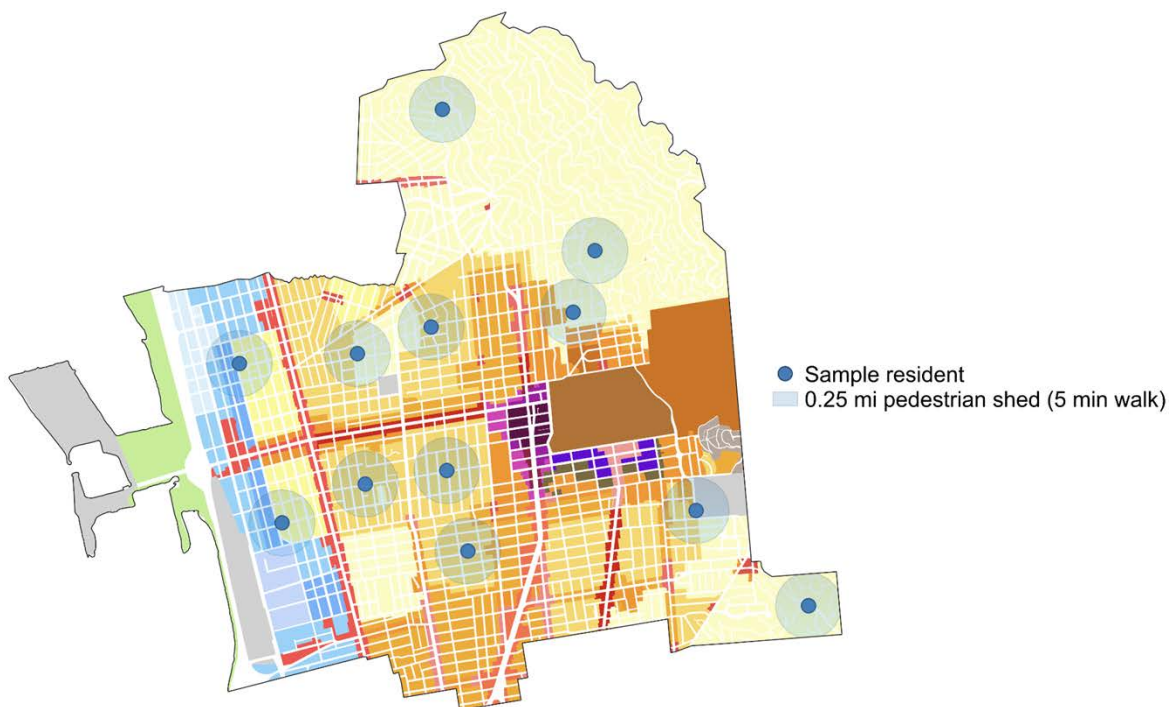
<sup>2</sup> "The Number of People Primarily Working From Home Tripled Between 2019 and 2021," US Census Bureau, September 15, 2022, <https://www.census.gov/newsroom/press-releases/2022/people-working-from-home.html>.



*Many grandfathered neighborhood commercial spaces, like this one at Bancroft Way and Roosevelt Avenue, already thrive in Berkeley's neighborhoods and harness the City's historic resources to increase livability and economic opportunity. (Photo: Sam Greenberg)*

Previously, there were numerous corner storefronts throughout residential neighborhoods in Berkeley that made it easier for many residents to get their needs met by walking rather than driving. But rezonings over the years changed the zoning of many neighborhood parcels that previously permitted small retail, prohibiting commercial activity. While existing shops were grandfathered in, many have since been converted to residential units; when storefronts closed, many building owners converted them into apartments. Once these commercial units were converted into apartments, they lost their grandfathered status, and it has become impossible for them to be converted back to commercial uses.

Reactivating previous neighborhood commercial units and creating opportunities for new ones would harness Berkeley's historical resources to increase livability for residents. These resources include our walkable urban fabric and residential buildings that previously included commercial spaces. Berkeley has a relatively dense and walkable street grid with an abundance of residential lots that used to accommodate commercial activity. Neighborhood commercial units would blend right into their neighborhoods and harness our historical resources, not compromise them.



Map demonstrating how little access many Berkeley residents have to commercial zones within easy walking distance. Each dot represents a sample resident who does not live within a 5 minute walking distance of a commercial-zoned parcel. Each shaded blue circle represents their “pedestrian shed” – or the area that is walkable within 5 minutes at an average walking pace. (Map: Sam Greenberg)

Beyond increasing the accessibility of shops to local residents, neighborhood commercial units would create new gathering spaces for neighbors. Many Berkeley neighborhoods—especially those in lower income areas including South and West Berkeley—have very few parks. Cafes and similar establishments serve as “third spaces,” or places outside of home or work for friends, colleagues, and acquaintances to meet. They add vibrance to neighborhoods and bring pedestrian activity during the day. Increased pedestrian foot traffic and street lighting<sup>3</sup> from neighborhood retail can improve public safety<sup>4</sup> and health outcomes.<sup>5</sup>

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Under existing law, residents may set up a “home occupation” (HO) registered to their home address. There are three different classes of HOs – each with different intensities of use and different permitting requirements. Some HOs can be set up with a Zoning

<sup>3</sup> Park, Y. & Garcia, M. (2020) Pedestrian safety perception and urban street settings, *International Journal of Sustainable Transportation*, 14:11, 860-871, DOI: 10.1080/15568318.2019.1641577

<sup>4</sup> Rosenthal, S. & Urrego, J. (2021). Eyes on the street, spatial concentration of retail activity and crime. Working Paper. Syracuse University.

<sup>5</sup> Zandieh, R., et al. (2016). Older Adults' Outdoor Walking: Inequalities in Neighbourhood Safety, Pedestrian Infrastructure and Aesthetics. *International Journal of Environmental Research and Public Health*. 13(12):1179. <https://doi.org/10.3390/>

Certificate or AUP, while others require a public hearing.<sup>6</sup> In 2021, HO regulations were amended to allow HOs as an incidental use within a Dwelling Unit, Accessory Dwelling Unit, Accessory Building, or Group Living Accommodation room.<sup>7</sup> However, the relatively strict requirements on HOs prevent them from enabling the sorts of vibrant neighborhood-scale commercial uses like cafes that this referral seeks to address.

Additional policy changes could build on successful COVID-era policies to allow residents the freedom to run businesses from their homes without disrupting the surrounding neighborhood. While existing law does create some narrow opportunities for residents to run businesses out of their homes, it is too restrictive to allow for the light retail and cafe uses that this item proposes, and which previously have existed in Berkeley's neighborhoods.

Berkeley already permits general retail in some residential districts — R-4, R-5, R-S, and R-SMU — with a public hearing,<sup>8</sup> and some general retail is permitted with an AUP in the MU-R district.<sup>9</sup> However, the general retail uses permitted in MU-R and MU-LI districts are arbitrarily narrow and do not fully achieve the goals of this legislation. In both districts, general retail uses permitted with an AUP are food product stores and building materials and garden supply stores. Arbitrarily, arts and crafts supplies stores are also permitted in the MU-R zone, but not MU-LI. In other words, existing law permits general retail in some narrow cases but is too restrictive to allow for the economic opportunity and neighborhood benefits provided by broader adoption of commercial uses in residential zones.

### FISCAL IMPACTS

Costs include staff time for outreach, analysis, and implementation. It is possible that an EIR would be necessary for any zoning changes considered through this project. Costs could include the environmental review process.

Implementation of neighborhood-scale commercial zoning reforms could increase sales taxes and permit revenue.

### ENVIRONMENTAL SUSTAINABILITY

By providing access for more commercial amenities within walking distance from residents, many vehicle trips can be eliminated. Having more walkable communities contributes to encouraging people to prefer alternative forms of transportation that do not involve an automobile, reducing greenhouse gas emissions. And further, small

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<sup>6</sup> "Home Occupations Frequently Asked Questions" (City of Berkeley, March 2021), [https://berkeleyca.gov/sites/default/files/2022-02/HO\\_FAQ\\_Process\\_Flow\\_Charts\\_PDF\\_Procedures.pdf](https://berkeleyca.gov/sites/default/files/2022-02/HO_FAQ_Process_Flow_Charts_PDF_Procedures.pdf).

<sup>7</sup> Home Occupations Ordinance (City of Berkeley, 2021), <https://records.cityofberkeley.info/PublicAccess/api/Document/AVnK5eEpL2LZwSwhrcJ9IO29fFzYa%C3%89GoZdF08nKHTgetchzTofux68m%C3%81k3PHD4iWqhedYtbcLww7lv4PKfR6GaU%3D/>.

<sup>8</sup> "Title 23 Div. 2, Zoning Districts Ch. 23.202, Residential Districts" (City of Berkeley, n.d.), <https://berkeley.municipal.codes/BMC/23.202.040>.

<sup>9</sup> "Title 23 Div. 2, Zoning Districts Ch. 23.206, Manufacturing Districts" (City of Berkeley, n.d.), <https://berkeley.municipal.codes/BMC/23.206.090>.

businesses are more likely than large corporations to be motivated to maintain environmental sustainability.<sup>10</sup>

**CONTACT PERSON**

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| Councilmember Terry Taplin   | 510-981-7120 |

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<sup>10</sup> Corporations Boast, But Small Businesses Are Key To Cleaner Environment - Global Trade Magazine.  
<https://www.globaltrademag.com/corporations-boast-but-small-businesses-are-key-to-cleaner-environment/>.  
Accessed 15 Feb. 2023.



| Upcoming Worksessions and Special Meetings<br><i>start time is 6:00 p.m. unless otherwise noted</i> |                                                               |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Scheduled Dates                                                                                     |                                                               |
| Nov 2 (Thurs)                                                                                       | 1. Draft Waterfront Specific Plan                             |
| Dec 5                                                                                               | 1. Re-Imagining Public Safety Update (regular meeting agenda) |
| Jan 23                                                                                              |                                                               |
| Feb 6                                                                                               |                                                               |

| Unscheduled Workshops and Special Meetings |
|--------------------------------------------|
| None                                       |


| Unscheduled Presentations (City Manager)                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Fire Dept Standards of Coverage and Community Risk Assessment</li> <li>2. Dispatch Needs Assessment Presentation</li> <li>3. Presentation on Homelessness/Re-Housing/Thousand-Person Plan</li> </ol> |

|  |                                                                                                          |
|--|----------------------------------------------------------------------------------------------------------|
|  | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b> |
|  | None                                                                                                     |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
| 3000 Shattuck Avenue - (construct 10-story mixed-use building)              | ZAB                  |                       | TBD               |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

10/19/2023





No Material  
Available for  
this Item

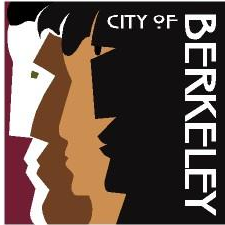
There is no material for this item.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**City of Berkeley City Council Agenda Index Webpage:**  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>







Kate Harrison  
Councilmember District 4

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet**

**Meeting Date:** October 10, 2023

**Item Number:** 1

**Item Description:** City Council Legislative Systems Redesign

**Submitted by:** Councilmembers Harrison, Robinson, and Taplin

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described in the background section.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
October 10, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Taplin (Co-Sponsor)

Subject: Alternative Council Legislative Process

RECOMMENDATION

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described below in the background section:

1. Incorporate positive elements of the Councilmember Hahn proposal, including mandatory Council memo guidelines, a formal process for City staff to provide conceptual input to authors, re-evaluating backlogged items for potential removal, and policy committees’ using a checklist to guide their analysis;<sup>1</sup>
2. Establish objective definitions and provide for comprehensive consideration of significant items;
3. Require referrals and budget requests over a given threshold to be considered first by a policy committee.
4. Preserve and formalize rolling deadlines for significant item submission;
5. Retain policy/budget judgement and prioritization to Council as a whole rather than policy committees, while tasking committees with role of ensuring items are drafted to form and sufficiently inform Council and the public’s consideration.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

At the October 2019 Council retreat, the Council and the City Manager discussed approaches to better align the legislative process to the budget and ensure implementation was feasible. In particular, many referrals to the City Manager were not well drafted and were not reviewed by policy committees before being referred. Many budget referrals were also not considered by policy committees despite their potential to have outsized impacts on staff and budgetary resources. Even with the referral ranking system, there remain a sizeable backlog of items that are not necessarily funded or considerate of staff resources. Councilmembers have not identified a sufficient number of lower-ranked items for removal from the list and may remain there for years.

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<sup>1</sup> Councilmember Hahn, Draft Proposal, p. 44., <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-09-18%20Agenda%20Packet%20-%20Agenda%20Committee.pdf>  
2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7140 • TDD: (510) 981-6903 • Fax: (510) 981-6903 E-Mail: KHarrison@cityofberkeley.info

These considerations merit Council consideration and possible action. At the same time, proposals dictating how often Council can submit legislation and overly complex rules for policy committees risks veering into limiting councilmembers' legislative authority, fails to respond to emerging circumstances, is unprecedented in comparable cities and risks violating the spirit if not the letter of the City Charter. This item finds that (1) policy committee system created in 2018 is fundamentally sound with certain enhancements, and (2) that the problem that needs to be addressed is ending the practice of allowing significant policy and budget referrals to bypass the policy committee system.

Before Council could consider the issue in depth, the COVID-19 pandemic occurred. During the first year of the COVID-19 pandemic, the Mayor and Council briefly suspended consideration of nearly all non-emergency Council legislation and meetings of committees and commissions. As the pandemic wore on, the reality of governing and the needs of the people, including the pressing need for street improvements, responses to our affordable housing crisis, the murder of George Floyd and socio-economic factors – some related and some not to the pandemic – made introducing no new policy infeasible, and Council began legislating anew.

On June 15, 2021 City Management proffered its "Systems Alignment Proposal" proposal to Council. The proposal recommended restricting the time period for submitting Council items (exempting Departments and the City Manager) to only four months per year, among other details, citing the need for more in depth budgetary and implementation analysis. However, the Council's policy committees, created shortly before this time, were tasked with vetting items for any staffing impacts in light of vacancies and considering budget impacts Current rules provide that the policy committees are to:

- review items for completeness and alignment with Strategic Plan goals;
- ensure Council items include adequate discussion of budget implications, administrative feasibility, basic legal concerns, and staff resource demands to allow for informed consideration by the full Council;
- include a positive, qualified, or negative "Committee recommendation" based on these criteria.<sup>2</sup>

Many items improved significantly through the committee process.

Questions about the impact of the city management proposal on the City Charter were outlined in an alternative Council item submitted by Councilmember Harrison in June 2021.<sup>3</sup> Ultimately the City Manager's proposal was not adopted by Council, and was

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<sup>2</sup> Berkeley City Council Rules of Procedure, <https://berkeleyca.gov/sites/default/files/documents/City%20Council%20Rules%20of%20Procedure%20-%20July%2011%202023%20-%20FINAL.pdf>.

<sup>3</sup> Councilmember Harrison, "Comments and Alternative Systems Alignment Proposal," June 15, 2021, <https://records.cityofberkeley.info/PublicAccess/api/Document/AemaKwyWOMW%C3%89OLzGWGj2m%C3%81pnQxBkfMC7W2S7PsoYWkE%C3%81c3kNbNXoWpsj%C3%891iLPosUUUV90e0sL0rH3HFNV2BEtmCo%3D/>.

instead referred to the Agenda Committee for consideration alongside alternative proposals. The City Manager has indicated that it would be inappropriate for the City Manager under the Charter to be recommending or determining how the Council makes policy decisions. Indeed, the policy and legislative function is firmly lodged under the Council per the Charter as was noted in Councilmember Harrison's 2021 alternative item.

Some of the elements of the City Manager's 2021 proposal have reemerged as part of a new proposal led by Councilmember Hahn through the Agenda Committee. According to the Agenda Committee record, Councilmember Hahn indicated that her proposal represents an understanding between the City Manager and City Clerk's office. The City Manager noted that "there are characteristics of my [the City Manager's] proposal woven into what you [Councilmember Hahn] will be providing [the Council]" but has indicated this is clearly a matter for Council to determine.

The Council's process is not fundamentally flawed, and does not require measures such as a nearly 300-day legislative process for "major items." The Council's Policy Committee and budget process systems are sound, and among other updates the main task before Council is to close outstanding loopholes to the committee process.

This alternative item builds upon the proposal submitted by Councilmember Harrison in 2021, comments directly to the positive and less positive elements of Councilmember Hahn's proposal, and offers an updated alternative proposal that better aligns the legislative process to the budget and staff implementation process without sacrificing Berkeley's democratic process, and directly deals with referrals and budget requests submitted without sufficient budget and implementation analysis.

Certain elements of the legislative processes that have largely bypassed the policy committee process include: (1) referrals to the City Manager, (2) departmental, City Manager, including some major policy items, and (3) departmental, City Manager and Council budget referrals. All of these can have an outsized impact on limited budget resources and staff time and should be incorporated in the policy committee process ahead of the respective budget process. The policy committees are where—before passing out an item—significant budgetary impacts and feasibility, in addition to the proposals merits, ought to be determined.

*We can fix the process without stripping the people's representatives of their Charter responsibility to respond to the public's needs and of due process to propose, debate, and consider legislation.*

## BACKGROUND

### ***Positive Aspects of the Councilmember Hahn Proposal***

Alternative Council Legislative Process

- Council items are required to follow the guidelines already promulgated rather than leaving these guidelines as recommended only;<sup>4</sup>
- Formal process for City staff to provide high level conceptual input to authors before they submit proposals;<sup>5</sup>
- Process for addressing or re-prioritizing the “backlog” of unfunded items;<sup>6</sup>
- Major Items passed by Council but not funded are automatically rolled-over to future funding opportunities (this has already been implemented to a certain extent).<sup>7</sup>
- Policy Committees’ analysis is enhanced using a checklist (excluding Hahn proposal to rate items).<sup>8</sup>

***Concerns about the Councilmember Hahn Proposal***

- Does not clearly articulate the specific legislative problems it is trying to solve, or provide examples of how the current system is “[in]consistent[],” how it “overwhelm[s]” City staff, and how the current system fails to “[s]uccessfully implement state of the art and/or innovative programs and policies.”<sup>9</sup>
- Severely limits the public’s access to the democratic process and extends the legislative process for “Major Items” to nearly 300-days (September to July and beyond). This compares to the current expected 120-day timeline. Items can that quickly become stale or inadequate by the time they are finally implemented.<sup>10</sup> The proposal does not appreciate the September deadline artificially circumscribes Council’s ability to be responsive to public.<sup>11</sup> For example, if a Councilmember develops a non-time critical but nonetheless important piece of major legislation in October, the public will have to wait 11 months until September plus another nine months (July of the next year) before the item can be budgeted and implemented.
- Does not align with the fall budget process in which “excess equity” is considered and most council budget referrals are funded.
- Does not subject City Management’s “Major Items” to the same review. Neighboring cities such as Oakland require all non-time critical staff policy items to be routed through Policy Committees so all budgetary decisions (the purview of Council) are made against the same criteria.<sup>12</sup>
- Provides Agenda Committee with too much power to determine pick ‘winners and losers’ as to what constitutes a “Major Item” or time critical. Existing and proposed definition of “Major Item” and “Time Critical” are overly subjective.<sup>13</sup>
- Provides Policy Committees inappropriate authority to prioritize/score items they review. Currently, Policy Committees provide recommendations about individual

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<sup>4</sup> Councilmember Hahn Draft Proposal, p. 44.

<sup>5</sup> Id., p. 43.

<sup>6</sup> Id., p. 47.

<sup>7</sup> Id., p. 44.

<sup>8</sup> Id., p. 36.

<sup>9</sup> Id., p. 24.

<sup>10</sup> Id., p. 43.

<sup>11</sup> Id. p. 27.

<sup>12</sup> Oakland City Council Rules of Procedure, March 8, 2023, <https://www.oaklandcityattorney.org/wp-content/city-council/89588%20CMS.pdf>. See also Councilmember Hahn Draft Proposal, p. 27.

<sup>13</sup> Id., p. 44.

Alternative Council Legislative Process

policies, and Council as a whole is rightly tasked with prioritizing and scoring items in terms of approval and budgeting.<sup>14</sup>

- Asserts that Policy Committees are a burden on staff and the Council, when in fact they have been shown to benefit the legislative process and reduce discussion at full Council. The Council's policy committees would only be allowed to meet to consider major legislation during less than six months of the year (down from the current nine months).<sup>15</sup>
- Requires Council to score items as part of the budget process through opaque and non-public processes, rather than through the current deliberative Council meeting process, Budget Committee, and Mayoral budget process provided for in Charter.<sup>16</sup>
- Creates an implementation team that includes the Councilmember author after it is passed by a policy committee. The stated goal is to "establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc." These are functions that the policy committees are tasked to do. The role for the Councilmember should be circumscribed as to prevent inappropriate meddling in administrative matters that are assigned to the City Manager under the Charter.<sup>17</sup>

***Alternative Council Legislation Alignment Proposal***

From the perspective of the authors of this item, a workable and sensible democratic process proposal should include the following:

Incorporate Positive Elements of Councilmember Hahn Proposal

- The positive elements listed above under "Positive Aspects of the Councilmember Hahn Proposal."

Establish Objective Definitions and Comprehensive Consideration of Significant Items

- Establish *objective* definitions for items with "significant" or "insignificant" budgetary or staffing implications, e.g., a dollar figure threshold, number of FTE needed, or requirement for consultant work. The current system fails to define "moderate to significant" and leaves subjective discretion to the Agenda Committee. This would ensure fairness amongst all Councilmembers. Alternatively, items could be referred directly to Policy Committees for such determination bypassing the Agenda Committee, unless deemed time critical.

Under this proposal, significant items would be subject to the normal maximum 120-day Policy Committee review timeline and include some of the enhancements offered by Councilmember Hahn. Items with insignificant impacts could be routed directly to Council or be provided a more streamlined maximum 90-day timeline and a less intensive review. In the case that items referred under

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<sup>14</sup> Id.

<sup>15</sup> Id., p. 26.

<sup>16</sup> Id.

<sup>17</sup> Id., p. 45



Alternative Council Legislative Process

the 90-day timeline are found by the Policy Committee to have more significant impacts, a committee would be empowered to extend the item to 120 days for enhanced review.

- Ensure that all items submitted as referrals to the City Manager or budget referrals over the threshold are thoroughly vetted by Policy Committees and include estimates of all budget and staffing implications before coming out of the committee process so that they can be properly routed to the budget process.
- Ensure that policy items from City Management and Departments (other than time critical contracts and strictly administrative matters) are routed to policy committees as in Oakland and San Francisco.

Preserve and Formalizing Rolling Deadlines for Significant Item Submission

- Provide rolling submission deadlines ahead of applicable biennial (July), annual adjustment (July), and annual appropriation ordinance budget processes (fall/spring). The Council and City Manager may strive to encourage Councilmembers to submit the bulk of their items to the biennial and AAO #1 processes, but circumstances and community demands may warrant submission and consideration at other budget process periods. The Council, Mayor, and Budget Committee should, as in the past, continue to defer items or not fund items with significant budgetary or staffing implications as appropriate. There does not need to be an artificial deadline imposed on items.

Retain Policy/Budget Judgement and Prioritization to Council as a Body, While Tasking Committees with Ensuring Items Are Drafted to Form and Sufficiently Inform Council and Public Consideration

- Pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not Committees.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter and the public's right to representative democracy.

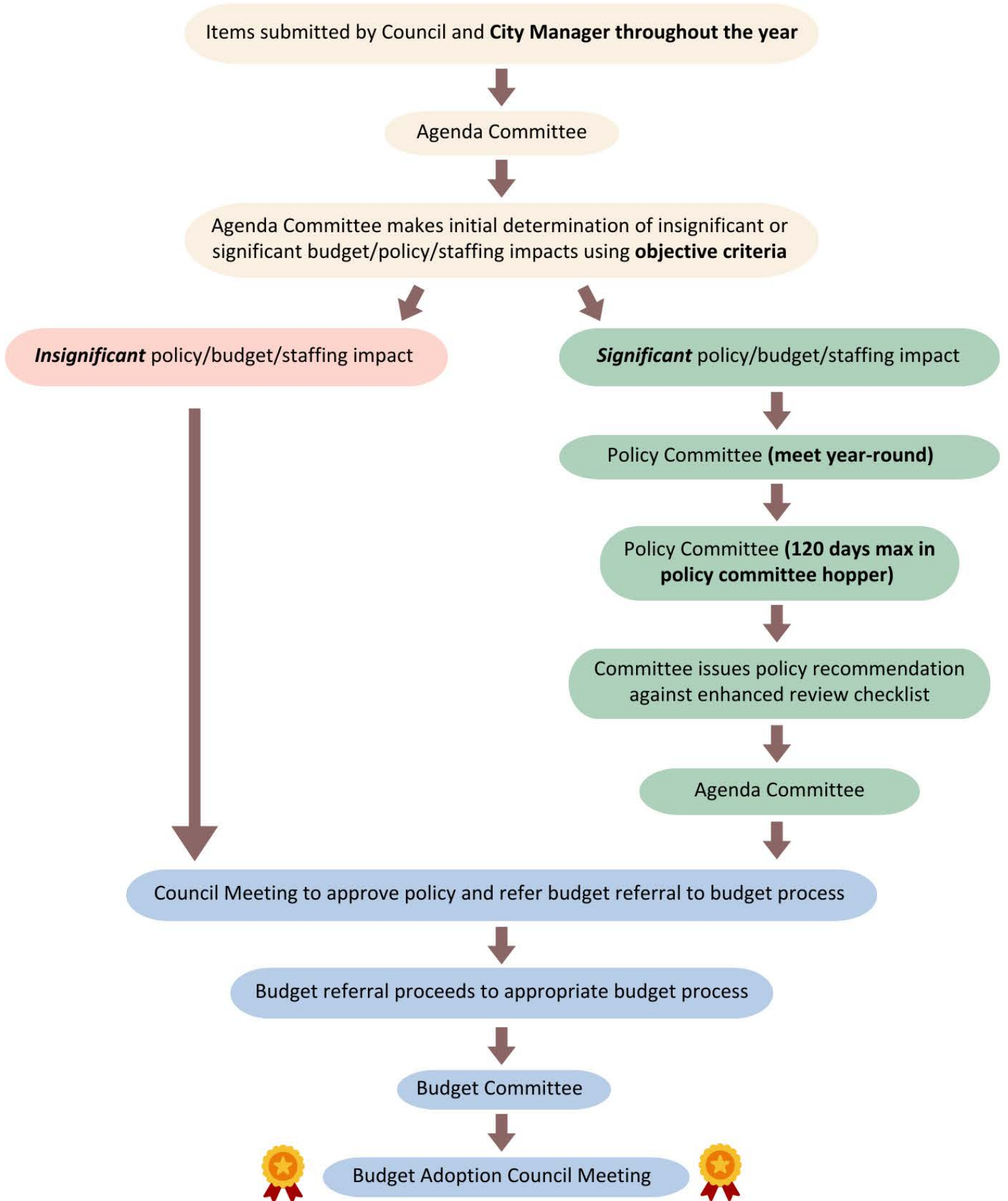
CONTACT

Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

## Alternative Council Legislative Process Proposal





Office of the Mayor

WORKSESSION  
October 10, 2023

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: City Council Legislative Systems Redesign

**BACKGROUND**

On February 8, 2021, at the direction of City Council during a retreat, the City Manager presented a Systems Alignment Proposal to the Agenda and Rules Committee. Following discussion, the Systems Alignment proposal was calendared for a future Council meeting.

On April 26, 2021 the Systems Alignment proposal was presented to All Council.

Councilmember Droste submitted a response to the Systems Alignment proposal at the May 18, 2021 meeting followed by Councilmembers Hahn and Harrison at the June 15, 2021 meeting. During the June 15, 2023 Council engaged in discussion and referred the Systems Alignment proposal to the Agenda and Rules Committee for further consideration.

On March 14, 2023, Councilmembers Robinson and Wengraf presented Reforms to Public Comment Procedures at meetings of the City Council for discussion and action.

At the Agenda & Rules Committee Councilmember Hahn, in collaboration with the City Clerk and other staff, presented "Major Item Legislative, Budgeting & Implementation Systems Redesign". Upon deliberation, the Agenda & Rules Committee set a worksession for full council discussion on October 10, 2023.

In order to assist Council in understanding the various recommendations from previous meetings, Mayor Arreguin directed his staff, with assistance from Councilmember Wengraf's staff, to create a matrix of all the proposals and responses from City Councilmembers at the relevant meetings which was reviewed at the September 26, 2023 Agenda and Rules Committee meeting.

**CONTACT PERSON**

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: PowerPoint Presentation
- 2: Council Rules of Procedure – Appendix B
- 3: Comparison Matrix
- 4: Background Materials

# MAJOR ITEM

## Submission, Review, Approval, Funding, & Implementation

### PROCESS SKETCH FOR DISCUSSION

Presented to Berkeley City Council  
by the Agenda & Rules Committee

October ##, 2023

# TERMINOLOGY

## MAJOR ITEM

Is an Item meeting the current/existing definition of a **Policy Committee Track Item**:

*Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts*



# BIG IDEAS

**COUNCIL/MAYOR** - Successfully develop and implement State of The Art/ Innovative Programs and Policies to serve Berkeley, and to model best practices

**CITY CLERK** - Consistency in process for Major Item Development, Budgeting and implementation

**CITY ATTORNEY** – Ensure legal and drafting compliance

**CITY MANAGER** - Help the Organization deliver without overwhelm; help staff be successful in their work

# YEARLY CYCLE

Built around **JUNE 30** Budget Adoption/Update

July – September

**COUNCIL**

Finalize Y2 Items

**CITY MANAGER**

Implement Y1 Items

October – March

**COMMITTEE  
SEASON**

April – June

**COUNCIL + BUDGET  
SEASON**

# LEGISLATIVE SESSION

## One Cycle - Benefits

- **Every Year, opportunity to submit** and have Council review/vote on and fund Major Items
- **Four Subject Matter Committees** only meet during a Committee Season (except if emergency or special circumstance)
- Staff can **focus on implementation** during the “off season,” and Councilmembers can finalize the next year’s items
- Significantly **reduce gap between approval and implementation**

# MAJOR ITEM DEVELOPMENT & SUBMISSION

*All Year* → *End of September*

- Must use **Major Item Guidelines** format  
(Appendix B to Council Rules of Procedure & Order)
- September 30 **Submission Deadline**
- Major Items **can be submitted prior** to September 30 and reviewed by Agenda & Rules for **compliance with guidelines**
- Timeline allows for Councilmembers to **work all year** on items, with **concentrated opportunity** July-September
- **Staff input** at Pre-submission = high level/conceptual; early vetting of concepts with **City Attorney** to identify legal & drafting inputs

# AGENDA COMMITTEE

## OCTOBER

*Review & Assign Major Items to Committees*

- Early October **Special Meeting(s)**
- Review Major Items for **compliance with Guidelines**
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

# POLICY COMMITTEES

## OCTOBER - MARCH

- Organizing Meeting(s) Mid-October – Plan Committee Session/Schedule Hearings
- Major Items reviewed by Committee and move out on Rolling Basis, November - March
- [Committees may also prioritize/score items they review]
- All Major Items OUT of Policy Committees by March 30



# CITY COUNCIL

## APRIL

- Vote on all Major Items by **April 30**
- May require special meeting(s) in April
- **City Attorney** sign-off on **drafting and legal conformity** of Ordinances, Resolutions, and Formal Policies
- Approved items sent to **Budget Committee**

# PRIORITIZATION OF MAJOR ITEMS\* EARLY MAY

- All **Major Items** that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due Second Friday in May (process TBD)

*\* Not the same as All-Item prioritization*

# BUDGET COMMITTEE

## MAY - JUNE

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but **not binding**
- Budget Committee makes **Recommendations** to Full Council
- Budget passed; Major Items funded move forward to **Implementation**
- ROLLOVER: Major Items passed by Council but not funded get **automatically rolled-over** to future funding opportunities

# IMPLEMENTATION

## JULY +

- **Implementation Lead** assigned by **City Manager**
- **Implementation Team** assembled by **Lead + CM**
- Meet with **Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- **Implementation Team** prepares
  - **Launch Plan**
  - **Operating Plan**
- Program/Policy is **Launched + Implemented**

# OVERRIDE

## for Time Critical Items

SPECIAL TOPIC # 1

- Rules of Procedure and Order already provide Override:  
*An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item*
- Time Critical definition - may need to be reviewed/amended
- May still go to a Policy Committee or directly to Council, per A&R
- [**Possible Add:** Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].

# PRE-SUBMISSION DETAILS

## SPECIAL TOPIC # 2

- **Guidelines Format Mandatory** for all Major Items
- **Only Authors (no Co-Sponsors) allowed** at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: **Pre-Submission Consult with City Manager** to recommend internal subject matter experts for high-level input
- Required: **Pre-Submission Consult with City Attorney** to identify legal and drafting considerations
- *Consider role for **COMMISSIONS** in Pre-Submission Phase*



# STRENGTHEN COMMITTEE REVIEW

## SPECIAL TOPIC # 3

### DEVELOP STANDARDS for review of Major Items:

- Relevance to Strategic Priorities or current needs/events
- Added value of program/policy
- Potential benefits/costs of program/policy to Community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/Metrics/Enforcement
- [Rate/Rank Major Items at end of Committee Session?]
- [Increase options re: positive and negative recommendations?]
- Other?

# STRENGTHEN COMMITTEE REVIEW

## SPECIAL TOPIC # 3

### Public, Staff, City Attorney, Commission Inputs

- Active Outreach to all identifiable Stakeholders
- Multiple Hearings to allow for robust community, Staff, and City Attorney inputs + Discussion
- ENHANCE/EMPOWER City Attorney & Staff participation to ensure meaningful input, without requirement for formal reports
- Committee Schedule (set early October) will help ensure the right staff/attorneys are present for each item
- *Consider how to obtain/integrate input from Commissions*

# PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

Need a one-time process to “clear the backlog” of Major Items *currently* in queue. Suggest sending all pending (but not initiated) items to Policy Committees for review to suggest:

- Merging items and/or Updating Referrals
- Re-approval of items “as is”
- Recommendation to Sunset/Remove moot items
- Recommend disposition of all items, ranked By Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also include consideration of an RRV- or other kind of prioritization by full Council, organized by Lead Department and/or holistically

# PRIORITIZATION – REGULAR

## *YEARLY QUEUE*

- Enhanced Committee process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- Prioritization becomes less of a BIG ISSUE

### **Prioritization in a rationalized system:**

- More fully conceived and vetted items
- Committee scoring and/or ranking of items at end of Committee Season
- Council Ranking of items by Lead Department and Overall

# Need Process & Criteria for funding Items at AA01 and AA02

## *High Level Suggestions – need input from Budget & Finance*

- Only Time Critical and Rollover (previously approved but unfunded) items considered - *same rule for Council and City Manager items*
- Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives going through yearly legislative process
- AA01 and 02 only for one-time and/or time sensitive needs, except special circumstances

# IMPLEMENTATION

## SPECIAL TOPIC # 7

Once Major Item is passed + funded, move to Implementation

- **Implementation Lead** is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- **Implementation Team** assembled by Lead + City Manager
- **Consult with Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
  - **LAUNCH** elements + Timeline
  - **OPERATING** Plan
- Long term/ongoing operation of program/policy



# DISCUSSION + QUESTIONS

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

**APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS**

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
  - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
  - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
  - d. Fiscal impacts of the recommendation;
  - e. A description of the current situation and its effects;
  - f. Background information as needed;
  - g. Rationale for recommendation;
  - h. Alternative actions considered;
  - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
  - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
  2. Consent/Action/Information Calendar
  3. Recommendation
  4. Summary Statement/Current situation and its effects
  5. Background
  6. Review of Existing Plans, Programs, Policies and Laws
  7. Actions/Alternatives Considered
  8. Consultation/Outreach Overview and Results
  9. Rationale for Recommendation
  10. Implementation, Administration and Enforcement
  11. Environmental Sustainability
  12. Fiscal Impacts
  13. Outcomes and Evaluation
  14. Contact Information
  15. Attachments/Supporting Materials
- 

**1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
  - Adopt a resolution
  - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
  - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
  - Referral to a Commission or to a Standing or Ad Hoc Council Committee
  - Referral to the budget process
  - Send letter of support
  - Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
  - Designate members of the Council to perform some action
-

**4. Summary Statement/ “Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

**5. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

**6. Review of Existing Plans, Programs, Policies and Laws**

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## 7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## 8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

## 9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

**10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

**11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

**12. Fiscal Impacts**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

**14. Contact Information**

**15. Attachments/Supporting Materials**

Systems Realignment Matrix - Updated 10-3-2023

|                                  | JM                                                                                                                                                                                                                                                                                                                                                                            | LM                                                                                                                                                                                                                          | LM                                                                                                                                                                                                                                                                                              | JM                                                                                                                                                                                                                                                                                                                                                                                                                           | LM                                                                                                                                                                                                                                 | LM                                                                                                                                                                                                                                                                                                                                                     | JM                                                                                                                                                                                                                                                                            | JM                                                                                                                                                                                                                                                              |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item Date                        | City Manager's System's Realignment Proposal<br>4/26/2021                                                                                                                                                                                                                                                                                                                     | Droste Response<br>5/18/2021                                                                                                                                                                                                | Council Feedback from Work Session<br>5/18/2021                                                                                                                                                                                                                                                 | Hahn Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                                   | Harrison Proposal<br>6/15/2021                                                                                                                                                                                                     | 2021 Council Feedback<br>6/15/2021                                                                                                                                                                                                                                                                                                                     | Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                               | Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                 |
| <b>Item Summary</b>              |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 | Thesis: Legislative process should support Council in passing legislation of important local concerns and value-based issues with impact locally and more broadly. New legislation should be thoroughly researched, revised and vetted with input from stakeholders, the public, City Staff and Council colleagues. City staff contribute with increased levels of input and participation as the legislation moves forward. |                                                                                                                                                                                                                                    | Thesis: Council recommendation was to review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption. Sent back to A&R to prepare a new proposal and Council voices. No Councilmembers commented on the Consent Item during the meeting. |                                                                                                                                                                                                                                                                               | Thesis: Align with budget process, create consistency in process and proposal writing; ramp-up staff engagement as proposal moves through process. Create "seasons" (specific annual timeframes for development, policy committee, council and budget approval) |
| <b>Decisions/ Actions Taken</b>  | Thesis: Councilmembers to return with thoughts/proposals                                                                                                                                                                                                                                                                                                                      | Thesis: Supports CM Proposal. Recommends template adjustments to increase effectiveness and clarify reason for proposal and its recommendations and increase effectiveness.                                                 | Thesis: Mayor proposed and Council approved continuing the item to the June 15, 2021 regular meeting to allow Councilmembers to submit written comments for the public record.                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                              | Thesis: Does not support CM Proposal. Major items only put forward Jan - April to coincide with budget process limits public and Council voices. Harrison's proposal operates continuously with deadlines for each step of review. |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                 |
| <b>Process for Council Items</b> | A & R determines if Major Item<br>If not major, agenda'd for Council meeting                                                                                                                                                                                                                                                                                                  | Council Agenda Item Template recommended adjustments:<br>- add: Define the Problem<br>-Include Criteria Considered &<br>-Rationale for Recommendation<br>-Make Equity its own category<br>Sample red-lined template in item | Some Councilmembers expressed concern about the yearly April deadline for Major items because it would create stale items and/or limit ability to respond to the concerns of the moment. CM reminded public and Council that this process is just for the 15 -20 Major items drafted each year. | Guideline Format drives development of Council, City Manager or Commission proposals<br>All Major Items, regardless of where originated follow the prescribed process<br>Council is encouraged to consult with staff during proposal development but may wait until during the Committee process<br>CAO must provide preliminary review prior to initial submittal                                                           | Council Streamlines Existing Backlog of staff involved items through Policy Committees' review and recommendations to Council.                                                                                                     | N/A                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                               | Built around June Budget Adoption<br>Divided into Seasons with deadlines for each phase                                                                                                                                                                         |
| <b>Major Item Definition</b>     | - Cannot be operationalized over time with existing resources<br>- Displaces an existing prioritized item<br>- Not implementable with existing resources<br>- Unable to sustain enforcement activities<br>- Subject to legal challenge and/or pre-emption<br>- Additional/new FTE on a temporary or permanent basis<br>- Additional or new infrastructure or technology costs |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 | Any law, program, or policy that represents a significant change or addition to existing law, program, or policy and/or is likely to call for or elicit significant study, analysis, or input from the community, staff or Council colleagues, and/or is likely to require significant new resources or staffing to implement.                                                                                               |                                                                                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                               | Definition required                                                                                                                                                                                                                                             |
| <b>Major Item Determination</b>  | A & R in consultation with CM<br>EXCEPTIONS:<br>- Grant deadlines<br>- Public Safety Issues<br>- Declared local emergencies<br>If exceptions granted, projects "in process" must be identified and delayed                                                                                                                                                                    | Major Item Determination Checklist recommended adjustments:<br>Define "smaller" and "less impactful" and state how that is determined.                                                                                      |                                                                                                                                                                                                                                                                                                 | (see definition above)<br>Can originate from Councilmembers, City Manager (often as referral responses) or Commissions<br>A & R makes determination if a submittal is a Major Item - can be sent back to originator for more information and compliance with Guidelines                                                                                                                                                      | Should be determined by Policy Committees, not Agenda Committee, via objective determination. No determination criteria given.                                                                                                     | N/A                                                                                                                                                                                                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                                           | Submittal Season: Year round submittal September 30 cut off for consideration through process<br>Submittals reviewed by A & R for Major Item Determination and compliance with Guidelines                                                                       |
| <b>Major Item Deadline</b>       | A & R agenda prior to April 30 to be considered in legislative year<br>Agenda'd at A & R on rolling basis                                                                                                                                                                                                                                                                     | none provided                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                 | none provided                                                                                                                                                                                                                                                                                                                                                                                                                | 120 days maximum, which includes the Implementation Conference.                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                                                                                                                    | LIMITS NUMBER OF MAYOR ITEM SUBMITTALS<br>Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr<br>Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr<br>DEADLINE TBD | September 30 for next fiscal year consideration                                                                                                                                                                                                                 |

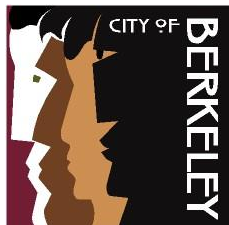


Systems Realignment Matrix - Updated 10-3-2023

| Item Date                 | JM                                                        | LM                                                                                                                                                                                                                                                                                     | LM                                                                                                                                                                                                                                | JM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | LM                                                                                                                                                                                                                              | LM                                                                                                                                              | JM                              | JM                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                   |
|---------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | City Manager's System's Realignment Proposal<br>4/26/2021 | Droste Response<br>5/18/2021                                                                                                                                                                                                                                                           | Council Feedback from Work Session<br>5/18/2021                                                                                                                                                                                   | Hahn Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Harrison Proposal<br>6/15/2021                                                                                                                                                                                                  | 2021 Council Feedback<br>6/15/2021                                                                                                              | Droste BERIPE Plan<br>3/14/2023 | Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                   |
| Item Distinction/ Process | <b>Policy Committee Review</b>                            | Referred by A & R Reviewed for completeness and alignment with Strategic Plan goals. Commission review. Once approved for consideration moves to Implementation Conference                                                                                                             | Policy Committee Ranking Form recommended adjustments: -Use score rather than rank NOTE: CM presentation no longer recommends using the Ranking Form                                                                              | A & R makes determination if a proposal meets information in Guidelines prior to sending on to Committees - Author has right to appeal Committees plan a timeline for hearing over multiple meetings and identify stakeholders and experts to provide input. Committee meetings to discuss proposal should be taken in order of the required components of the Guidelines Staff agendized to engage in every discussion and provides budget resources needs for Launch and                                                                                                       | Policy Committees send their recommendation and finalized Implementation report to A & R for scheduling at Council.                                                                                                             | N/A                                                                                                                                             | N/A                             | Committee Season: October 1 - March 1 A & R - October: will require special meetings. determines completeness based on Major Items Guidelines edits must be completed by 3rd Friday in October in order to move to Committees Committees determine order of hearings, create calendar, group like items together, understand staffing impacts, follow Enhanced Review Process                                                                                              |                                                                                                                                                                   |
|                           | <b>Implementation Conference</b>                          | CM or designee, CAO, Department Head or designee Collaborate with author to detail fiscal and operational impacts. Implementation Conference outcomes to be incorporated into Concil Report (see detail in 4.26.21 proposal, p3)                                                       | Implementation Conference Worksheet recommended adjustments: -Reduce amount of redundant components and specify what impact means. -Include similar additions as Council Item Template. -See sample redlined template in the item | Timing for conference: Earlier timing, perhaps just after referred to policy committee, before the Committee takes it up.<br><br>Staff analysis: Former Auditor in her 2018 presentation talked about importance of Council needing a staff analysis, resource analysis and opportunity costs in their items. Councilmember noted incredible importance for Council to have this info before passing items. At the same time, don't want staff to spend too much time on an item that doesn't pass. Tension here.<br><br>Definitions: Council needs to be comfortable with them. | The Policy Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report. This happens during the Policy Committee Review. | N/A                                                                                                                                             | N/A                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                   |
|                           | <b>Implementation Conference Deadline</b>                 | August 31                                                                                                                                                                                                                                                                              | No calendar deadline                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No calendar deadline                                                                                                                                                                                                            | No calendar deadline. Rolling basis.                                                                                                            | N/A                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                                                                                                                               |
|                           | <b>Initial Prioritization</b>                             | July 31. Policy Committees make recs Submitted to City Council                                                                                                                                                                                                                         | Sunset current RRV process Committee to "score" each proposal                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                 | Prioritized on rolling basis. Upon Council adoption, the budget aspect of the item would proceed to either the June or November budget process. | N/A                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ONE TIME clearing of backlog on current list of projects                                                                                                          |
|                           | <b>Council Approval and Final Prioritization</b>          | October Council Calendar Council approval, prioritization, assign fiscal year for implementation, identify removal of items that new initiatives will replace If Council does not approve, item can be reintroduced the following year November 30 deadline for all major item actions | Sunset current RRV process Committee to "score" each proposal                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Author revises proposal to include required changes/clarifications and resources required for Launch and Implementation                                                                                                         | Council approves before item goes through budget process.                                                                                       | N/A                             | Council prioritizes all new legislative submittals through RRV process. Year 1 ONLY: Combine new legislative submittals and outstanding/incomplete items for prioritization through RRV process. Council and staff should determine what can be reasonably accomplished by staff based on RRV outcome and delete those projects that did not rise to top of priorities and cannot be accomplished. Year 2 and ongoing: Only new legislative submittals will be prioritized | Council Season: Feb 1 - April 30 CAO must confirm compliance with Ordinances<br><br>Prioritization: Council and Committee prioritize and send to Budget Committee |

Systems Realignment Matrix - Updated 10-3-2023

| Item Date                              | JM                                                                                                                                                                                                                                                                       | LM                                 | LM                                              | JM                                                                                                               | LM                                                         | LM                                 | JM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | JM                                                                                                                                                                                                                                                                                   |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | City Manager's System's Realignment Proposal<br>4/26/2021                                                                                                                                                                                                                | Droste Response<br>5/18/2021       | Council Feedback from Work Session<br>5/18/2021 | Hahn Proposal<br>6/15/2021                                                                                       | Harrison Proposal<br>6/15/2021                             | 2021 Council Feedback<br>6/15/2021 | Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                                      |
| <b>Budget &amp; Strategic Planning</b> | December/January<br>Staff to incorporate approved items into Budget/workplan ranked by priority<br><b>January - March</b><br>Council and Staff revise the budget based on department presentations to BC<br><b>May/June</b><br>Budget hearings, adjustments and adoption |                                    |                                                 | Budget Implementation Conference: approves moving toward implementation or implementation is declined to proceed | Council approved items go through the next budget process. | N/A                                | (see note above)<br>Budget referrals and allocations must be explicitly tied to previously established or approved policy program, planning/strategy document and/or external funding opportunity related to one of these.<br><br>No budget referral can directly fund a specific organization or event. Organizations receiving City funding must submit application that includes civic goals/purposes, previous funding history and quantitative/qualitative results/outcomes. Funding greater than \$20,000 must include data on number of persons served and other outcomes. | Budget Season: May 1 - June 30<br>Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council<br>Funded Council approved items move to Implementation<br>Unfunded Council approved items rollover to future funding opportunities |
| <b>Implementation</b>                  |                                                                                                                                                                                                                                                                          |                                    |                                                 |                                                                                                                  |                                                            | N/A                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | July (Month 1 of new fiscal year)<br>Implementation Lead and Team assigned<br>Meeting with Authors for clarity, timelines, challenges<br>Implementation Team prepared Launch and Operational Plans                                                                                   |
| <b>Tools</b>                           | Council Item template outlining required information<br>Major Item checklist<br>Implementation Conference Worksheet<br>Major Item Deadline: April 30                                                                                                                     | Major Item Determination Checklist | Policy Committee Ranking Form                   | Guidelines for Proposals/Council Items                                                                           | Alternate Systems Alignment Proposal flowchart.            | N/A                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Major Items Guidelines Format<br>Enhanced Review Process                                                                                                                                                                                                                             |
| <b>Consolidated Yearly Cycle</b>       | <b>Implementation Conference</b><br>Deadline: August 31<br><b>Council Prioritization</b><br>Deadline: July 31<br><b>Council Approval Deadline:</b><br>November 30<br><b>Budget Cycle:</b> January -                                                                      | none addressed                     | N/A                                             | none addressed                                                                                                   | Rolling basis rather than yearly cycle.                    | N/A                                | Based on "to be established" deadline to align with RRV process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Submittal Season:</b> Year round with August 1 deadline for next fiscal year consideration<br><b>Committee Season:</b> Sept 1 - January 30<br><b>A &amp; R and council committee review</b><br><b>Council Season:</b> Feb 1 - April 30<br><b>Budget Season:</b> May 1 - June 30   |
| <b>Consensus</b>                       | 1 - Staff input in legislative drafting is important                                                                                                                                                                                                                     |                                    |                                                 |                                                                                                                  |                                                            |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| <b>Variable Differences</b>            | 1 - Different timelines for different types of items (some staggered, some ongoing)                                                                                                                                                                                      |                                    |                                                 |                                                                                                                  |                                                            |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| <b>Outstanding Questions</b>           | 1 - What impact does this have on the RPP process? What needs to change? What limits revisions to a systems redesign process?                                                                                                                                            |                                    |                                                 |                                                                                                                  |                                                            |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |



Office of the City Manager

## BACKGROUND MATERIAL

The following documents were previously submitted to the City Council for consideration, and are being provided with this item as background material.

The City Manager has removed staff's Systems Alignment Proposal from consideration. It is included in this attachment for reference and context.

Attachments:

### March 14, 2023 Council Meeting

1. Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)
  - a. Report – Submitted by Councilmember Droste

### June 15, 2021 Council Meeting

2. Systems Alignment Proposal
  - a. Supplemental Material – Submitted by Councilmember Hahn
  - b. Supplemental Material – Submitted by Councilmember Harrison
  - c. Report – Submitted by City Manager

### May 18, 2021 Council Meeting

3. Systems Alignment Proposal
  - a. Supplemental Material – Submitted by Councilmember Droste
  - b. Presentation – Submitted by City Manager
  - c. Report – Submitted by City Manager



Lori Droste  
Councilmember, District 8

**25**

Action Calendar  
March 14, 2023

**To:** Honorable Mayor Jesse Arreguín and Members of the City Council

**From:** Councilmember Lori Droste

**Subject:** Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

### **Recommendation**

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

### **Policy Committee Recommendation**

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

### **Current Situation and Its Effects**

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

### **Background and Rationale**

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

### **Best Practices**

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

### **Santa Clara**

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

### **Concord**

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendaized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendaize these additional items.

### Sunnyvale

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

*Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*

*Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.



### **Status Quo and Its Effects**

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

*"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

### **Fiscal Impacts**

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

### **Alternatives Considered**

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

*All-Council determination*

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

*Councilmember parameters*

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

*Status Quo Sans Short-Term Referrals*

The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

**Contact Person**

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**Attachments**

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council  
 From: *DWR* Dee Williams-Ridley, City Manager  
 Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

#### *Performance Measures*

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

#### *Top Goals and Projects*

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

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November 15, 2022

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter results will be posted at the same location.

### *Challenge*

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,<sup>1</sup> and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager  
LaTanya Bellow, Deputy City Manager  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager

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<sup>1</sup> Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

## **Attachment 1: Selected list of program, project, referral, and audit finding impacts**

### *Project and Program Impacts*

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

### *Prior Direction Deferred or Delayed*

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)



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## **SUPPLEMENTAL AGENDA MATERIAL**

### **for Supplemental Packet 2**

**Meeting Date:** June 15, 2021

**Item Number:** 3

**Item Description:** Systems Alignment Proposal

**Submitted by:** Councilmember Sophie Hahn

This Supplemental offers suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.





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CONSENT CALENDAR

June 15, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Sophie Hahn (Author)  
Subject: Systems Alignment Proposal

COMMENTS ON SYSTEMS REALIGNMENT

**My Frame for Systems Realignment: *Systems Aligned to Support Change***

We are in a time of rapid change both locally and globally. The impacts of climate change, globalization, and inequality; growing threats to democracy; and the rise of a new generation of leaders illustrate that change is both a fact and an imperative.

Berkeley has been and should continue to be on the cutting edge of that change, and our legislative processes as well as our City organization must be designed to do more than just manage the status quo, with change viewed as a threat, cost, or nuisance. *Our systems must be aligned to stimulate, support, and implement meaningful change across all sectors - quickly.*

With that framing in mind, I believe the legislative process in Berkeley should be designed to support Councilmembers and the Mayor in producing and passing legislation that addresses important local concerns as well as value-based issues with both local and broader impact. Some legislation may simply strengthen the City of Berkeley as an organization - improving the basic functions and services we provide to our community. Other legislation is designed to address city, community, regional, national, and sometimes global needs, values and priorities.

Because of the City's commitment to progressive and democratic principles and its role as a leader and innovator across many sectors, legislation will often push the envelope, which I believe requires a nimble, can-do City organization. While logistics, staffing, costs and other elements of feasibility and implementation are key to the ultimate success of any new policy or program, I view the exploration of these questions as a supporting rather than driving force for legislation; internal feasibility under the status quo should not be an end unto itself.

**Systems Aligned to Support Excellence and Effectiveness in Change:**

While I believe change is an imperative and innovation should be core to our City systems, I also know that not every idea brought forward is ultimately optimal, relevant, or feasible. We are much more than an incubator for ideas and concepts - we serve a real community and must balance a wide variety of needs and viewpoints with every decision we make. I believe our systems must therefore be aligned to ensure new programs and policies are thoroughly researched, revised, and vetted for Berkeley - to meet the needs of our community without overwhelming the City organization. If the Council has priorities for which funds or capacity are not currently available, we must identify resources to build capacity.

To achieve these goals in this frame, I envision a process wherein major items of legislation that begin with the well-researched and articulated proposals of one or a few councilmember/mayor-authors are progressively reviewed and improved with input from stakeholders, members of the public, City staff and Council colleagues.

The end result should be high quality, relevant, thoughtfully tailored and right-sized programs and policies accompanied by realistic assessments of the resources required for successful launch and implementation. City staff, with their subject matter expertise and knowledge of operations play a uniquely important role in contributing to legislative success, and should actively partner throughout the process, *with progressively increased levels of input and participation as legislation is moved forward.*

The adoption of Guidelines for legislative items and the implementation of the Committee system provide a good foundation. By clarifying expectations and improving the value we derive from our existing processes we can avoid bogging things down with too many steps.

The following are my suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

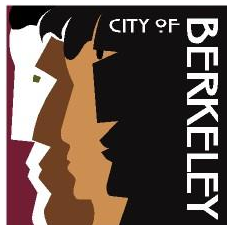
Proposed Systems Alignment Improvements for Major Items:

| PROCESS ELEMENT                                                             | CONTENT                                                                                                                                                                                                                                                                                                                           | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MAJOR ITEM SUBMISSION</b>                                                | <b><i>Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation</i></b>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Define Major Item</b>                                                    | Any law, program, or policy that represents a significant change or addition to existing law, program, or policy, and/or is likely to call for or elicit significant study, analysis, or input from the community, staff, or Council colleagues, and/or is likely to require significant new resources or staffing to implement . | Major items are, essentially, “Policy Committee Track” items (see Rules) that are routed to a Policy Committee because they are substantial. <i>The adoption of a definition for Major Items clarifies a practice that is already in place.</i><br><br>Some items are not “Major” because they propose less significant changes or additions to existing law, programs or policies. In addition, some Major Items may be routed directly to the City Council due to urgency (“Time Critical Track”). <i>All of this is already reflected in the Rules governing Policy Committees.</i> |
| <b>Major Item Routing</b>                                                   | Major items may originate with Councilmembers, the City Manager (often as referral responses), or Commissions. Major Items generally should be routed to a Committee to be reviewed by Committee members and, if necessary, revised, with input from stakeholders, the public, and City staff.                                    | Currently, only Councilmember/Mayor items are subject to review by Policy Committees. <i>The Rules should be amended to require all Major Items, regardless of where they originated, to be reviewed in Committee</i> unless they fall under the Time Critical Track or another exception.                                                                                                                                                                                                                                                                                             |
| <b>Make Guidelines Mandatory</b> for presentation of Major Items for review | Council/Mayor and Commission authors of Major Items should present their items in accordance with the Guidelines at Appendix B of the City Council Rules of Procedure and Order. Authors should make a good faith effort to undertake the research, analysis and consultation necessary to complete all sections in substance.    | Need to specify format for “non-Major” items.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Staff Consultation is encouraged, but not required</b> at the initial    | Councilmembers and the Mayor are encouraged to consult with Staff before presenting Major Items, but may choose to engage with staff later, through the Committee process.                                                                                                                                                        | Staff should keep confidential and seek to support the positive development of ideas and initiatives of electeds who reach out for initial                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                          |
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| <p>development of a legislative item.</p>                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>input. Concerns, if any, should be addressed with a problem-solving lens.</p>                                                                                                                                                                                                                                                         |
| <p><b>City Attorney Consultation</b></p>                                                                                                                                               | <p>Authors should submit Major Items for preliminary review by the City Attorney to determine if there are any legal implications - which may need to be addressed before the item is submitted or could be developed/addressed later. The author should state in the section on consultation that the City Attorney has been consulted.</p>                                                                                    | <p>Not all items have legal implications. The City Attorney’s role at this juncture would be to identify whether there are legal considerations, or not. If there are, the Author can work with the City Attorney’s office to determine if the issues can be avoided/addressed, or if the legislation may not be possible/advisable.</p> |
| <p><b>Agenda Committee makes an initial determination</b> of whether an Item is “Major” and will be referred to a Committee, with input from the Author(s).</p>                        | <p><i>This tracks the current practice</i> - except that with an adopted definition of a Major Item the determination to send an item to Committee will be made according to more clearly articulated, objective standards.</p>                                                                                                                                                                                                 | <p>Per the existing rules, proclamations, sponsorships, ceremonial and similar items; Time Critical Items; and “Policy Track” items that are complete and have minimal impacts are currently <i>not</i> referred to Committees. <i>This practice will be unchanged.</i></p>                                                              |
| <p>The Agenda Committee may <b>require a Major Item not presented and/or fully rendered according to the Guidelines to be more amply developed</b> before being sent to Committee.</p> | <p>Authors of Major Items should do substantial research, analysis, and consultation before sending them to a Committee for further input and development.</p> <p>The Agenda Committee should be authorized to request that a major item not presented according to the Guidelines, or not substantially meeting the requirements, be further developed by the Author(s) before being sent to Committee.</p>                    | <p>Analysis should go beyond diagnosing the problem to be solved and focus on explaining and understanding the specific solutions/policies/programs being proposed, as well as alternatives considered.</p>                                                                                                                              |
| <p><b>Appeal/Override</b> of Agenda Committee recommendation to revise Major Item before submission to a Committee</p>                                                                 | <p>Authors should be offered the opportunity to discuss an Agenda Committee recommendation to rework a Major Item at the time the recommendation is made. If, after discussion, the lead author disagrees with the Agenda Committee’s request for further elaboration according to the Guidelines, the item may be referred to a Committee “as is” with a note that the Agenda Committee had requested the item be revised.</p> | <p>Authors should have a means to appeal a decision of the Agenda Committee to send an item back to the author for revision/expanded research, analysis or consultation and still move their items forward if they disagree with the request.</p>                                                                                        |
| <p><b>Major Items that are Complete</b> go to Committee (or items that are incomplete but subject to an override)</p>                                                                  | <p><i>Per existing rules</i>, Major Items will be routed to a policy committee unless an exception applies.</p>                                                                                                                                                                                                                                                                                                                 | <p>Exceptions are already listed in the Rules.</p>                                                                                                                                                                                                                                                                                       |

|                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>MAJOR ITEM COMMITTEE REVIEW</b></p>                                                                             | <p><i>Clarify and significantly improve process and substance of Major Item review @ Committee, including development of a preliminary launch and implementation plan and associated costs</i></p>                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Committee hears Major Item more than once -</b><br/>First hearing includes development of a plan for review</p> | <p>As a general matter, Committees should plan to schedule Major Items to be heard more than once. At the first hearing, the Committee should discuss the level of analysis and consultation envisioned, identify specific stakeholders and questions Committee members would like to explore, and sketch a process for moving the item forward over several Committee meetings.</p>                                                                                                                                      | <p>Depending on how complex and significant the Major Item appears to be, the Committee can plan out its process of review and consultation.</p>                                                                                                                                                                                              |
| <p><b>Committee reviews specific elements</b> of the proposed Major Item</p>                                          | <p>The Guidelines require, under bullets 5-9, (5) full background on the problem/issue to be addressed, (6) the existing regulatory/legal framework, (7) potential alternative solutions to address the identified concern, (8) consultation with stakeholders, and (9) a rationale for the recommendation.</p> <p>Each of these sections should be specifically agendized for discussion (can all be same day, but should be individually considered) to ensure robust consideration of the legislation as proposed.</p> | <p>By requiring the Committee to focus on each of these elements as a baseline review, Committee members are encouraged to do a deep dive into the basis, rationales and alternatives for the Major Item.</p>                                                                                                                                 |
| <p><b>Committee identifies and does specific outreach to Stakeholders and Experts</b></p>                             | <p>The “public” is always welcome at Committee Meetings. In addition to general public notice, the Committee in its first meeting to review a Major Item should identify stakeholders and experts who may have valuable input. If needed, those individuals/groups should be invited by the Committee to share their perspectives.</p> <p>Staff can support outreach to ensure identified stakeholders and experts are aware of the opportunity to comment.</p>                                                           | <p>Sectors/individuals that are supported or otherwise impacted by new policies and programs are well positioned to provide useful comments and input for the Committee. Subject matter experts may also be helpful to hear from.</p>                                                                                                         |
| <p><b>Staff input is agendized and includes preliminary review of Launch and Implementation</b></p>                   | <p>Staff is encouraged to provide input and answer questions throughout the Committee process. Staff should be encouraged to volunteer comments and Committee Chairs should call on staff to ensure time is provided for their comments throughout the process. <i>In addition, a specific time for staff input should be agendized.</i></p> <p>The Staff presentation should include <i>preliminary review of staffing and budget/resource needs for both Launch and Implementation.</i></p>                             | <p>Launching a new program or policy and running it are two different undertakings. Staff should specify what will need to be in place to LAUNCH (development of regulations, preparation of informational mailings, website updates, back-end systems, funding, etc. ) and to RUN/IMPLEMENT new programs and policies over the long run.</p> |

|                                                                  |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                         |
|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Manage/reduce <b>Staffing of Committees</b></p>               | <p>With a better articulated “plan” for Committee review of Major Items, staffing of meetings can be more closely managed to reduce waiting time for staff members/City Attorney when not needed for one or another matter.</p> | <p>Only need Clerk + Staff Lead - Chair can work with Staff Lead to bring other Staff into discussions on as-needed basis. The City Attorney may be able to be on standby for advice when presence is not required.</p> |
| <p>Major Item moves forward to Council (all recommendations)</p> | <p>Lead Author must revise/update item to include information about resources required for Launch and Implementation of the Major Item, and to reflect any other changes, before submission to City Council.</p>                |                                                                                                                                                                                                                         |
| <p>Major Item gets <b>passed by Council</b></p>                  | <p>Goes to Budget Implementation Conference, or vote no and it's over</p>                                                                                                                                                       |                                                                                                                                                                                                                         |



Kate Harrison  
Councilmember District 4

## REVISED AGENDA MATERIAL for Supplemental Packet 2

**Meeting Date:** June 15, 2021

**Item Number:** 3

**Item Description:** Systems Alignment Proposal

**Submitted by:** Councilmember Harrison

The attached item includes Councilmember Harrison's comments about the proposed Systems Alignment Proposal as well as an alternative proposal.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.





Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
June 15, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Comments and Alternative Systems Alignment Proposal

COMMENTS AND ALTERNATIVE PROPOSAL

At the October 2019 Council retreat, the Council and the City Manager discussed various approaches to better align the legislative process to budget and implementation resources. These considerations are important and merit Council consideration and possible action. However, the proposed solution from the City Manager would also limit the voice of the public and the Council by restricting the time period for Council referrals to only four months per year.

At a Worksession on May 18, 2021 dedicated to the Systems Alignment proposal, the Council heard overwhelming public comment strongly opposed to such an approach.

A better solution lies in reexamining and modifying certain elements of the Policy Committee process as opposed to overhauling fundamental elements of Council duties.

This Supplemental discusses the shortcomings of the proposal in greater detail and advances an alternative and simpler approach to “Systems Alignment” achieving the original objective of the October 2019 retreat without sacrificing and abdicating fundamental values and responsibilities.

**A. The Proposed Systems Alignment Proposal Unduly Limits Council Duties and Responsibilities Under the City Charter**

The City Charter provides that the City Council is the “governing body of the municipality” and “shall exercise the corporate powers of the City, and... be vested with all powers of legislation in municipal affairs adequate to a complete system of local government.”

However, the proposal subjects “new significant legislation” to a labyrinth of new bureaucratic processes that will invariably and unduly limit the democratic organ of city government—the City Council—which is directly answerable to the will of the people.

The following list provides a non-comprehensive overview/discussion of the ways the current Systems Alignment Proposal could violate the letter and spirit of the Charter:

- The proposal limits Council from submitting “new significant legislation” to four months out of the year, effectively making the Council only responsive to the people’s “significant” needs on a part-time basis as any legislation that misses the deadline is inactive for the remainder of the year. Not only does this violate the necessity of providing the Council with “all powers of legislation in municipal affairs,” but it appears to contradict the voter’s will pursuant to Measure JJ, wherein they reaffirmed the scope and appropriate remuneration of Council’s myriad legislative and oversight responsibilities.
- The determination of which legislation will be subject to additional scrutiny and processes is based on *subjective* findings by the Agenda Committee in consultation with the City Manager. This is in contrast to alternative approaches, such as those adopted in other cities, which rely upon *objective* measures such as the consideration of a piece of legislation’s budgetary or staffing implications informed by thorough discussion and investigation by Policy Committees. Furthermore, pursuant to the Council’s historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not subcommittees. The current proposal adopts an inherently conservative and subjective framework that judges all legislation by whether it “represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff.” Legislation meeting that definition is then subjected to lengthy bureaucratic processes of more than a year.

In short, the proposed framework stands in contrast to the current Policy Committee system, whereby subcommittees are tasked with improving the quality, thoroughness and comprehension of legislation, as opposed to a subjective consideration and determination of whether a given policy change is merited largely within the narrow confines of considering limited budget and staff resources.

- Under the Charter, the Council is responsible for adopting a biannual budget. However, the proposal limits Council’s ability to adopt significant new legislation with budget implications at only one of the two primary budget processes per year.
- Legislative consultation with City staff is absolutely necessary. But the proposal encourages authors to “initially consult[] with the City Manager or city staff regarding their proposed Major Item and [note] the substance of those conversations, and initial staff input” before the item is even introduced. This system could potentially create an inappropriate layer of staff power over Council legislative prerogative, a division that the Charter is very clear about.
- The proposal requires that items align with Strategic Plan goals. While these goals are important and represent a snapshot of Council and City Staff’s vision for the city, they do not necessarily represent the totality of the people’s will as expressed

through their elected representatives at any given time.

- The Council is artificially constrained from acting upon legislation receiving an unfavorable review at the Policy Committee level. Council is reduced to a choice between proceeding through the next phase, or to vetoing a matter for the remainder of the legislative calendar if a policy committee forwards a negative recommendation. Currently, under the committee system, items not acted upon in committee within 120 days are forwarded to the Council. In this way, the proposal violates the Charter by imposing unreasonable hurdles to the exercise of “all powers of legislation in municipal affairs adequate to a complete system of local government.”
- The proposal states that all significant legislation must be submitted by April 30, and City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year. This raises the question of what the Council is engaged in for the majority of the year?
- Implementation Conferences, while a good idea, are currently crafted in a way that they will delay items unnecessarily and remove discussion of budgetary impacts from the substantive discussion by policy committees. Furthermore, the proposal imposes an artificial limit with respect to holding Implementation Conferences to once per year, which will further constrain the Council’s legislative obligations.
- After the implementation conference, Policy Committees are required to provide an additional subjective consideration of major items through prioritization. This is late in the life of an item. Additionally, under this proposal, the Council is expected to once again rank significant items as part of the RRV process (behind closed doors), despite the items having already endured the lengthy Systems Alignment process and final Council approval.
- When an item fails to receive Council approval, the author is barred from resubmitting it until the following year.

## **B. Alternative Systems Alignment Proposal**

This item presents a simpler and less disruptive Systems Alignment proposal that conforms to the existing Council and Policy Committee processes and prioritizes research and investigation of items with significant budgetary and staff implications in order to better inform Council’s decision-making process as opposed to hard limits on legislation:

1. To address the backlog of outstanding items that may impact staff resources and availability to implement Council and other citywide priorities, the Council should immediately direct Policy Committees to review all such referrals and items in staff’s queue for which implementation work has not yet begun.

Upon this review, Policy Committees would be tasked with making a recommendation to the full Council to modify or reconsider certain items in the queue.

Next, the Council should schedule worksessions (outside of the RRV process) to consider Policy Committee recommendations in a public forum and prepare a Resolution potentially dispensing with and/or reprioritizing items in the queue.

In totality, this process would contribute to streamlining the existing queue, and facilitate staff resources for implementation and development of other new and existing legislative items. In sum, through revisiting the existing queue, Council can continue to conduct substantial legislative work throughout the year.

2. The Council should revise Policy Committee process with respect to the budget and legislative implementation.

Specifically, to address potential incongruity between Council items with significant budget implications, the Council should modify its Rules of Procedure to task Policy Committees (not the Agenda Committee) with making an initial and objective determination of whether a prospective item has significant budget and/or staffing impacts (**See Attachment 1** for a detailed flowchart of the Alternative Proposal):

- Upon an insignificant budget determination, the item and any related budget referral would proceed through the normal Policy Committee track process on a maximum 90-day timeline.
- Upon a significant determination, the item would be placed on a different Policy Committee track such that the Policy Committee would have a maximum of 120 days to research and investigate the budget and staffing implications of the item, any related budget referral, and policy implications, in order to *inform* Council's ultimate consideration. As part of the 120 day process, the Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report.
- Once the Committee has made its policy recommendation and finalized its Implementation Report, the item would proceed to the Agenda Committee for scheduling at Council.
- Upon Council adoption of items with either significant or insignificant budget/staffing implications, the budget aspect of the item would proceed to either the June or November budget process pursuant to Council-established deadlines for consideration of budget items. For example, the

Comments and Alternative Systems Alignment Proposal

Council could establish deadlines of May and October for the respective budget processes. Therefore, the Budget Committee would only consider budget items that were passed ahead of the respective deadlines. Those that miss the deadline or are ultimately unfunded would be automatically carried over to the next budget process.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

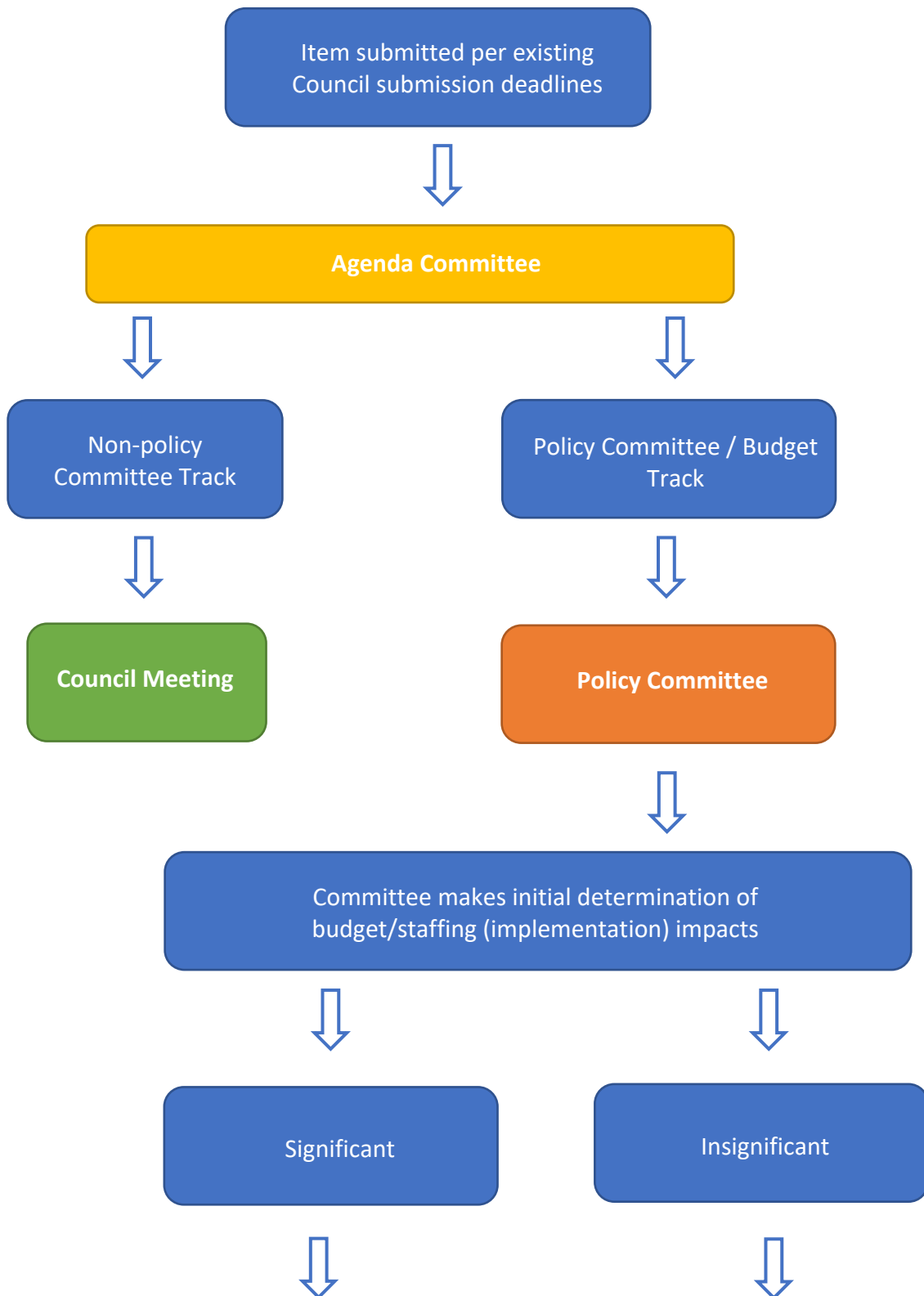
CONTACT

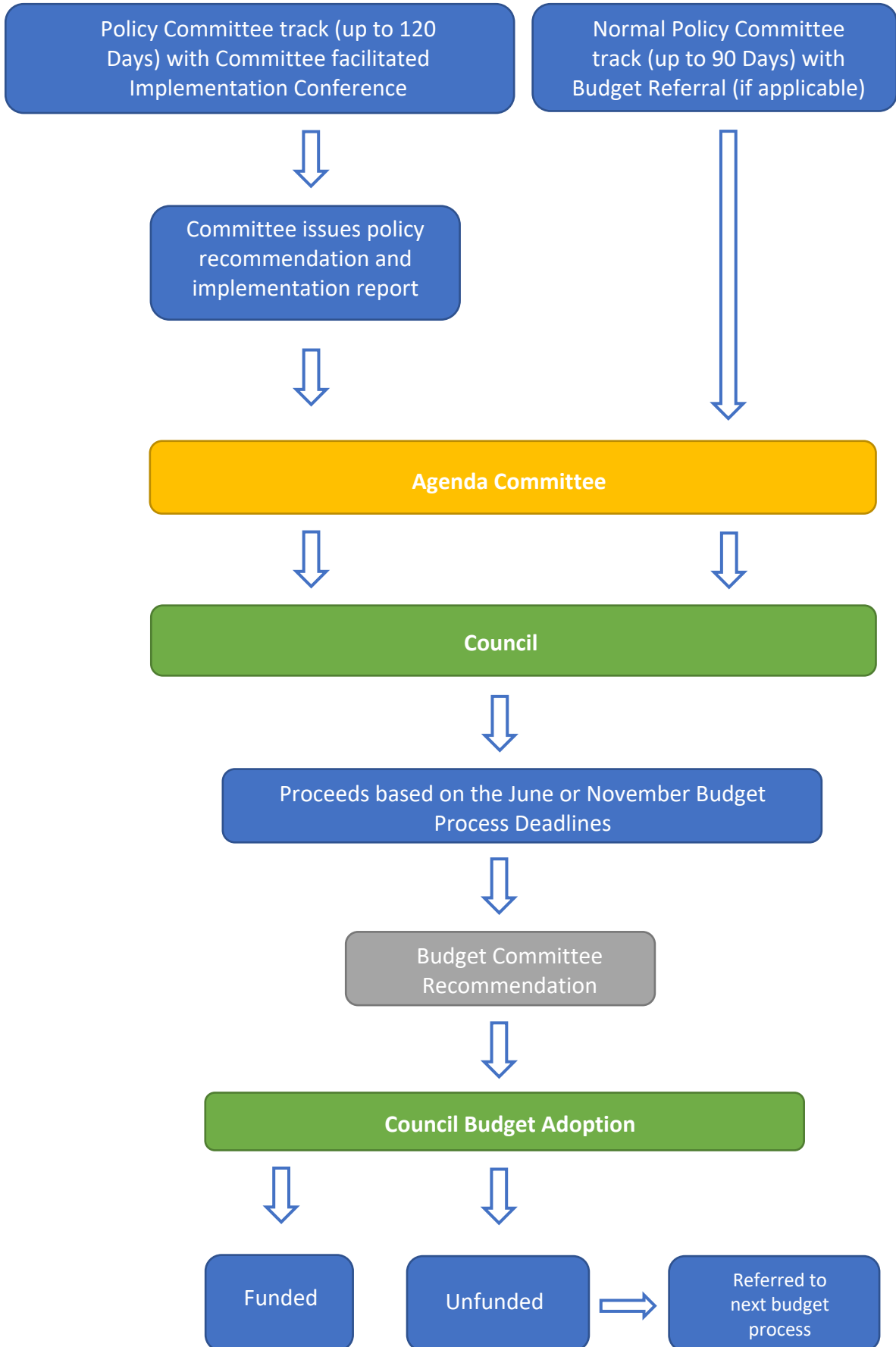
Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

### Alternative Systems Alignment Proposal









Office of the City Manager

CONSENT CALENDAR

June 15, 2021

*(continued from May 18, 2021)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.

SUMMARY

The City Council discussed the Systems Alignment proposal at a Worksession on May 18, 2021. The item was continued to June 15 to allow Councilmembers to submit suggestions and changes to the original plan. The Mayor will consolidate the input from the Council and the public and return with a revised proposal for discussion and adoption at a later date.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation<sup>1</sup> (Major Item).

CURRENT SITUATION AND ITS EFFECTS

This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve

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<sup>1</sup> New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf).

vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

## PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

### Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

#### ***Defined in Council Rules of Procedure***

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response<sup>2</sup>, including but not limited to health and

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<sup>2</sup> If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

### ***Required Conformance and Consultation***

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

### ***Required Submission Date***

A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

### **Step 2: Policy Committee Review**

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure](#),<sup>3</sup> the Policy

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<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf)

Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

### ***Identifying Fiscal, Operational and Implementation Impacts***

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
  - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
  - Summarizes and confirms what was learned from consultation,
  - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,<sup>4</sup>
- *Implementation, Administration, and Enforcement*, which
  - Identifies internal and external benefits and impacts, and

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<sup>4</sup> While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
  - Summarizes any operational impacts,
  - Identifies necessary resources, including specific staff resources needed and costs.<sup>5</sup>

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

### ***Revising the Major Item***

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

### **Step 4: Initial Prioritization**

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular or special Council meeting in October for approval and inclusion in the RRV process.

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<sup>5</sup> Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.<sup>6</sup> This ensures that staff is able to develop the budget starting from and based on Council priorities.

#### **Step 6: Budget & Strategic Plan Process**

The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

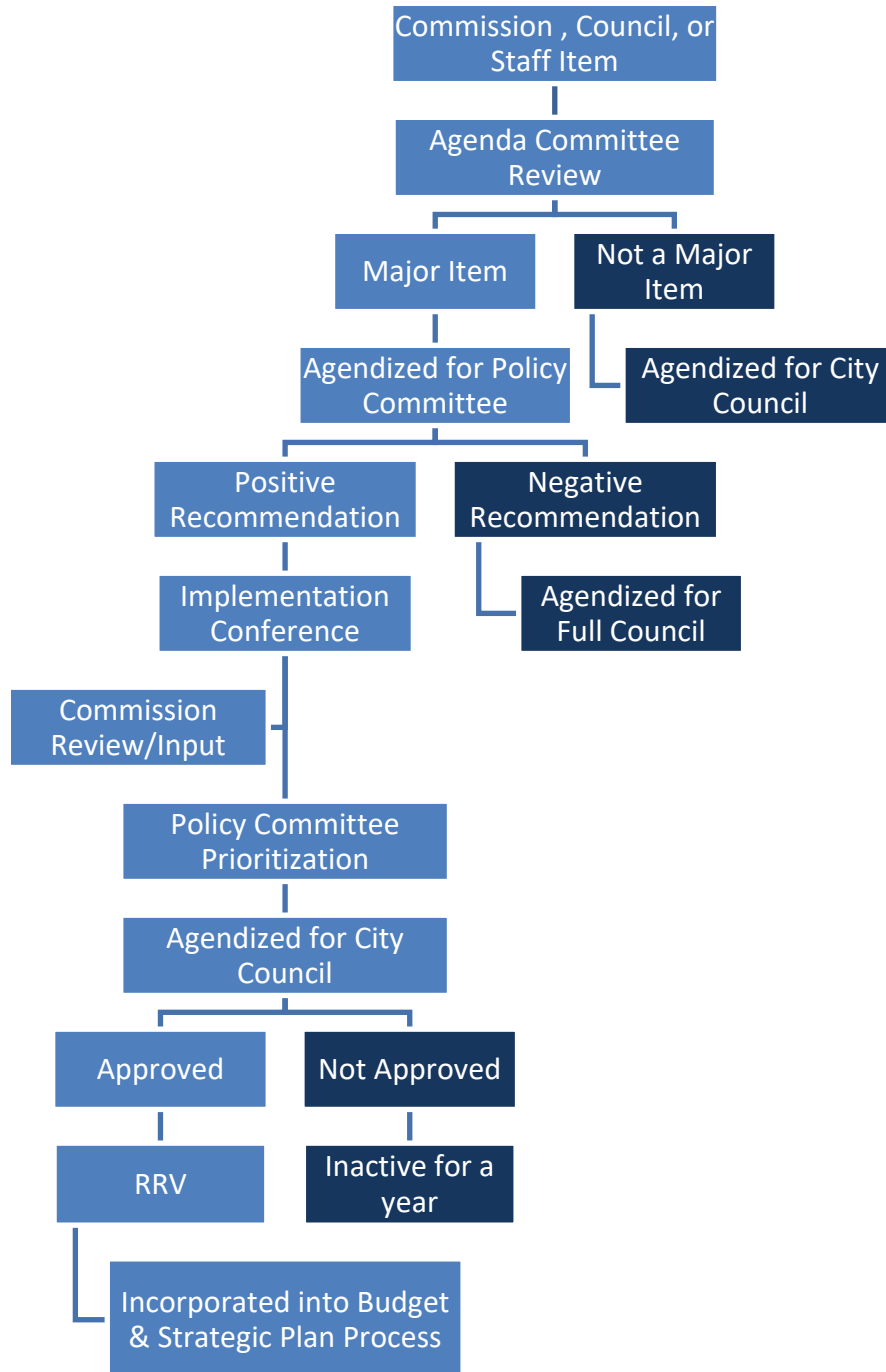
During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennial. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

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<sup>6</sup> Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

Figure 1, Proposed Process<sup>7</sup>



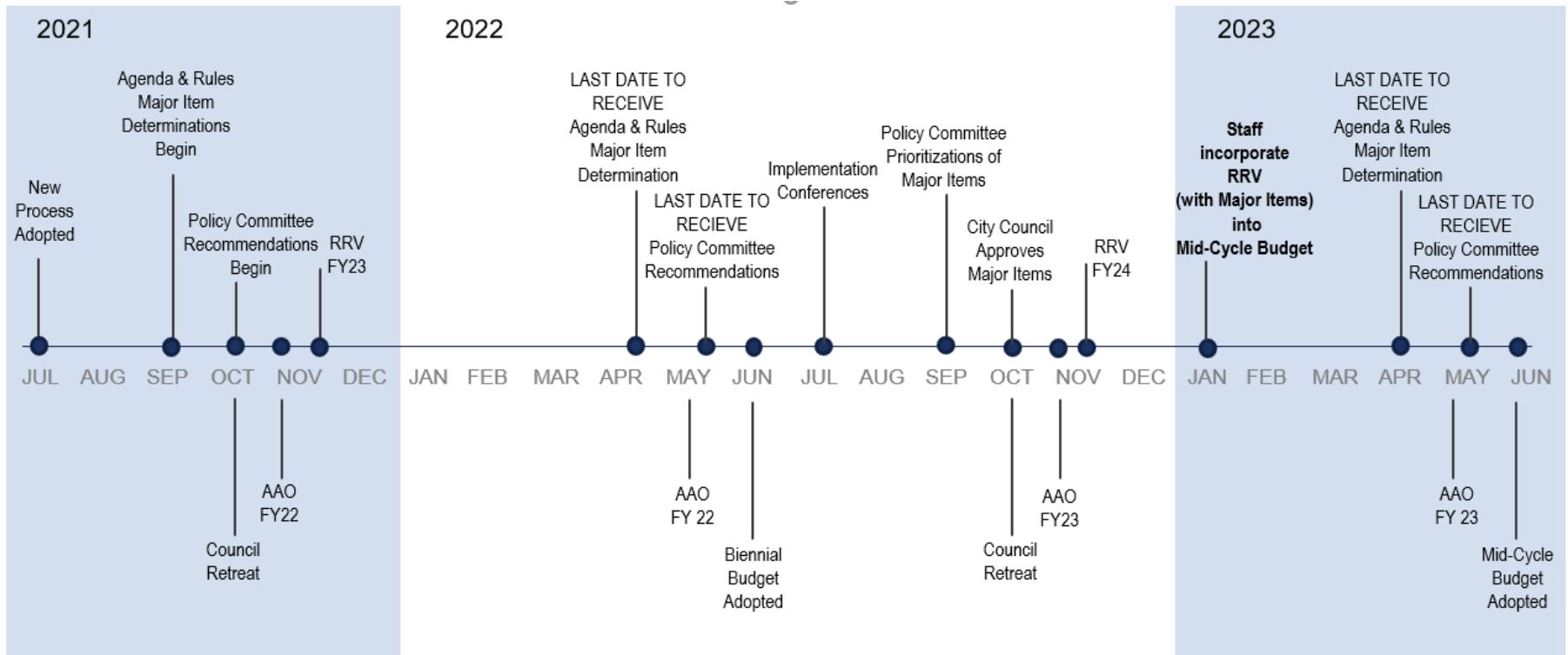
<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.





Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

### Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

### Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city’s legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON

David White, Deputy City Manager, (510) 981-7012

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form
- 4: Vice Mayor Droste Supplemental



# Major Item Determination Checklist

**Item Name:**

**Item Author:**

**Is this a Major Item?**

- |                          |                          |                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Yes                      | No                       |                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy.                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

**Is this eligible for an Exemption?**

- |                          |                          |                                                                     |
|--------------------------|--------------------------|---------------------------------------------------------------------|
| Yes                      | No                       |                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response.                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process.                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent.                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive.                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful.                                             |

**Agenda Committee Determination:**

Major Item  Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

**Policy Committee Confirmation:**

Determination Confirmed  Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_ in support of \_\_\_\_\_...  
or other recommendation....

FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

*This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.*

CURRENT SITUATION AND ITS EFFECTS

*For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:*

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

    Exhibit A: [Title or Description of Exhibit]

    Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]



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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



## Implementation Conference Worksheet

**Item Name:**

**Item Author:**

### AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

|                                                                               |
|-------------------------------------------------------------------------------|
| Descriptive title:                                                            |
| Is this for Consent, Action, or Information Calendar?                         |
| Recommendation:                                                               |
| Summary statement:                                                            |
| Background (history, circumstances and concerns to be addressed by the item): |
| Plans, programs, policies and/or laws were taken into consideration:          |
| Actions/alternatives considered:                                              |
| Internal stakeholders consulted:                                              |
| Name/date of Commission(s) item submitted to for input:                       |
| List of external stakeholders consulted:                                      |

|                                                                                       |
|---------------------------------------------------------------------------------------|
| Summary of what was learned from consulting stakeholders:                             |
| Rationale for recommendation:                                                         |
| Internal Benefits of Implementation:                                                  |
| Internal Impacts of Implementation:                                                   |
| External Benefits of Implementation:                                                  |
| External Impacts of Implementation:                                                   |
| Equity Considerations:                                                                |
| Launch and Implementation Milestones (see staff section)                              |
| Environmental Impacts:                                                                |
| Operational Impacts:                                                                  |
| Staff Resources Needed:<br><br>Number of FTE/hours:<br>Type of staff resource needed: |
| Costs:<br><br>Amount(s):<br>Funding Source:                                           |

**STAFF SECTION**

Staff may complete section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

**Legal Consultation:**

Confirmed

Name/Date \_\_\_\_\_

**Staff Consultation:**

Confirmed

Name(s)/Date(s) \_\_\_\_\_





Lori Droste  
Vice Mayor District 8

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3**

**Meeting Date:** May 18, 2021

**Item Number:** 2

**Item Description:** Systems Realignment

**Submitted by:** Vice Mayor Lori Droste

**Subject:** Comments on Systems Realignment



Lori Droste  
Vice Mayor District 8

To: Mayor and Council  
From: Vice Mayor Lori Droste  
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

- 1) Recommendation
- 2) Problem Statement
- 3) Background and Consultation
- 4) Current Situation and Its Effects
- 5) Criteria Considered (*new heading*)
  - a) Benefit or Effectiveness (*new*)
  - b) Fiscal Considerations
  - c) Strategic Plan Alignment (pick a goal)
  - d) Environmental Sustainability
  - e) Equity
  - f) Operational and Administrative Considerations (*moved operational considerations to a separate category*)
- 6) Rationale for Recommendation (*new*)

P. 15 Implementation Conference Worksheet

I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.



P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.

[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution... or Support ... or write a letter to \_\_\_ in support of \_\_\_\_\_... or other recommendation....

### **PROBLEM STATEMENT**

**This section should identify the problem with specifics and enough context to explain why it merits public amelioration.**

*(Background and Evidence Should be Provided At the Beginning)*

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

### **CURRENT SITUATION AND ITS EFFECTS**

*This section should explain the status quo and how it attempts to address the defined problem.*

### **CRITERIA CONSIDERED**

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented. Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations~~

- ~~CURRENT SITUATION AND ITS EFFECTS~~ For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section: [Insert project name] is a Strategic Plan **Alignment** Priority Project, advancing our goal to [pick one:]
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- be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.
- ENVIRONMENTAL SUSTAINABILITY

### **RATIONALE FOR RECOMMENDATION**

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

### CONTACT PERSON

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

Implementation Conference Worksheet

|                                                                                    |
|------------------------------------------------------------------------------------|
| Descriptive Title                                                                  |
| Consent Action or Information                                                      |
| Recommendation                                                                     |
| <b><u>Problem</u></b> Statement                                                    |
| Background, etc                                                                    |
| Plans, etc.                                                                        |
| <b><u>Current Situation and Its Effects</u></b>                                    |
| Actions/Alternatives Considered                                                    |
| <b><u>Stakeholders Consultation and Results</u></b>                                |
| Internal Stakeholders Consulted                                                    |
| Name/date of Commission(s) item submitted to for input                             |
| List of external stakeholders consulted                                            |
| Summary of what was learned from consulting stakeholders                           |
| Rationale for Recommendation <i>should go at the end after evaluative criteria</i> |
| <b><u>Policy Benefit</u></b>                                                       |
| Internal Benefits of Implementation:                                               |
| Internal Impacts of Implementation:                                                |
| External Benefits of Implementation:                                               |
| External Impacts of Implementation:                                                |
| Equity Considerations                                                              |
| Environmental Considerations                                                       |
| Operational Impacts                                                                |
| <b><u>Strategic Plan Goal Alignment</u></b>                                        |
| Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):       |
| Costs (Amount(s), Funding Source):                                                 |
| <b><u>Rationale for Recommendation</u></b> <i>(after analysis)</i>                 |





Lori Droste  
Vice Mayor District 8

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3**

**Meeting Date:** May 18, 2021

**Item Number:** 2

**Item Description:** Systems Realignment

**Submitted by:** Vice Mayor Lori Droste

**Subject:** Comments on Systems Realignment



Lori Droste  
Vice Mayor District 8

To: Mayor and Council  
From: Vice Mayor Lori Droste  
Subject: Comments on the Systems Realignment

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[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

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### **PROBLEM STATEMENT**

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CONTACT PERSON

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

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Implementation Conference Worksheet

|                                                                                    |
|------------------------------------------------------------------------------------|
| Descriptive Title                                                                  |
| Consent Action or Information                                                      |
| Recommendation                                                                     |
| <b><u>Problem</u></b> Statement                                                    |
| Background, etc                                                                    |
| Plans, etc.                                                                        |
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| <b><u>Strategic Plan Goal Alignment</u></b>                                        |
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| Costs (Amount(s), Funding Source):                                                 |
| <b><u>Rationale for Recommendation</u></b> <i>(after analysis)</i>                 |

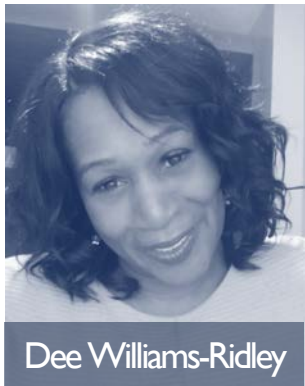


# SYSTEMS ALIGNMENT

PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS



# THE TEAM

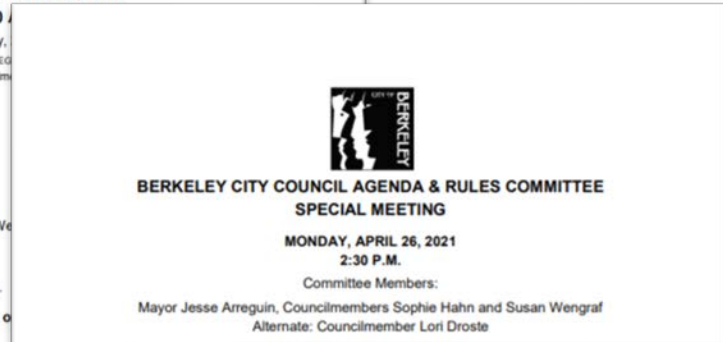
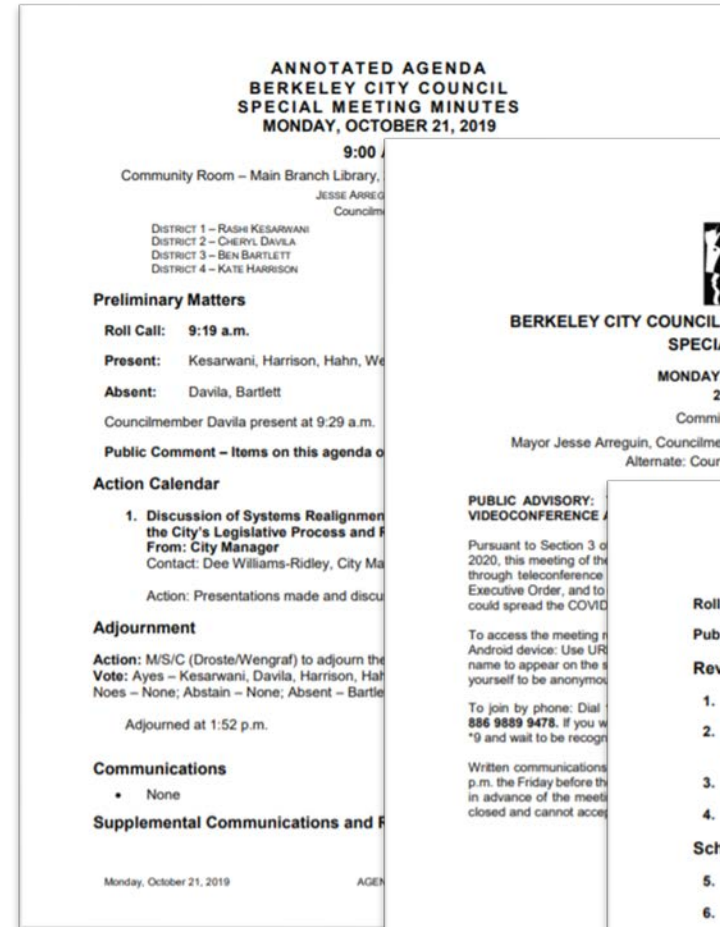
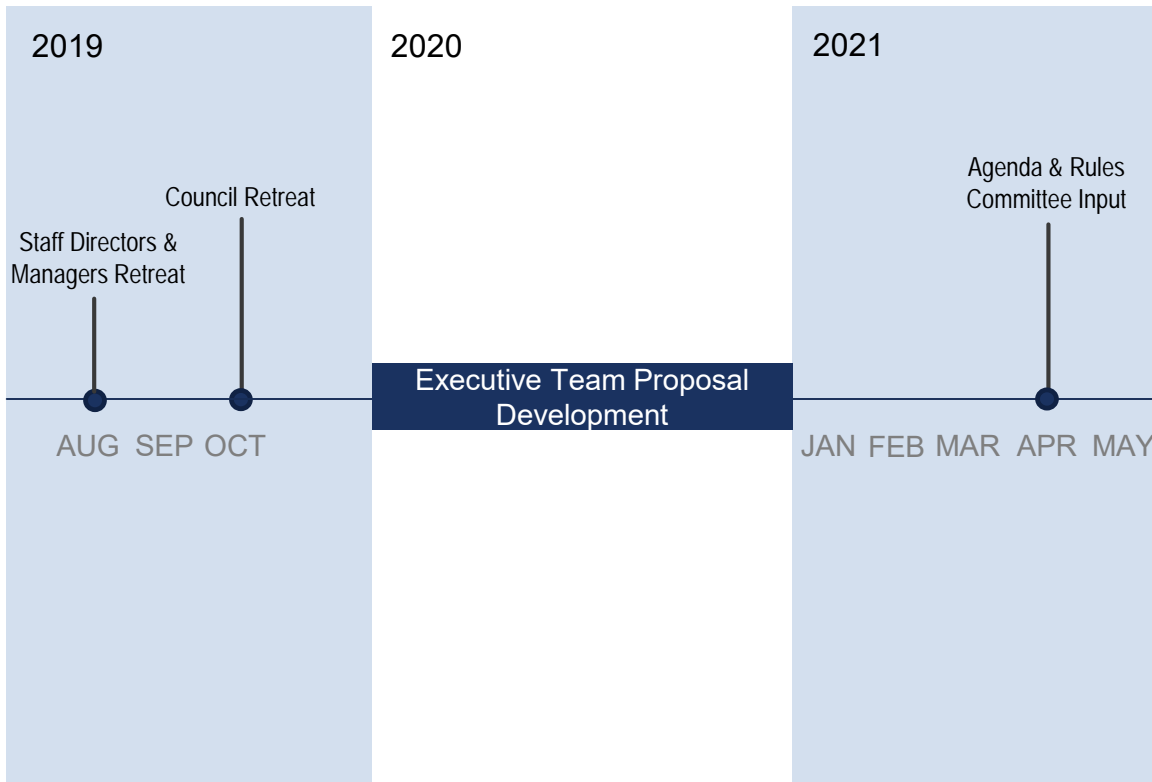


## AGENDA & RULES COMMITTEE





# BACKGROUND



**PUBLIC ADVISORY:  
VIDEOCONFERENCE /**

Pursuant to Section 3 of the City Charter, this meeting of the Berkeley City Council will be held through teleconference in accordance with Executive Order, and to ensure public access to the meeting could spread the COVID-19 virus.

To access the meeting on a mobile device: Use a smartphone or tablet. To join by phone: Dial 886 9889 9478. If you wish to appear on the meeting, please call 9 and wait to be recognized.

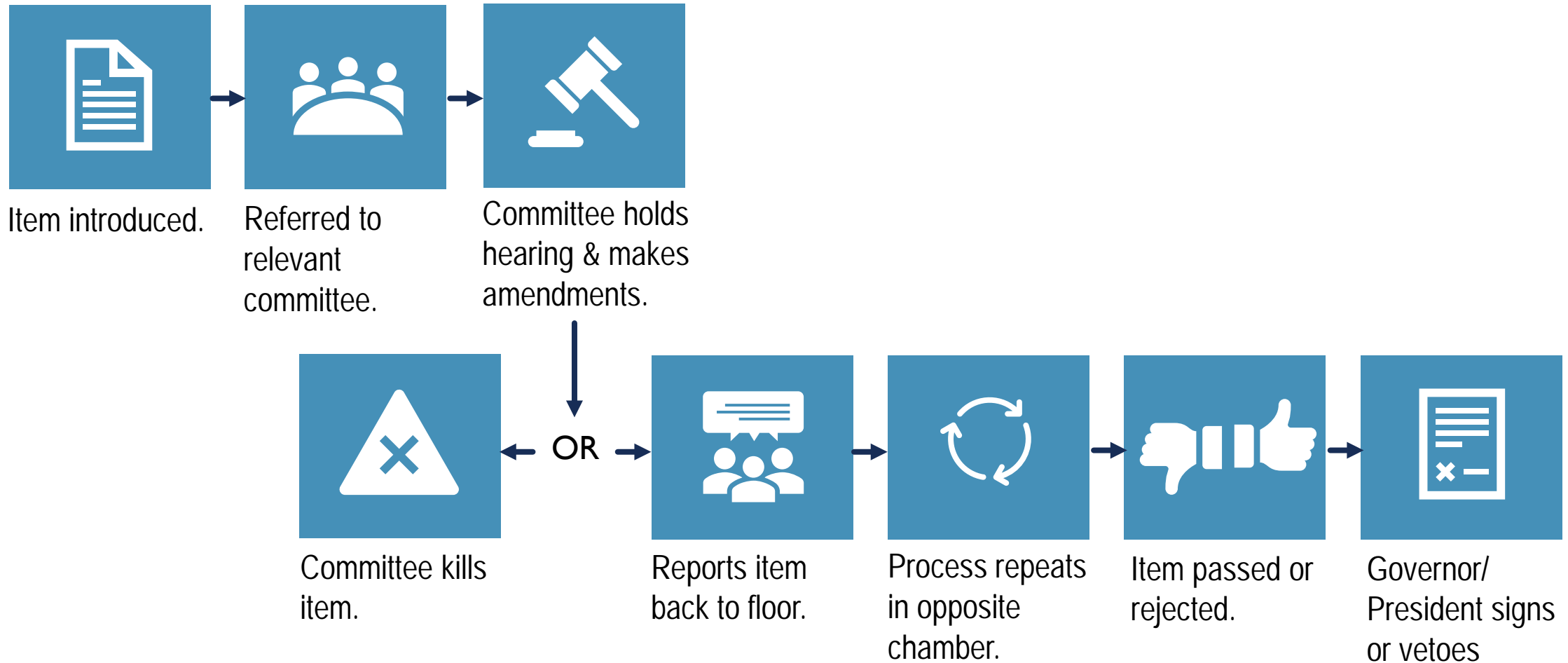
Written communications should be submitted to the City Clerk's Office by 5:00 p.m. the Friday before the meeting. Communications received after 5:00 p.m. the Friday before the meeting will be accepted if the meeting is not closed and cannot accept further communications.

Monday, April 26, 2021

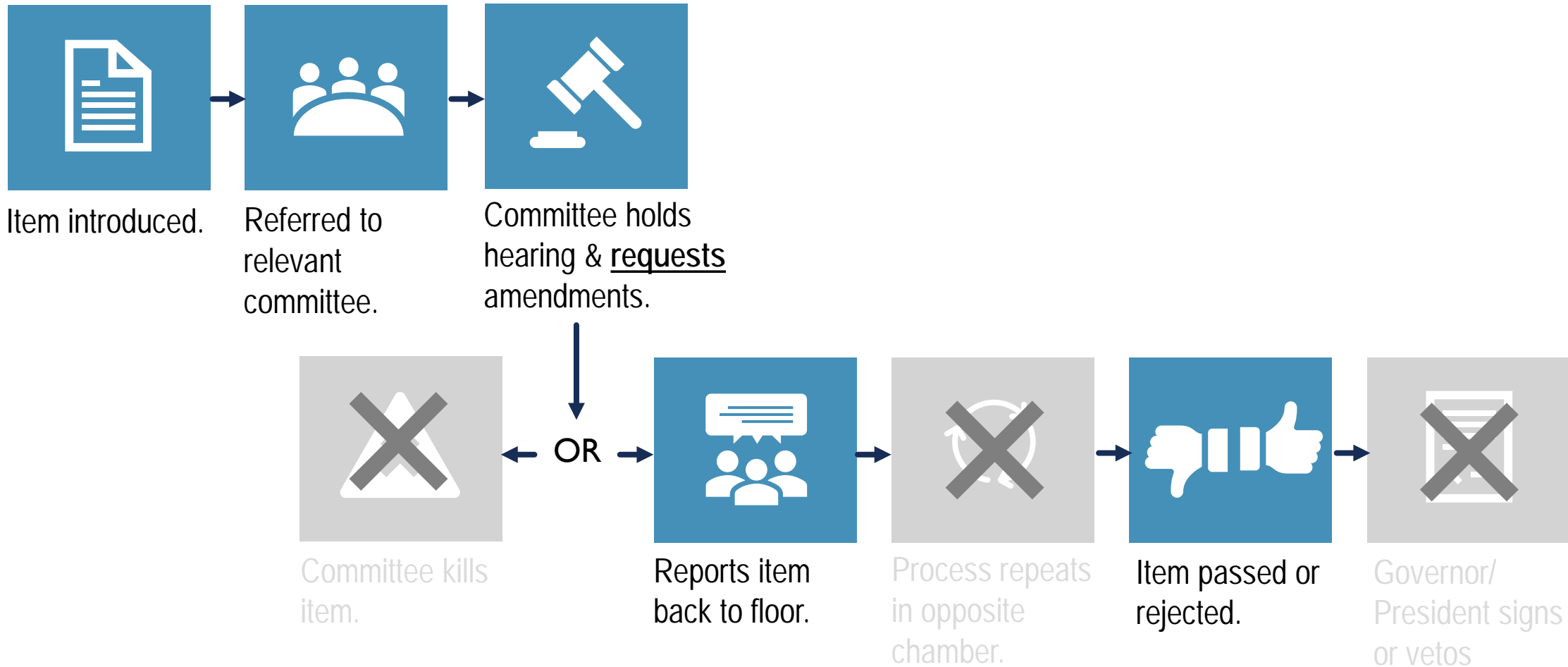
# OBJECTIVES

- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

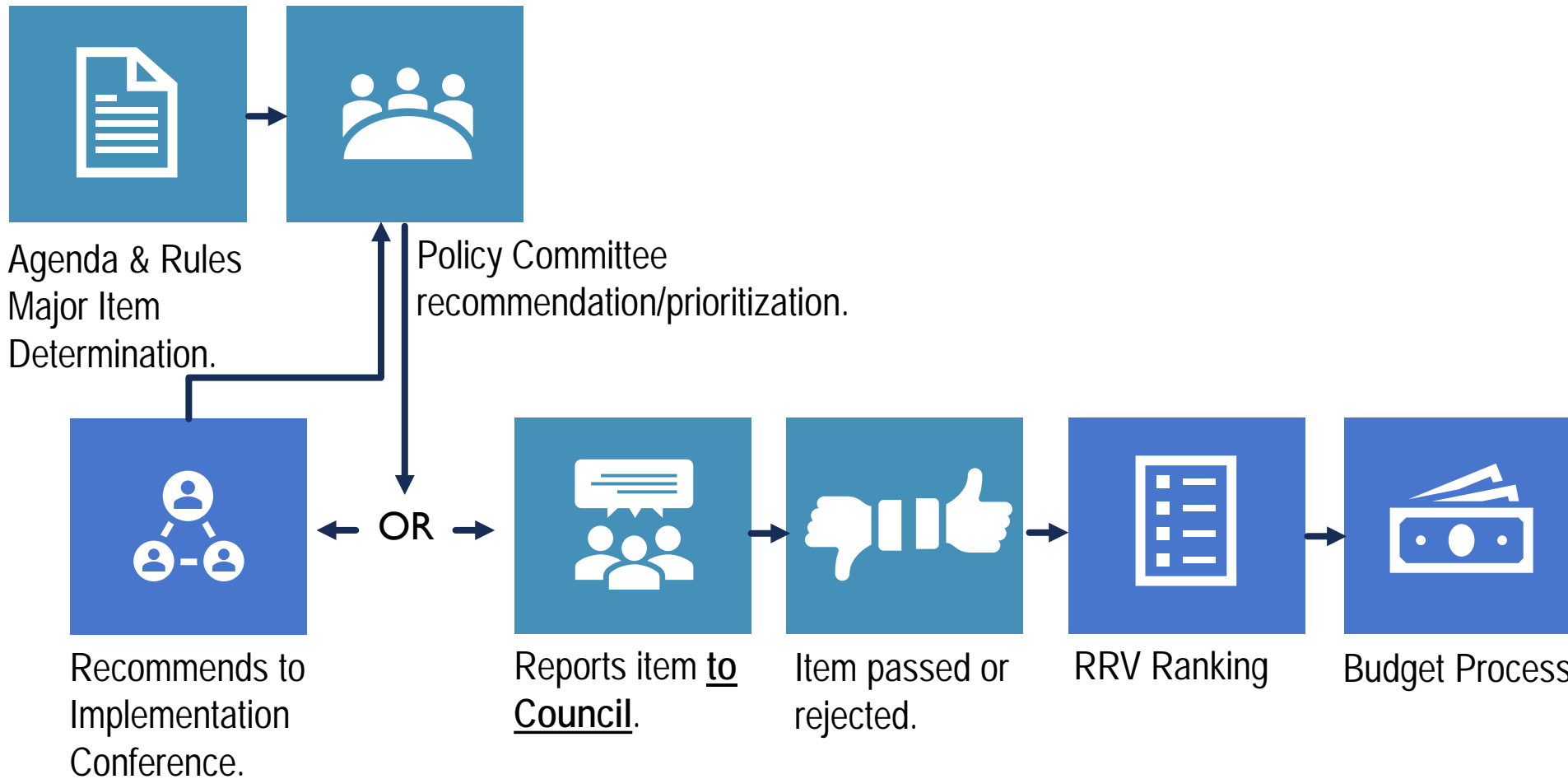
# STATE OR FEDERAL MODEL



# HYBRID MODEL



# PROPOSED MODEL



# IMPLEMENTATION CONFERENCE?

- What: Strong analysis and collaborative consultation
  - Identify costs\benefits
  - Identify resource needs
  - Outline high level work plan
- Who:
  - Commission Input (e.g, Chair or Vice Chair)
  - Staff & Legal
  - External Stakeholders
- How:
  - Ensure you've done your due diligence with the above
  - Meet with staff/legal



# VETTING IS TIME WELL SPENT!

## Cousin Janice

- Researched online, in magazines
- Talked to friends, designer, contractor
- Obtained supplies
- Contractor starts work
- Moved out for **weeks**
- **Loves** the result

## Friend Cathy

- Talked to contractor
- Contractor starts work
- Waited for supplies → Contractor stops work
- Supplies arrive → Contractor restarts work
- Moved out for **months**
- **Still refining** the result



# WHY PRIORITIZE AT POLICY COMMITTEE

**NOT RECOMMENDED**

- Agenda & Rules Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)
- Sophie Hahn, [Councilmember, District 5](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Lori Droste, [Councilmember, District 7](#)

- Budget & Finance Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)
- Kate Harrison, [Councilmember, District 4](#)
- Rigel Robinson, [Councilmember, District 7](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Public Safety, Transportation, Environment & Sustainability Committee

- Appointees:

- Terry Taplin, [Councilmember, District 2](#)
- Kate Harrison, [Councilmember, District 4](#)
- Rigel Robinson, [Councilmember, District 7](#)

- Alternate: Sophie Hahn, [Councilmember, District 5](#)

- Government, Equity & Community Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)
- Terry Taplin, [Councilmember, District 2](#)
- Ben Bartlett, [Councilmember, District 3](#)

- Alternate: Rigel Robinson, [Councilmember, District 7](#)

- Land Use, Housing & Economic Development Committee

- Appointees:

- Sophie Hahn, [Councilmember, District 5](#)
- Rigel Robinson, [Councilmember, District 7](#)
- Lori Droste, [Councilmember, District 8](#)

- Alternate: Ben Bartlett, [Councilmember, District 3](#)

- Public Safety Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)
- Ben Bartlett, [Councilmember, District 3](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Terry Taplin, [Councilmember, District 2](#)

# A QUICK NOTE ON FORMS

- Major Item Determination Checklist
- Implementation Conference Worksheet
- Policy Committee Ranking Form
- Revised Report Template



### Major Item Determination Checklist

**Item Name:**

**Item Author:**

**Is this a Major Item?**

Yes No

- Item represents a significant change to existing law, program, or policy.
- Item represents a significant addition to existing law, program, or policy.
- Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

**Is this eligible for an Exemption?**

Yes No

- Item is related the City's COVID-19 response.
- Item is related to the City Budget process.
- Item is related to essential or ongoing City processes or business.
- Item is urgent.
- Item is time-sensitive.
- Item is smaller.
- Item is less impactful.

**Agenda Committee Determination:**

Major Item  Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

**Policy Committee Confirmation:**

Determination Confirmed  Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



## Implementation Conference Worksheet

**Item Name:**

**Item Author:**

### AUTHOR SECTION

Use this section to help record required information

|                                                                |
|----------------------------------------------------------------|
| Descriptive title:                                             |
| Is this for Consent, Action, or Information Calendar?          |
| Recommendation:                                                |
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| Plans, programs, policies and/or laws were taken into account: |
| Actions/alternatives considered:                               |
| Internal stakeholders consulted:                               |
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| List of external stakeholders consulted:                       |

Summary of what was learned from consultation:

Rationale for recommendation:

Internal Benefits of Implementation:

Internal Impacts of Implementation:

External Benefits of Implementation:

External Impacts of Implementation:

Launch and Implementation Milestones (see Environmental Impacts):

Operational Impacts:

Staff Resources Needed:

### STAFF SECTION

Use this section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

**Legal Consultation:**

Confirmed

Name/Date \_\_\_\_\_

**Staff Consultation:**

Confirmed





[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council  
From: [Councilmember (lastname)]  
Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_ in support of \_\_\_\_\_...  
of other recommendation....

FISCAL IMPACTS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

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- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental

[Title of Report]

CALENDAR

- attract and retain a talented and diverse City government workforce.

BACKGROUND

CONSULTATION OVERVIEW

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

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# PROPOSED PROCESS

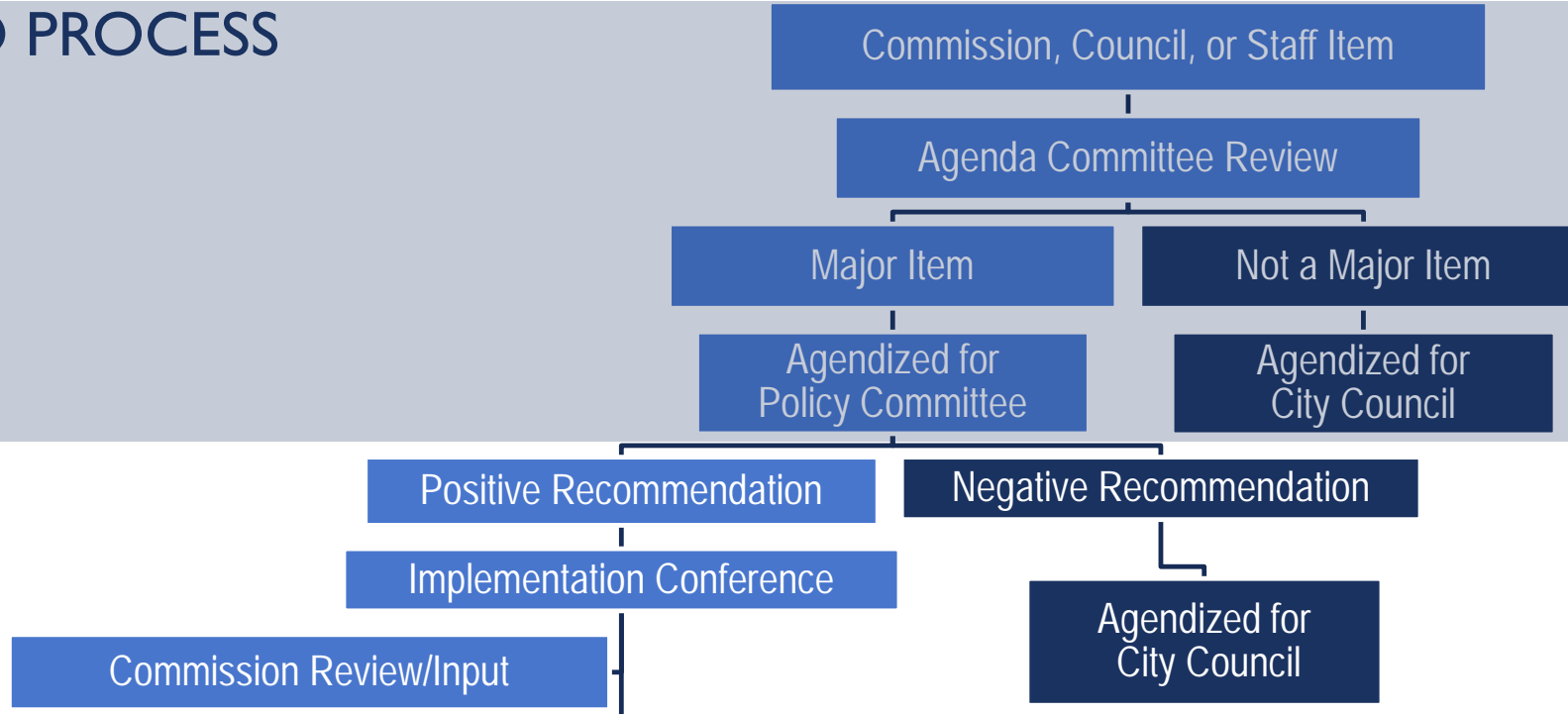
FLOW CHART





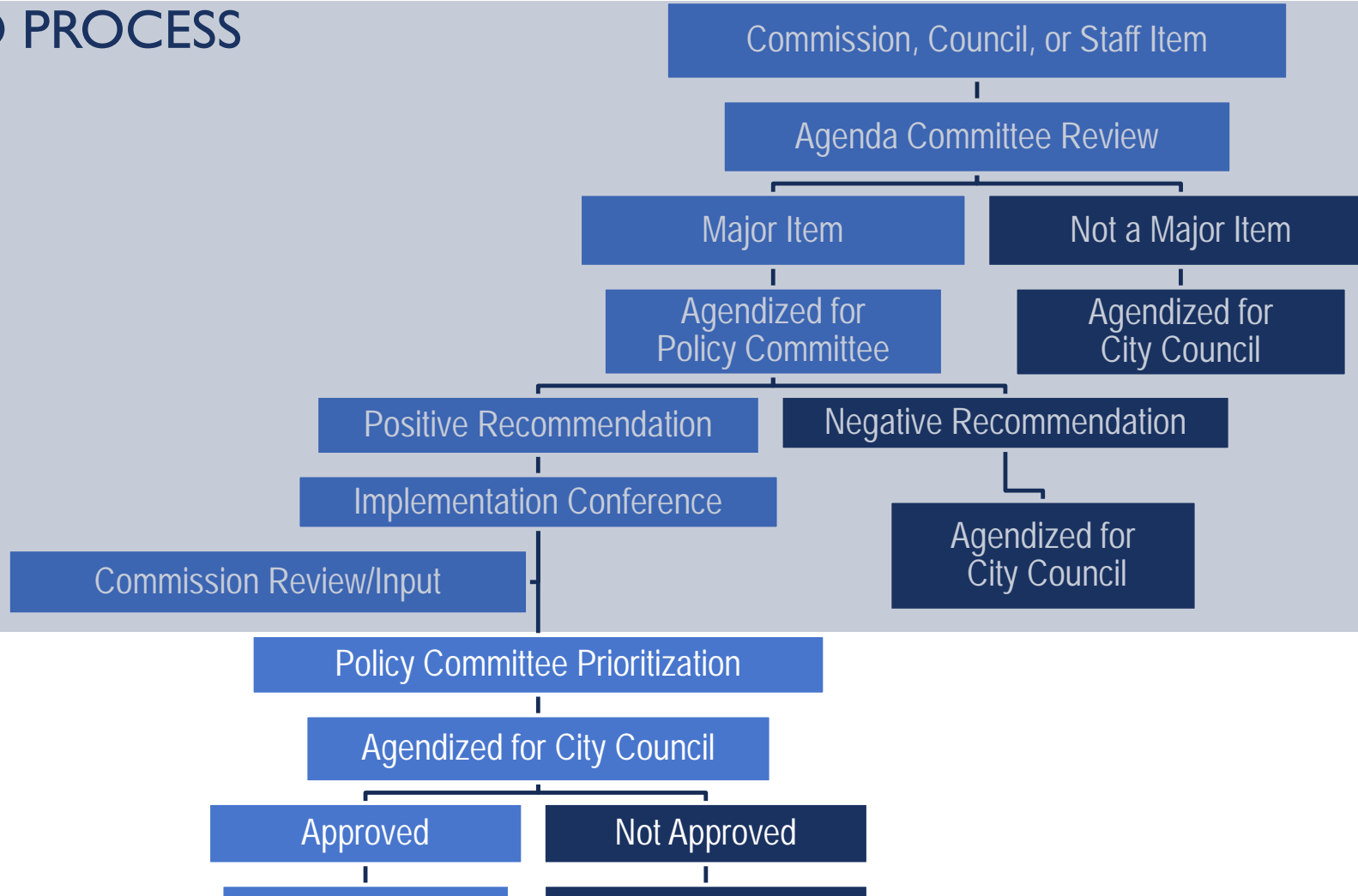
# PROPOSED PROCESS

FLOW CHART



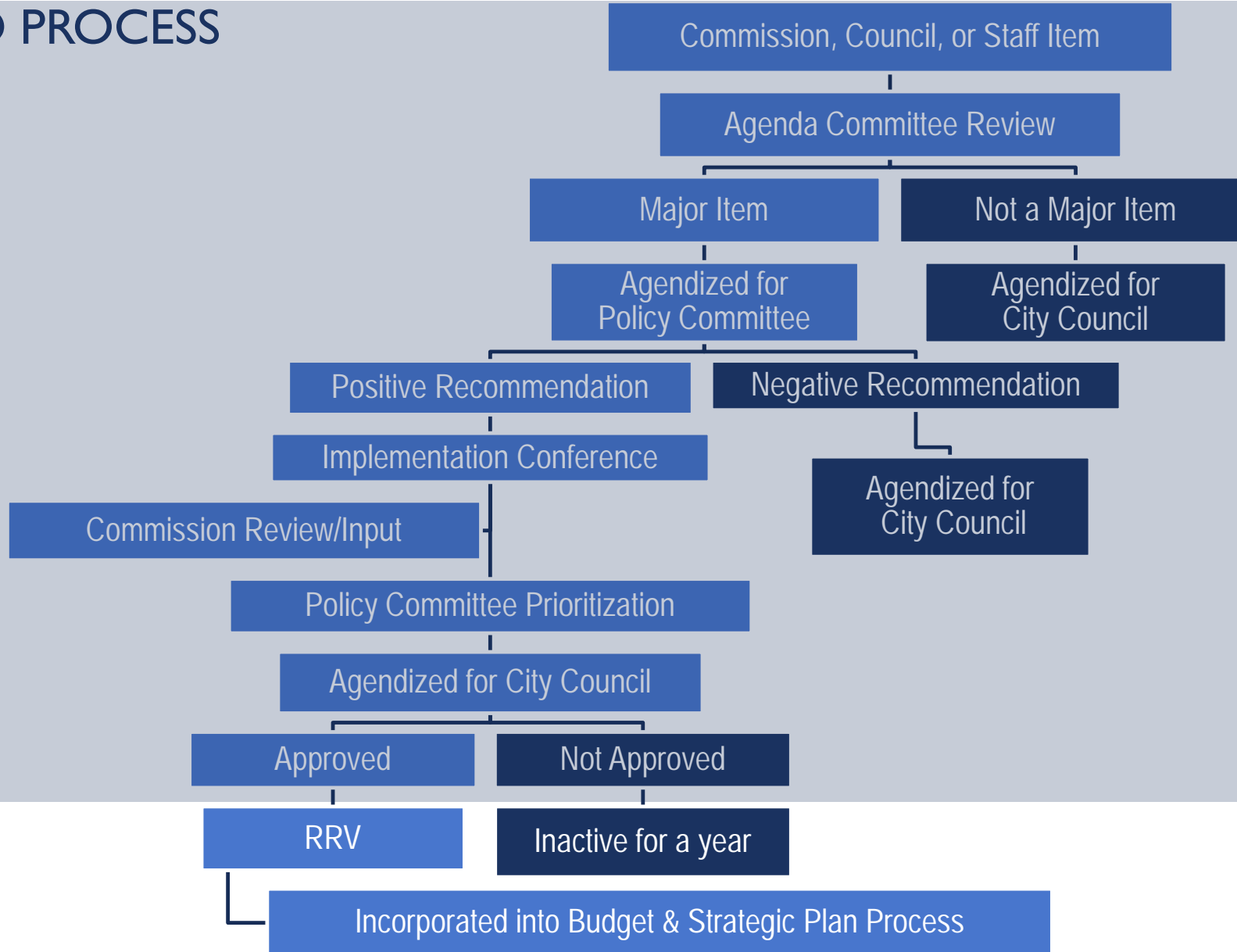
# PROPOSED PROCESS

FLOW CHART



# PROPOSED PROCESS

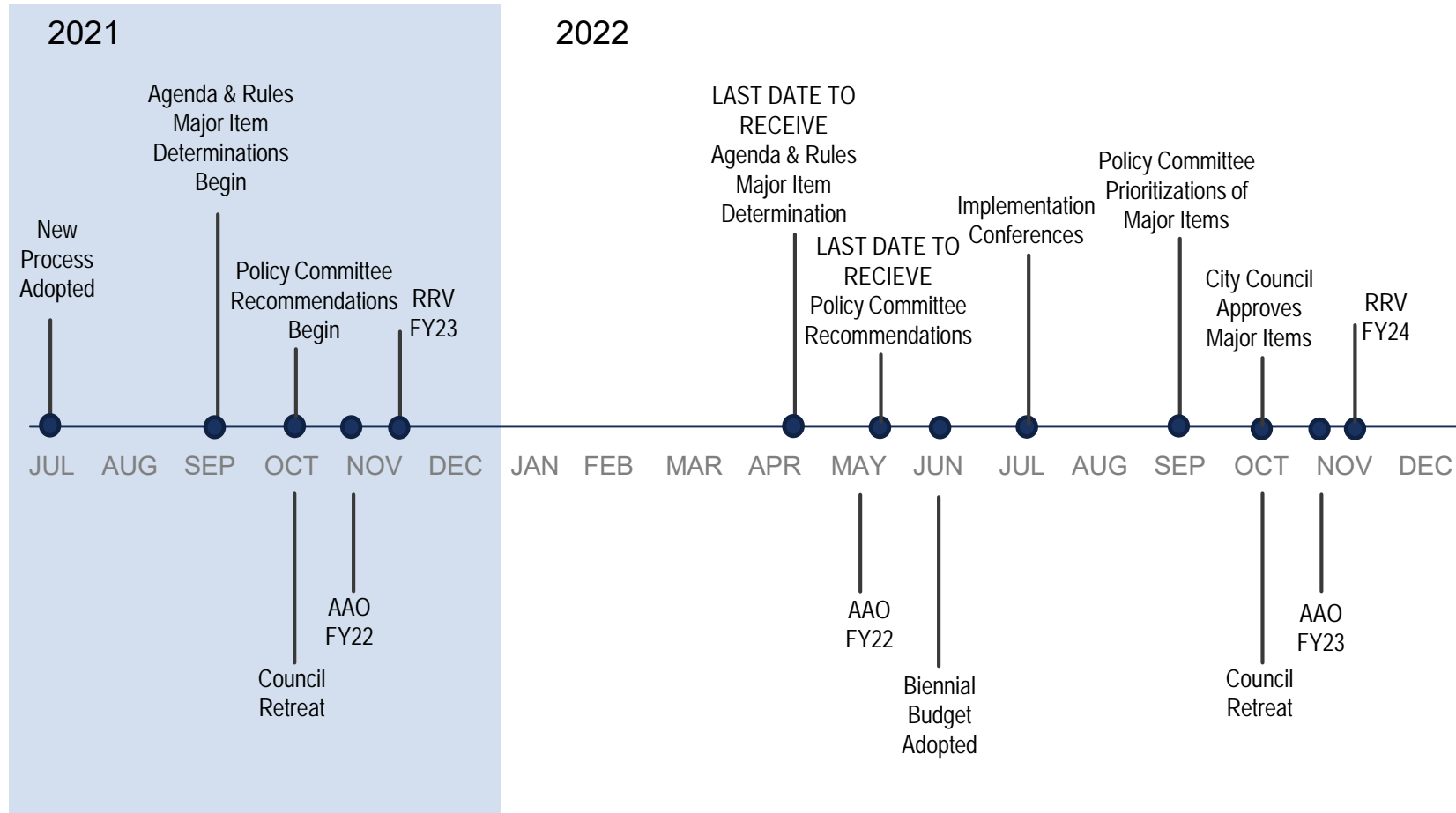
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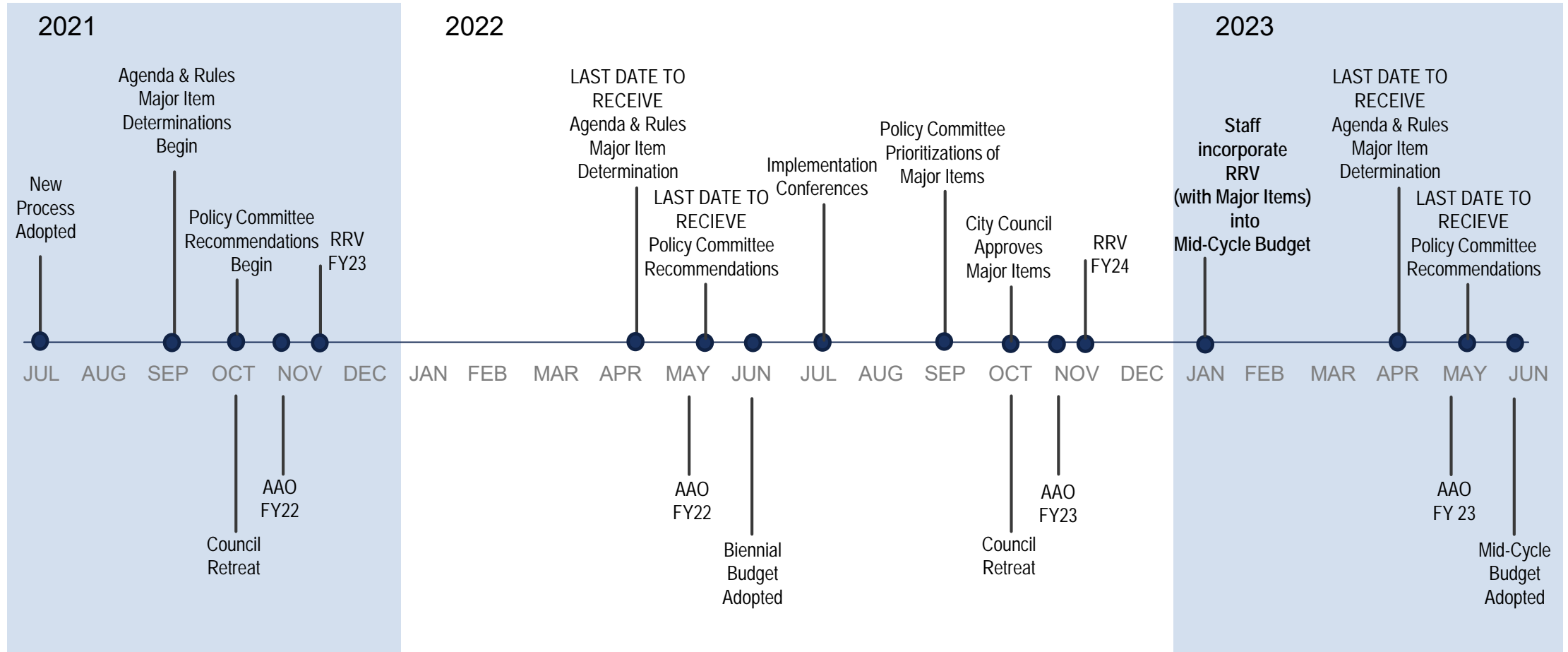
# PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



# PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



# PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT

# SEQUENCING & TIMING

## Existing

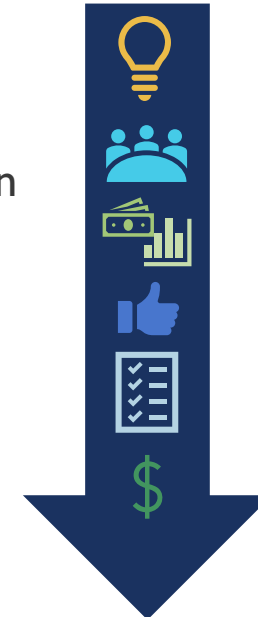
1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV



Uncertain Timeline

## Proposed

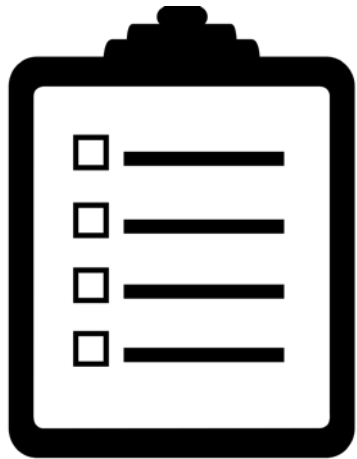
1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development



Certain Timeline



# WHAT'S DIFFERENT



Mandatory Guidelines

Implementation Conferences

Policy Committee Prioritization

Moving the RRV process

New required forms and processes

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
  - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
  - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
  - d. Fiscal impacts of the recommendation;
  - e. A description of the current situation and its effects;
  - f. Background information as needed;
  - g. Rationale for recommendation;
  - h. Alternative actions considered;
  - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
  - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

## SO, HOW DO WE MAKE THIS HAPPEN?

- Adopting aligned timeline and new process
  - Incorporating vetting and costing (i.e., implementation conferences)
  - Prioritizing vetted Major Items (prioritize, assign fiscal year, identify projects to remove to accommodate new Major Items)
  - Revising City Council Rules of Procedure and Order
- Making Appendix B guidelines mandatory
- Addressing adopted, open referrals
- Addressing Council items under consideration

## BENEFITS



Ensures **continuous improvements**



Provides adequate context and impacts of items to **enhance Council decision-making**



Identifies appropriate and necessary resources so that **adopted items are adequately resourced**



Aligns processes to **ensure efficient implementation/realization of Council items**



**Increases collaboration** among and between stakeholders

## NEXT STEPS



Legislative aide roundtable



City Manager and Councilmember One-on-Ones



Revise and return item in July

THANK YOU.



Office of the City Manager

**01****Worksession Item**WORKSESSION

May 18, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Direct the City Manager to bring back a resolution for adoption of the Systems Alignment proposal as described in this document and incorporating direction and input received from City Council during the worksession.

SUMMARY

This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation<sup>1</sup> (Major Item).

CURRENT SITUATION AND ITS EFFECTS

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and

---

<sup>1</sup> New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf).

full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

## **PROPOSED PROCESS**

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

### **Step 1: Major Item Determination**

The systems alignment proposal outlines a process for Major Items.

#### ***Defined in Council Rules of Procedure***

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response<sup>2</sup>, including but not limited to health and economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

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<sup>2</sup> If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.



The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

### ***Required Conformance and Consultation***

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

### ***Required Submission Date***

A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

### **Step 2: Policy Committee Review**

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure](#),<sup>3</sup> the Policy Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

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<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf)

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

#### ***Identifying Fiscal, Operational and Implementation Impacts***

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
  - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
  - Summarizes and confirms what was learned from consultation,
  - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,<sup>4</sup>
- *Implementation, Administration, and Enforcement*, which
  - Identifies internal and external benefits and impacts, and
  - Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
  - Summarizes any operational impacts,

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<sup>4</sup> While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- Identifies necessary resources, including specific staff resources needed and costs.<sup>5</sup>

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

### ***Revising the Major Item***

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

### **Step 4: Initial Prioritization**

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular or special Council meeting in October for approval and inclusion in the RRV process.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and

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<sup>5</sup> Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.<sup>6</sup> This ensures that staff is able to develop the budget starting from and based on Council priorities.

### ***Step 6: Budget & Strategic Plan Process***

The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

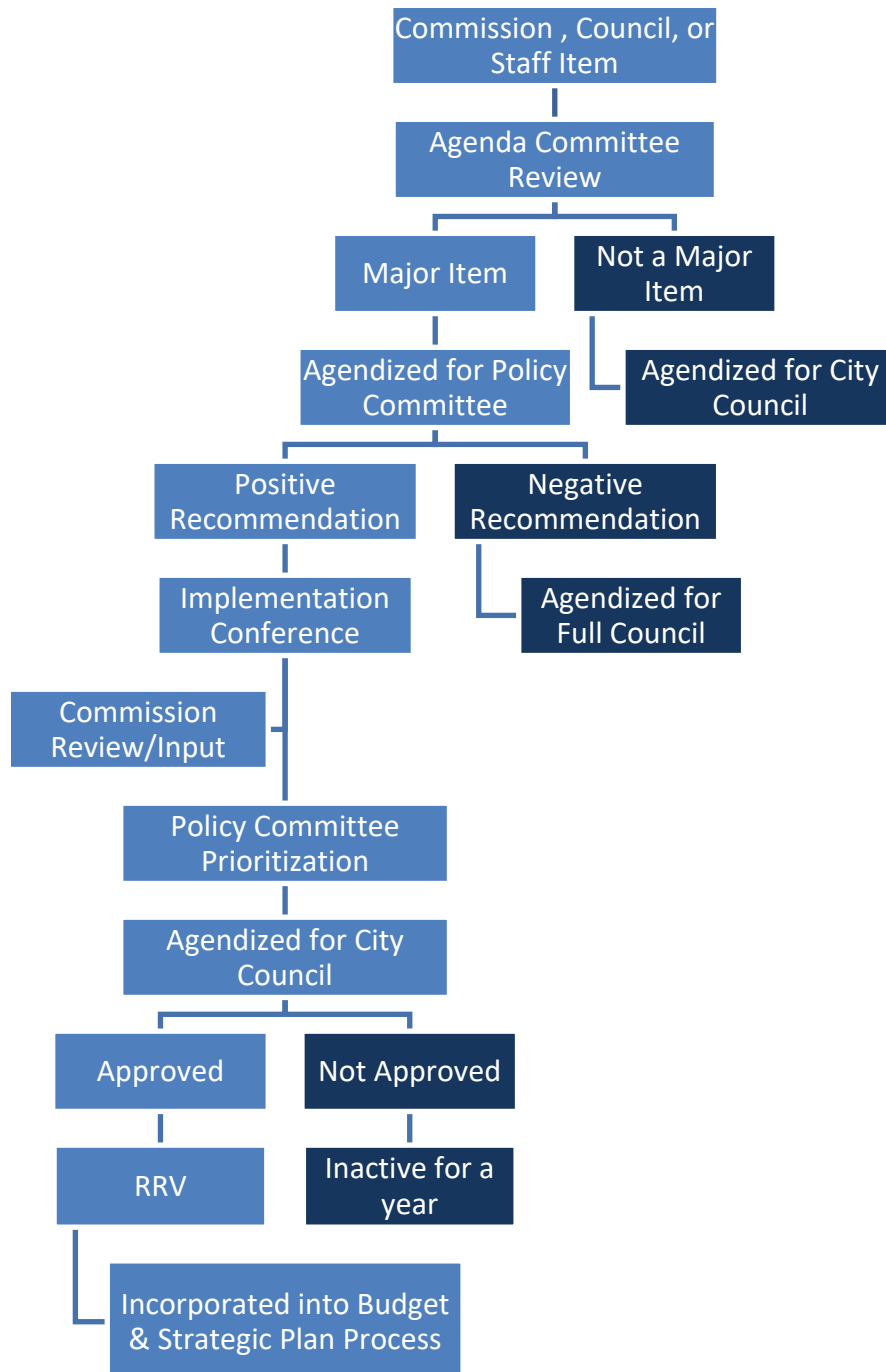
During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennial. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

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<sup>6</sup> Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

Figure 1, Proposed Process<sup>7</sup>

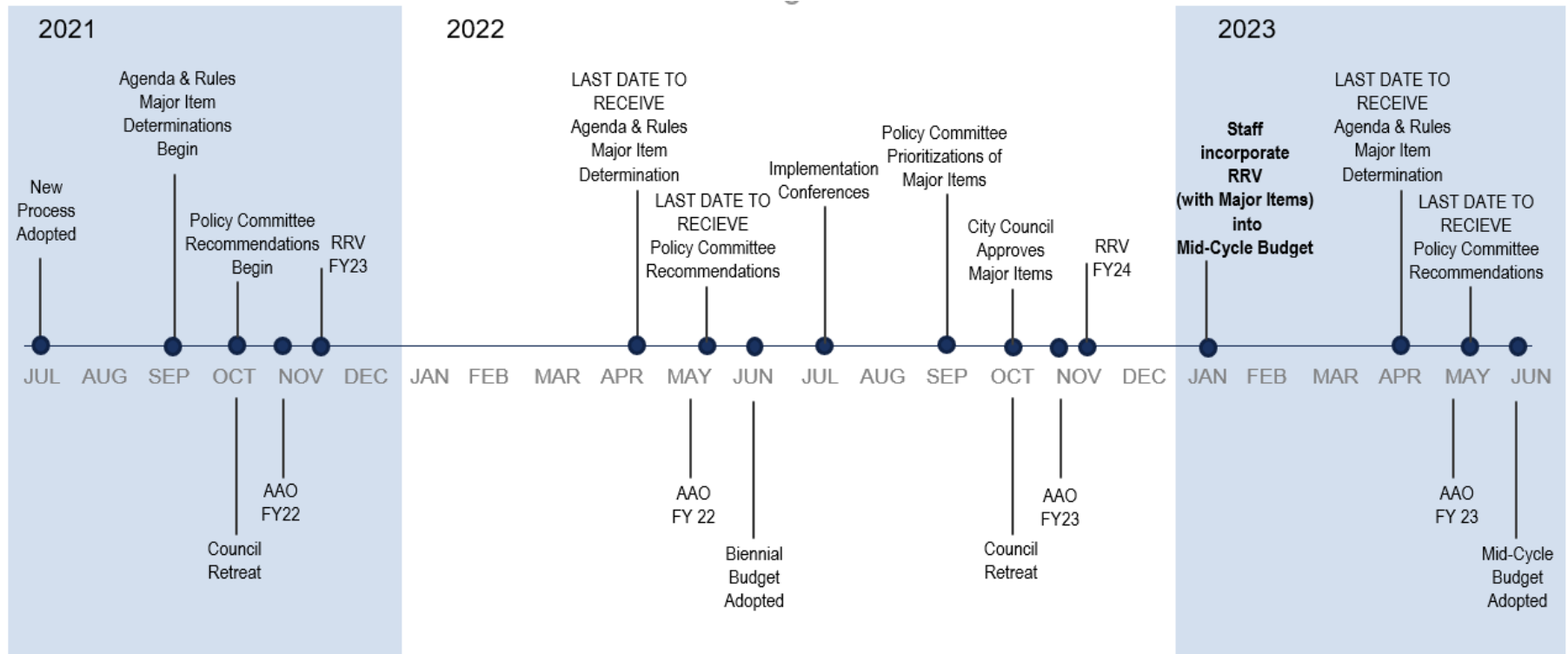


<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

### Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

### Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are



allocated, the resulting Major Item should move more quickly from idea to successful completion.

### BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

### ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

### RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

### ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

### CONTACT PERSON

David White, Deputy City Manager, 510-981-7012

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form



# Major Item Determination Checklist

Item Name:

Item Author:

### Is this a Major Item?

- |                          |                          |                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Yes                      | No                       |                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy.                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

### Is this eligible for an Exemption?

- |                          |                          |                                                                     |
|--------------------------|--------------------------|---------------------------------------------------------------------|
| Yes                      | No                       |                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response.                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process.                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent.                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive.                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful.                                             |

### Agenda Committee Determination:

Major Item  Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

### Policy Committee Confirmation:

Determination Confirmed  Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_ in support of \_\_\_\_\_...  
or other recommendation....

FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

*This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.*

CURRENT SITUATION AND ITS EFFECTS

*For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:*

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

Exhibit A: [Title or Description of Exhibit]

Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



## Implementation Conference Worksheet

**Item Name:**

**Item Author:**

### AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

|                                                                               |
|-------------------------------------------------------------------------------|
| Descriptive title:                                                            |
| Is this for Consent, Action, or Information Calendar?                         |
| Recommendation:                                                               |
| Summary statement:                                                            |
| Background (history, circumstances and concerns to be addressed by the item): |
| Plans, programs, policies and/or laws were taken into consideration:          |
| Actions/alternatives considered:                                              |
| Internal stakeholders consulted:                                              |
| Name/date of Commission(s) item submitted to for input:                       |
| List of external stakeholders consulted:                                      |



|                                                                                       |
|---------------------------------------------------------------------------------------|
| Summary of what was learned from consulting stakeholders:                             |
| Rationale for recommendation:                                                         |
| Internal Benefits of Implementation:                                                  |
| Internal Impacts of Implementation:                                                   |
| External Benefits of Implementation:                                                  |
| External Impacts of Implementation:                                                   |
| Equity Considerations:                                                                |
| Launch and Implementation Milestones (see staff section)                              |
| Environmental Impacts:                                                                |
| Operational Impacts:                                                                  |
| Staff Resources Needed:<br><br>Number of FTE/hours:<br>Type of staff resource needed: |
| Costs:<br><br>Amount(s):<br>Funding Source:                                           |

**STAFF SECTION**

Staff may complete section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

**Legal Consultation:**

Confirmed

Name/Date \_\_\_\_\_

**Staff Consultation:**

Confirmed

Name(s)/Date(s) \_\_\_\_\_





*This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.*

BERKELEY SPECIAL MEETING

TUESDAY, OCTOBER 10, 2023

# Unofficial Text File

>> GOOD AFTERNOON.

THANK YOU FOR WAITING PAITENTLY.

I WOULD NOW LIKE TO CALL TO ORDER THE SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL FOR TUESDAY, OCTOBER 10<sup>TH</sup>, 2023 AT 4 P.M..

IF THE CITY CLERK CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> CLERK: COUNCILMEMBER KESARWANI.

>> R. KESARWANI: HERE.

>> CLERK: TAPLIN.

>> T. TAPLIN: PRESENT.

>> CLERK: BARTLETT.

>> B. BARTLETT: HERE.

>> CLERK: HARRISON.

>> K HARRISON: HERE.

>> CLERK: HAHN.

>> S. HAHN: PRESENT.

>> CLERK: WENGRAF.

*This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.*

>> S. WENGRAF: PRESENT.

>> CLERK: ROBINSON.

>> R. ROBINSON: PRESENT.

>> CLERK: HUMBERT.

>> M. HUMBERT: PRESENT.

>> CLERK: AND MAYOR ARREGUIN.

>> MAYOR J. ARREGUIN: PRESENT.

>> CLERK: OKAY.

>> MAYOR J. ARREGUIN: OKAY.

ALL MEMBERS ARE PRESENT.

THANK YOU VERY MUCH.

SO THIS IS A SPECIAL CITY COUNCIL MEETING TO HOLD A WORK SESSION TO POTENTIAL PROPOSALS FOR THE REDESIGN OF OUR CITY COUNCIL'S LEGISLATIVE PROCESS.

AND I JUST WANT TO PROVIDE SOME INTRODUCTORY COMMENTS AND THEN TURN IT OVER TO COUNCILMEMBER HAHN, WHO IS GOING TO GO THROUGH PRESENTING THE PROPOSED FRAMEWORK THAT WE WANTED COUNCIL INPUT ON.

AND THEN, I'LL GIVE COUNCILMEMBER HARRISON AN OPPORTUNITY TO PRESENT ON HER CONCEPTS AS WELL.

SO AS THE COUNCIL KNOWS, WE HAVE BEEN DISCUSSING A REDESIGN OF OUR LEGISLATIVE SYSTEM FOR SEVERAL YEARS NOW.

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ADD OUR RETREAT IN OCTOBER, 2019, WE HAD I THINK A VERY EXCELLENT DISCUSSION AROUND POTENTIAL CHANGES TO THE PROCESS IN WHICH WE INTRODUCE AND REVIEW AND APPROVE LEGISLATION AT THE CITY COUNCIL LEVEL.

AND THERE WERE SEVERAL GOALS WE WANTED TO ACHIEVE. ONE, WE WANTED TO MAKE SURE THAT THERE WAS ALIGNMENT OF OUR LEGISLATIVE PROCESS WITH THE BUDGET PROCESS.

BECAUSE WHILE WE MAY ADOPT LAWS OR PROPOSED COUNCIL REFERRALS, IF THOSE LAWS OR PROGRAMS ARE NOT FUNDED, AND WE DON'T HAVE STAFF RESOURCES OR FUNDING ALLOCATED, THEN THEIR IMPLEMENTATION WILL NOT BE EFFECTUATED, IT WILL BE DELAYED.

IN ORDER TO FULLY REALIZE THE IMPACT OF THE LEGISLATION WE ADOPT WE WANTED TO ALIGN THE ADOPTION OF MAJOR ITEMS IN LEGISLATION WITH OUR BUDGET PROCESS TO MAKE SURE WE CAN CONSIDER THE BUDGET NEEDS, TO MAKE SURE WE CAN SET ASIDE FUNDING IN THE BUDGET FOR CITY STAFF AND IMPLEMENTATION.

ANOTHER AREA WAS LOOKING AT HOW CAN WE ENSURE MORE THOROUGH REVIEW OF ITEMS.

TO MAKE SURE THAT THEY HAVE COMPLETE INFORMATION AND ARE LOOKING AT PHYSICAL IMPACTS.

ANOTHER ISSUE WAS LOOKING AT WHAT WOULD BE AN EFFECTIVE PROCESS FOR THESE ITEMS IT BE CONSIDERED TO ALIGN WITH OUR BUDGET PROCESS, TO ALIGN WITH THE A.A.O.



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AND ON TOP OF THAT WE HAD A PRIORITIZATION PROCESS.

WHAT IS THE RELATIONSHIP TO THE PRIORITIZATION PROCESS AND THIS PROCESS.

SO WE HAD A LOT OF GOOD DISCUSSION WITH THE CITY MANAGER CAME FORWARD AFTER THAT WITH A PROPOSAL THAT WE DISCUSSED IN 2021.

AND/OR THE CITY MANAGER PUT THAT FORWARD TO STIMULATE DISCUSSION.

SHE SAID TO THE AGENDA COMMITTEE SHE HAS WITHDRAWN THAT PROPOSAL.

SO THAT IS NOT, SHE'S NOT PRESENTING THAT FOR ACTION AT THE PRESENT TIME BY COUNCIL.

BUT THAT DID SPARK A LOT OF REALLY GOOD IDEAS THAT HAD BEEN BROUGHT FORWARD THE LAST SEVERAL YEARS, ALL OF WHICH WERE INCLUDED IN THE PACKET.

WE WANT TODAY MAKE SURE THE PROPOSALS AND IDEAS THAT COUNCILMEMBERS CURRENTLY PROPOSED AROUND HOW TO IMPROVE AND STREAMLINE THE LEGISLATIVE PROCESS.

THOSE WERE INCLUDED SO WE CAN LOOK AT THE COMPREHENSIVE RECORD.

AND SO, THE AGENDA RULES COMMITTEE TASKED BY THE CITY COUNCIL TO NOT JUST APPROVE THE DRAFT AGENDA BUT TO ALSO REVIEW AND MAKE RECOMMENDATIONS ON CHANGES TO OUR COUNCIL RULES.

HAS BEEN DISCUSSING FOR SEVERAL YEARS NOW THE CHANGES TO OUR LEGISLATIVE PROCESS.

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AND OUT OF THAT, COUNCILMEMBER HAHN HAS BEEN WORKING WITH, I THINK THE CITY CLERK DEPARTMENT, THE CITY MANAGER'S OFFICE AND OTHERS TO COME UP WITH A CONCEPTUAL FRAMEWORK TO PRESENT SOME IDEAS FOR COUNCIL CONSIDERATION.

SO THAT WE CAN GATHER INPUT AND COME BACK WITH A PROPOSAL SO WE CAN FINALLY MOVE THIS CONVERSATION FORWARD.

THE PURPOSE OF TONIGHT'S WORK SESSION IS NOT TO TAKE ACTION BUT TO HEAR THE WHOLE COUNCIL'S INPUT.

BECAUSE THE AGENDA AND RULES COMMITTEE THERE ARE ONLY THREE MEMBERS THAT SIT ON THAT COMMITTEE, WE CANNOT ASK FOR YOUR IDEAS, UNFORTUNATELY.

SO REALLY, THIS IS WE'RE THE AGENDA RULES COMMITTEE PUTTING THIS FORWARD TO HEAR THE WHOLE COUNCIL'S IDEAS, SO WE CAN TAKE BACK THAT INPUT AND COME FORWARD WITH A RECOMMENDATION IN THE COMING MONTHS.

SO I REALLY APPRECIATE COUNCILMEMBER HAHN COMING FORWARD WITH A CONCEPTUAL, THOUGHTFUL FAKE WORK.

THE COMMITTEE DID NOT APPROVE THIS, I WANT TO CLARIFY.

WE WANT TO SEND IT FORWARD TO ALL COUNCIL, SO THE WHOLE COUNCIL CAN PROVIDE ITS FEEDBACK AND WE CAN TAKE THAT INTO CONSIDERATION AS WE'RE DELIBERATING ON IT.

I APPRECIATE COUNCILMEMBER HARRISON AND ROBINSON AND TAPLIN'S INPUT.

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THERE MAY BE OTHER IDEAS WE HEAR TONIGHT.

THIS IS INTENDED TO BE A DISCUSSION, AN OPPORTUNITY FOR COUNCIL INPUT AND OUR GOAL IS TO TAKE ALL THESE GOOD IDEAS, AND TO COME BACK WITH A PROCESS THAT WORKS FOR OUR CITY COUNCIL, OUR STAFF AND COMMUNITY, FOR OUR COMMISSIONS.

AND SO, WITH THE GOAL OF TRYING TO HAVE A PROCESS THAT HELPS REALIZE THE IMPACTS OF THE LEGISLATION WE'RE ADOPTED FOR THE BENEFIT OF THE PEOPLE OF BERKELEY.

AND I THINK AN IMPORTANT PART IS OUR BOARDS AND COMMISSIONS AND THE ROLE THEY PLAY ALSO IN REVIEWING A MAJOR LEGISLATION.

SO WITH THAT INTRODUCTION IN MIND, WITH THE UNDERSTANDING WE'RE NOT TAKING ACTION TONIGHT BUT INTENDED FOR DISCUSSION.

I WANT TO TURN IT OVER TO COUNCILMEMBER HAHN WHO WILL PRESENT ON THE SORT OF THE PROPOSED FRAMEWORK THAT WAS PRESENTED AT THE AGENDA RULES COMMITTEE AND THEN COUNCILMEMBER HARRISON THEREAFTER.

>> S. HAHN: THANK YOU SO MUCH, MAYOR.

SOME PRELIMINARY REMARKS.

AND I'LL ASK THE CITY CLERK IF THEY CAN GO AHEAD AND PUT UP THE FIRST PAGE.

FIRST OF ALL, I WANT TO CLARIFY THAT THE AGENDA COMMITTEE WAS WE WERE DELEGATED THE TASK OF COMING BACK TO COUNCIL WITH SOMETHING.

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AND AS YOU ALL KNOW FROM YOUR OWN COMMITTEES YOU CANNOT WORK TWO PEOPLE ON A COMMITTEE CANNOT WORK TOGETHER BEHIND THE SCENES. I WAS DESIGNATED AS A PERSON WHO WOULD WORK ON BRINGING SOMETHING FORWARD.

AND I DID I WAS ABLE TO WORK WITH THE CITY MANAGER AND THE CITY CLERK'S OFFICE, NOT JUST TO GET THEIR INPUT BUT BECAUSE I NEEDED BUDDIES TO HELP DEVELOP THIS AND HAD NO OPPORTUNITY TO WORK WITH MY COLLEAGUES.

I ALSO JUST WANT TO BE REALLY CLEAR, I'M EXTREMELY PROUD OF THE WORK PRODUCT BEING BROUGHT FORWARD AS A THOUGHT EXERCISE HERE TODAY.

BUT THIS IS NOT MY PROPOSAL.

THE PACKET HAS MY PROPOSAL.

MY PROPOSAL IS ON PAGE 43 OF THE PACKET.

AND IF ANYONE WANTS TO KNOW WHAT MY PROPOSAL IS, THAT IS IT.

I AM HAPPY TO TAKE CREDIT FOR HAVING LISTENED TO MANY DIFFERENT STAKEHOLDERS AND LOOKED AT MANY DIFFERENT PROPOSALS THAT ARE HERE IN THE RECORD.

AND TO HAVE WORKED, TO PUT SOMETHING TOGETHER THAT HOPEFULLY REFLECTS AN AMALGAMATION OF MANY DIFFERENT IDEAS AND THAT PROVIDES A CONVERSATION OPPORTUNITY FOR THE WHOLE COUNCIL, WHICH IS WHAT WAS ALWAYS INTENDED.

SO I JUST, I DO THINK THERE HAS BEEN A LITTLE CONFUSION.

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AND I WANTED TO CLARIFY WHILE I'M PROUD TO HAVE DONE WORK ON THIS, THIS IS NOT MY PROPOSAL.

MY PROPOSAL IS ELSEWHERE IN THE PACKET.

I ALSO WANTED TO JUST BRING YOUR ATTENTION TO THIS FIRST PAGE. PROCESS SKETCH FOR DISCUSSION.

WE NAMED IT THAT FOR A REASON.

IT'S ACTUALLY NOT A PROPOSAL.

IT IS A SKETCH OF A POTENTIAL PROCESS.

THAT IS INTENDED TO SPARK CONVERSATION.

IT'S NOT A PROPOSAL.

I WANTED TO MAKE THAT CLEAR AS WELL.

GIVEN THE VARIETY OF WORK PRODUCT THAT WE HAD TO GO BACK AND LOOK AT, AND TO KIND OF DIGEST AND PULL TOGETHER, IT'S NOT POSSIBLE FOR A SINGLE SKETCH TO INCLUDE ABSOLUTELY ALL THE IDEAS AT ONCE.

AND I THINK AS THE REASON WHY WE AS THE AGENDA COMMITTEE DID NOT APPROVE THIS AS A BODY IS BECAUSE WE WANT YOUR INPUT.

WHAT WE MIGHT FINALLY BRING FORWARD MAYBE VERY DIFFERENT FROM THIS.

BUT YOU HAVE TO START SOMEWHERE WITH A CONVERSATION.

AND I REALLY WANT TO MAKE SURE THAT ANY MISCHARACTERIZATION OF WHAT IS HERE IS CLEARED UP.

ALL RIGHT.

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SO LET'S GO THROUGH THIS SKETCH.

AND THE PURPOSE TODAY IS FOR US TO GET ALL YOUR IDEAS AND INPUT.

AND THERE IS NO DECISION POINT TODAY.

I ALSO WANT TO SAY THAT AS WE WERE GOING THROUGH THIS, IT'S ACTUALLY VERY COMPLEX.

AND THERE IS A LOT OF MOVING PIECES AND THERE IS A LOT OF PLACES WHERE YOU WANT TO STEP INTO A MORE COMPLICATED CORNER AND GO DOWN THAT LITTLE RABBIT HOLE.

THE WAY IT'S ORGANIZED THERE IS KIND OF AN OVERVIEW AND WE ACTUALLY DID A LITTLE WAYS DOWN A FEW RABBIT HOLES TO SORT OF SUGGEST SOME OF THE CONSIDERATIONS IN EACH OF THOSE SPECIAL TOPICS.

BUT IT IS OUR INTENT THAT WITH AN OVER-- CLEAR WITH THE OVERVIEW WE WOULD THEN TOGETHER DEVELOP AND REFINE SOME OF THE SPECIAL TOPICS.

>> MAYOR J. ARREGUIN: CAN I ADD ONE THING, COUNCILMEMBER HAHN, IF I MAY.

I FORGOT TO MENTION THAT WHAT WE INCLUDED IN THE PACKETS WAS A MATRIX, WHICH SUMMARIZED ALL THE DIFFERENT PROPOSALS THAT HAVE BEEN PUT FORWARD IN THE LAST WHAT THREE OR FOUR YEARS, INCLUDING THE MOST RECENT PROPOSAL THAT COUNCILMEMBER HAHN IS ABOUT TO PRESENT.

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AND KIND OF REALLY BROKE IT DOWN BY SORT OF ISSUE AREA, MAJOR ITEM DEFINITION PROCESS.

SO YOU CAN SEE ACROSS WHERE EACH PROPOSAL HAPPENED AND -- LANDED AND THE EVOLUTION THAT LED TO THIS PROPOSAL THAT COUNCILMEMBER HAHN WILL PRESENT.

I WANT TO THANK MY STAFF, JACQUELINE MCCORMICK AND LAURIE, AND COUNCILMEMBER WENGRAF'S OFFICE WHO WORKED QUICKLY TO PUT THIS TOGETHER SO WE HAD SOMETHING TO LOOK AT FOR COMPARATIVE PURPOSES.

BACK TO YOU.

>> S. HAHN: THANK YOU.

I ALSO WANT TO ACKNOWLEDGE AND THAT CAN THEM.

AS YOU CAN SEE BY LOOKING AT THE MATRIX, IT WAS VERY FORGET COMPLICATED.

AND THERE WERE A LOT OF DIFFERENT IDEAS THAT HAD BEEN FLOATED OVER TIME.

AND AGAIN, THIS SKETCH IS ONE OF MANY POTENTIAL PATHS FORWARD.

LET'S GO AHEAD AND WALK DOWN THE SKETCH PATH.

HOPEFULLY, THAT WILL TRIGGER MANY IDEAS AND INPUTS.

SO FIRST OF ALL, LET'S GO TO THE -- WELL, LET ME START HERE BY SAYING THIS IS BY MAJOR ITEMS.

SO VERY QUICKLY, YOU HAVE TO IMAGINE THAT THERE IS LOTS OF ITEMS THAT ARE NOT INCLUDED THAT ARE NOT BEING DISCUSSED.



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WHAT IS A MAJOR ITEM?

CURRENTLY, WE HAVE A DEFINITION.

SO IT'S NOT -- WE CALL IT A POLICY COMMITTEE TRACK ITEM.

THAT WAS TOO MUCH A MOUTHFUL.

WE'LL CALL THEM MAJOR ITEMS.

BUT IT IS THE SAME DEFINITION THAT WE HAVE CURRENTLY.

THIS IS NOT A NEW DEFINITION.

THIS IS THE OPERATIVE DEFINITION IN OUR COUNCIL RULES AND PROCEDURE AND ORDER, AND I HAVE NOT HEARD ANY CONCERNS ABOUT THE DEFINITION TO DATE.

IT IS THE ONE WE'VE BEEN USING FOR A COUPLE OF YEARS.

HOWEVER, AS WITH EVERYTHING THAT WE'RE LOOKING AT TODAY, IT'S ENTIRELY POSSIBLE FOR US TO ADJUST THE DEFINITION.

SO THAT'S NOT SET IN STONE.

IT'S JUST TO EXPLAIN WHERE WE GOT THAT TERMINOLOGY FROM.

WE CAN GO TO THE NEXT SLIDE.

THESE BIG IDEAS YOU CAN EACH BRING YOUR OWN TO THIS.

THIS WAS SORT OF THE BIG IDEAS, AGAIN, I WASN'T ABLE TO WORK TOGETHER WITH ANY OTHER COMMITTEE MEMBERS.

SO THE BIG IDEA FOR COUNCIL THAT CAME FROM MYSELF, SUCCESSFULLY DEVELOP AND IMPLEMENT STATE OF THE ART AND INNOVATIVE PROGRAM AND POLICIES TO SERVE BERKELEY AND MODEL BEST PRACTICES FOR OTHER JURISDICTIONS.

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THE CITY CLERK'S BIG IDEA WAS CONSISTENCY IN PROCESS FOR MAJOR ITEM DEVELOPMENT, BUDGETING AND IMPLEMENTATION.

OBVIOUSLY, CITY ATTORNEY IS INTERESTED IN ENSURING LEGAL AND DRAFTING COMPLIANCE.

AND THE CITY MANAGER'S BIG IDEA WAS TO HELP THE ORGANIZATION DELIVER WITHOUT OVERWHELM, AND HELP STAFF BE SUCCESSFUL IN THEIR WORK.

AND I THINK THAT EVEN THOUGH THOSE ARE COME FROM ONE INDIVIDUAL EACH, I THINK THEY ACTUALLY REALLY REFLECT WHAT THESE DIFFERENT ROLES MIGHT HAVE TOP OF MIND.

BUT OBVIOUSLY, YOU ALL MAY HAVE YOUR OWN RENDITIONS OF THIS AS WELL.

GOING TO THE NEXT SLIDE.

SO OBVIOUSLY, THIS IS A BIG POTENTIAL CHANGE.

BUT NOT AT ALL NECESSARY.

BUT THE IDEA OF YEARLY CYCLE REALLY I WOULD SAY IS BUILT BACKWARDS FROM THE IDEA THAT WE WANT TO GET TO A PLACE WHERE WE DON'T HAVE BACKLOGS, WHERE ITEMS WE PASS AND EVEN THAT WE FUND DON'T GET IMPLEMENTED FOR YEARS.

AND WE'RE -- THERE IS KIND OF A TIGHTER AND LOGICAL PROGRESSION FROM PROPOSALS TO BEING VET, TO BEING ELIGIBLE FOR FUNDING, TO RECEIVING FUNDING, TO HOPEFULLY BEING IMPLEMENTED PRETTY MUCH IMMEDIATELY AFTER.

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SO THAT THE CONVERSATION ABOUT IMPLEMENTATION BEGINS ESSENTIALLY AFTER THE ITEM IS FUNDED.

SO WHILE IT COULD ENTAIL A LONGER TIMELINE BEFORE AN ITEM IS PASSED AND BUDGETED, IT IS INTENDED TO SIGNIFICANTLY REDUCE THE AMOUNT OF TIME THAT IT TAKES FROM APPROVAL OR BUDGET TO IMPLEMENTATION.

AND THERE ARE OTHER WAYS TO ACHIEVE THIS.

AND PEOPLE MAY WISH TO FRONT LOAD THE WEIGHT OR BACK LOAD THE WEIGHT OR DISTRIBUTE IT DIFFERENTLY.

BUT -- I DID WANT TO EXPLAIN WHY THE IDEA OF A YEARLY CYCLE SEEMED LIKE SOMETHING WE MIGHT WANT TO PUT FORWARD.

SO, IF THERE WAS A YEARLY CYCLE, AGAIN ALL OF THESE DATES CAN BE CHANGED.

LOOKING AT IT WITH THE CITY MANAGER AND THE CITY CLERK, AND TRYING TO UNDERSTAND SORT OF THE DEADLINES BY WHICH THE BUDGET COMMITTEE NEEDS THINGS AND OTHER CONSIDERATIONS, WE CAME TO THE IDEA THAT JULY THROUGH SEPTEMBER COUNCIL WOULD BE FINALIZING ITEMS, NOW JUST TO BE CLEAR, THEY COULD DEVELOP AND SUBMIT THEM AT ANY TIME DURING THE YEAR.

BUT THERE WOULD BE FOUR MONTHS WHERE -- THREE MONTHS WHERE YOU COULD REALLY FOCUS ON THAT.

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DURING THAT TIME, THE CITY MANAGER WOULD BE FOCUSED ON STARTING TO IMPLEMENT ITEMS FROM THE PREVIOUS YEAR THAT HAD JUST BEEN FUNDED.

OCTOBER TO MARCH WOULD BE COMMITTEE SEASON.

RECOGNIZING THAT THERE IS PROBABLY A PRETTY BIG GAP IN DECEMBER.

AND THERE MIGHT BE QUITE A FEW ITEMS AND THE COMMITTEES WOULD BE DOING ROBUST REVIEWS AND WOULD NEED TO HEAR ITEMS MORE THAN ONCE.

AND THEN, APRIL THROUGH JUNE WOULD BE THE TIME WHEN COUNCIL WOULD REVIEW AND APPROVE ITEMS AND THE BUDGET WOULD FUND THOSE ITEMS THAT COUNCIL DEEMED READY TO FUND THAT YEAR.

SO IT'S BUILT BACK FROM THAT JUNE 30 BUDGET ADOPTION.

THE NEXT SLIDE.

SO SOME OF THE BENEFITS WERE WRITTEN HERE.

OBVIOUSLY, THERE IS DOWN SIDES AS WELL.

EVERYTHING CHOICE WE ME, INCLUDING THE CHOICE WE HAVE RIGHT NOW HAS UP SIDES AND DOWN SIDES.

BUT IN INTRODUCING A NEW IDEA, WE THOUGHT WE WOULD SHARE WHAT SOME OF THE BENEFITS MIGHT BE.

A YEARLY OPPORTUNITY.

THE FOUR SUBJECT MATTER COMMITTEES WOULD HAVE MORE OF A SEASON.

ALTHOUGH, THEY ABSOLUTELY COULD MEET AT ANY TIME.

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STAFF WOULD HAVE A PERIOD OF TIME WHEN THEY COULD FOCUS IN A MUCH MORE ROBUST WAY THAN THEY DO NOW.

ON IMPLEMENTATION AND COUNCILMEMBER SAID DURING THAT TIME WOULD ALSO HAVE SORT OF MORE FREE TIME, QUOTE/UNQUOTE, WITHOUT COMMITTEE MEETINGS TO FINALIZE ITEMS THEY WANTED TO SUBMIT BY THE DEADLINE.

AND AGAIN, THE IDEA BEING TO REDUCE THE GAP BETWEEN APPROVAL AND IMPLEMENTATION.

AND JUST TO BE CLEAR, WE DON'T REALLY HAVE EXPLICIT DEADLINES FOR ITEMS.

BULT BECAUSE WE HAVE A BUDGET CYCLE, THERE IS A DEADLINE, THERE IS A DATE AFTER WHICH AN ITEM CAN NO LONGER BE CONSIDERED FOR THAT BUDGET CYCLE.

EXACTLY.

SO WE DON'T HAVE THOSE DEADLINES DELINEATED VERY CLEARLY RIGHT NOW.

AND I THINK THAT CAN BE A PROBLEM.

BECAUSE PEOPLE DON'T REALLY KNOW HOW MUCH TIME THEY HAVE TO SUBMIT AN ITEM THAT MIGHT HAVE TO GO TO COUNCIL.

AND THEY DON'T KNOW IF THEY WILL MISS BEING CONSIDERED FOR ONE OR ANOTHER BUDGET CYCLE.

BY CLARIFYING, IT WOULD BE VERY FAIR AND EVERYONE WOULD BE ON NOTICE.

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THIS IS THE DATE BY WHICH YOUR ITEMS HAVE BEEN TO BE IN IN ORDER  
TO BE CONSIDERED FOR THIS CYCLE.

THERE IS OBVIOUSLY DOWN SIDES AS WELL, TRADEOFFS.

AND I THINK IT'S SOMETHING FOR EVERYONE HERE TO CONSIDER.

SO LET'S GO TO THE NEXT SLIDE.

MAJOR ITEM DEVELOPMENT AND SUBMISSION.

AGAIN, YOU WOULD HAVE ALL YEAR TO SUBMIT.

IT'S NOT THAT YOU WOULD ONLY BE ABLE TO SUBMIT DURING A THREE-  
MONTH PERIOD.

BUT THAT YOU WOULD HAVE LESS OTHER RESPONSIBILITIES DURING THAT  
TIME AND YOU COULD FOCUS MORE.

SO FIRST THE MAJOR ITEM GUIDELINES WOULD BECOME MANDATORY.

RIGHT NOW THEY ARE RECOMMENDED AND I THINK A LOT OF PEOPLE DON'T  
REALIZE THEY ARE RECOMMENDED.

AND THE AGENDA COMMITTEE HAS NOT NECESSARILY BEEN CONSISTENT AND  
APPLYING THAT.

FIRST IDEA WOULD BE MAJOR ITEM GUIDELINES.

WHY?

BECAUSE THEY REQUIRE ROBUST RESEARCH AND CONSULTATION.

AND THAT WOULD MEAN THAT ITEMS CAME TO US AS A COUNCIL MORE  
FULLY FORMED.

THEN THE SEPTEMBER 30 SUBMISSION DEADLINE.

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BUT ITEMS CAN BE SUBMITTED PRIOR AND THEY COULD BE REVIEWED BY THE AGENDA AND RULES COMMITTEE JUST FOR THE QUESTION OF DO THEY COMPLY WITH THE GUIDELINES.

TIMELINE ALLOWS FOR COUNCILMEMBERS TO WORK ALL YEAR WITH CONCENTRATED OPPORTUNITY JULY THROUGH SEPTEMBER.

AND ALSO STAFF INPUT AT THE PRESUBMISSION LEVEL AND INPUT FROM THE CITY ATTORNEY WOULD BE MORE FORMALIZED.

RATHER THAN SORT OF CATCH US IF YOU CAN AND SOMETIMES A DEPARTMENT HEAD HAS TIME TO WORK WITH YOU AND SOMETIMES THEY DON'T.

IT WOULD BE EXPLICIT, THE LEVEL OF INPUT AND CONSULTATION AVAILABLE TO COUNCILMEMBERS AS THEY ARE DEVELOPING THEIR ITEMS.

WE CAN GO TO THE NEXT SLIDE.

SO IN OCTOBER, AGAIN, MAYBE OCTOBER, IT'S ALL UP TO YOUR COMMENT.

WE WOULD HAVE THE AGENDA COMMITTEE WOULD REVIEW ALL MAJOR ITEMS THAT CAME IN TOWARDS THE DEADLINE FOR COMPLIANCE WITH THE GUIDELINES.

COMPLIANT MAJOR ITEMS WOULD GO TO COMMITTEES.

IF AN ITEM WAS NONCOMPLIANT THERE WOULD BE AN OPPORTUNITY FOR THE AUTHOR TO RESUBMIT AND STILL CATCH THAT CYCLE.

NEXT SLIDE.



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OCTOBER THROUGH MARCH, THE POLICY COMMITTEES WOULD ORGANIZE THEMSELVES.

MID OCTOBER THEY WOULD PLAN THEIR SESSION.

MAYBE THERE ARE SEVERAL ITEMS ON A SIMILAR TOPIC AND IT MAKES MORE SENSE TO HEAR THEM TOGETHER.

MAYBE THERE ARE ITEMS THAT THEY FEEL ARE GOING TO REQUIRE VERY SIGNIFICANT OUTREACH AND THEY WANT TO SCHEDULE THEM IN THAT WAY. AND THIS OF COURSE IS HOW IT IS DONE IN COMMITTEES, COMMITTEE SYSTEMS THAT HAVE AN ANNUAL CYCLE AT THE STATE LEVEL AND IN OTHER CITIES.

AND IT'S NOT UNCOMMON THAT THERE IS A TIME WHEN THE COMMITTEE IS ESSENTIALLY PLANS OUT THEIR HEARINGS.

THE MAJOR ITEMS WOULD BE REVIEWED ON A ROLLING BASIS.

AND ALL THE ITEMS WOULD BE OUT OF THE POLICY COMMITTEE BY MARCH 30.

THIS BULLET POINT WITH COMMITTEES MAY PRIORITIZE OR SCORE ITEMS THEY REVIEW.

THE REASON IT'S IN BRACKETS BECAUSE IT'S A BIG QUESTION MARK.

SO MAYBE THEY WOULD MAYBE THEY WOULDN'T.

BUT THAT IS IN BRACKETS BECAUSE IT'S REALLY A QUESTION MARK HERE.

NEXT SLIDE.

SO, IN APRIL ALL MAJOR ITEMS WOULD HAVE BEEN VOTED ON.

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THEY ARE NOT ALL VOTED ON IN APRIL.

BUT THEY WOULD ALL BE VOTED ON BY APRIL 30.

MAY MIGHT REQUIRE US, IT MIGHT REQUIRE A SPECIAL MEETING IN APRIL.

THERE WERE A WHOLE LOT OF THEM.

THE CITY ATTORNEY WOULD SIGN OFF ON THE DRAFTING AND LEGAL CONFORMITY OF THE ORDINANCE AS RESOLUTIONS AND FORMAL POLICIES.

AND APPROVE ITEMS WOULD GO TO THE BUDGET COMMITTEE.

AND THEN NEXT SLIDE.

AND THEN, POSSIBLY, AGAIN, POSSIBLY MAJOR ITEMS.

AND JUST TO BE CLEAR, THAT'S NOT THE SAME AS ALL ITEMS

PRIORITIZATION, BUT POSSIBLY THERE WOULD BE A PROCESS OF TAKING

ALL THOSE MAJOR ITEMS FROM THAT CYCLE AND HAVING A

PRIORITIZATION OF THEM.

AND SENDING THAT IN BY THE MIDDLE OF MAY.

AND THAT WOULD BE GOING TO THE BUDGET COMMITTEE.

BUT NOT BE BINDING.

IT WOULD BE A NONBINDING PRIORITIZATION.

AND NEXT SLIDE.

THEN THE BUDGET COMMITTEE WOULD HAVE ALL THESE.

THE PRIORITIZATIONS AGAIN IN BRACKETS AND COMMITTEE WITH A

QUESTION MARK WOULD GO TO THE BUDGET COMMITTEE AS GUIDES BUT NOT

BE BINDING.

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BUT THE BUDGET COMMITTEE WOULD ALREADY HAVE AN IDEA OF WHAT THE COUNCIL THOUGHT WHERE THE PRIORITIZATIONS.

THE BUDGET COMMITTEE WOULD DO NORMAL RECOMMENDATION TO THE FULL COUNCIL.

THE BUDGET WOULD GET PASSED.

MAJOR ITEMS THAT WERE FUNDED WOULD MOVE FORWARD TO IMPLEMENTATION.

THAT MEANS IMMEDIATE IMPLEMENTATION.

AND THAT IS ONE OF THE BIG CHANGES THAT THIS KIND OF A SET UP HOPEFULLY WOULD ALLOW.

AS WE ALL KNOW, RIGHT NOW MAJOR ITEMS THAT ARE PASSED AND FUNDED GO INTO A BIG BUCKET AND OFTEN TIMES ARE NOT BROUGHT FORWARD TO FRUITION FOR MANY YEARS, SOMETIMES 10 YEARS.

WE HAVE SEEN THINGS LIKE THAT.

ITEMS PASSED BY COUNCIL BUT NOT FUNDED WOULD GET AN AUTOMATIC ROLL OVER TO BE CONSIDERED AT FUTURE FUNDING OPPORTUNITIES.

TO BE CLEAR, THAT ISN'T THE NEXT YEAR.

THAT'S NOT 12 MONTHS LATER.

IT WOULD BE A FUTURE FUNDING OPPORTUNITIES THROUGHOUT THE YEAR. NEXT SLIDE.

THIS IS REALLY, I THINK REALLY THE DOMAIN OF THE CITY MANAGER.

AND THIS SLIDE REFLECTS I THINK AND CITY MANAGER PLEASE STEP IN IF I DON'T PRESENT THIS CORRECTLY.

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BUT THIS REFLECTS HER THINKING.

AND I THINK WE ALL KNOW THAT SHE HAS BEEN VERY FOCUSED ON IMPLEMENTATION.

SHE WANTS THE WORK THAT WE DO TO BE SUCCESSFUL.

AND IT IS HER DREAM THAT WE ARE ABLE TO CLEAR OUR BACKLOGS AND THAT WE ACTUALLY START IMPLEMENTING RIGHT AWAY.

AND THAT THESE PROGRAMS AND POLICIES SEE THE LIGHT OF DAY SOON AFTER THEY ARE APPROVED AND FUNDED.

SO THE IDEA WOULD BE THAT THE CITY MANAGER WOULD ASSIGN A SINGLE IMPLEMENTATION LEAD, THAT THE LEAD AND CITY MANAGER WOULD ASSEMBLE THEIR TEAM, THAT MIGHT BE A COUPLE OF DIFFERENT DEPARTMENT HEADS.

THAT THEY MIGHT MEET WITH THE AUTHORS TO CLARIFY ANY INTENTIONS OR TO SKETCH TIMELINES OR DISCUSS OPPORTUNITIES, IDEAS OR CHALLENGES.

AND LET ME BE CLEAR, THOSE ARE AROUND IMPLEMENTATION.

NOT CHALLENGES WITH THE LEGISLATION ITSELF.

WHEN YOU SIT DOWN TO ACTUALLY DO AN IMPLEMENTATION PLAN, IT'S VERY DIFFERENT FROM KIND OF THE HIGH LEVEL THINKING ABOUT IMPLEMENTATION THAT OBVIOUSLY HAS TO HAPPEN BEFORE THE ITEM IS APPROVED.

THE IMPLEMENTATION TEAM HAS PREPARED TWO SEPARATE THINGS.

ONE IS A LAUNCH PLAN AND ONE IS AN OPERATING PLAN.

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AND THAT IS THE CITY MANAGER REALLY RECOGNIZING THAT LAUNCHING SOMETHING AND RUNNING IT ARE TWO DIFFERENT THINGS.

BUILDING A STRUCTURE AND KEEPING IT FUNCTIONING OVER TIME ARE DIFFERENT THINGS.

PUTTING IN A GARDEN AND KEEPING IT GOING OVER TIME ARE TWO DIFFERENT THINGS.

AND SO BOTH OF THOSE WOULD BE DEVELOPED AND THEN AS SOON AS POSSIBLE, THE PROGRAM OR POLICY WOULD BE LAUNCHED AND IMPLEMENTED.

SO LET'S GO TO THE NEXT SLIDE.

SO THAT IS, THAT WAS IT FOR THE OVERVIEW OF WHAT A WHOLE CYCLE MIGHT LOOK LIKE.

NOW, WE'RE GOING INTO WHAT I CALL SPECIAL TOPICS.

THESE ARE SOME OF THOSE THINGS THAT WE CAME UPON AS WE WERE THINKING THESE THINGS THROUGH.

THAT WOULD BE QUESTIONS WE PROBABLY WOULD WANT TO MAKE SURE WE HAD COVERED.

AND BY THE WAY, OUR SPECIAL TOPICS ARE NOT DEFINITIVE.

THERE ARE MANY MORE.

WE CHOOSE TO JUST GIVE YOU A LITTLE BIT OF A NIBBLE AND HAVE YOU UNDERSTAND THAT WE DIDN'T NOT THINK ABOUT THESE THINGS.

SO THE FIRST OBVIOUSLY IMPORTANT THING IS WHAT DID YOU DO IF THERE ARE A TIME CRITICAL MAJOR ITEM?

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IF WE'RE STUCK IN A CYCLE WHAT DO WE DO IF THERE IS AN URGENT NEED AND WHAT COMES TO MIND FOR ME IS AFTER GEORGE FLOYD WAS MURDERED, THERE WAS A VERY, VERY INTENSE DESIRE ON THE PART OF THE COMMUNITY AND OUR COUNCIL TO BE ABLE TO BE RESPONSIVE VERY QUICKLY WITH PRETTY COMPREHENSIVE IDEAS THAT WERE PUT FORWARD. I DON'T THINK ANY OF US WOULD WANT SOMETHING LIKE THAT TO HAVE TO SIT AND WAIT FOR SEVERAL MONTHS TO BE SENT TO A COMMITTEE OR TO BE CONSIDERED.

SO THE OVERRIDE FOR TIME CRITICAL ITEMS IS A CRITICAL COMPONENT OF THIS.

WE ALREADY HAVE SOME TERMS FOR OVERRIDE IN OUR COUNCIL RULES AND PROCEDURE AND ORDER.

AN ITEM THAT WOULD OTHERWISE BE ASSIGNED TO A POLICY COMMITTEE MAY BY-PASS, IF IT'S DEEMED TIME CRITICAL.

AND THE AGENDA AND RULES COMMITTEE DETERMINES WHETHER IT IS TIME CRITICAL.

LIKE EVERY THING WE COULD EXPAND THIS, WE COULD REWRITE IT, WE COULD MAKE IT HAVE MORE SPECIFICITY.

BUT THE IDEA THAT WE WOULD HAVE A SAFETY VALVE FOR TIME CRITICAL ITEMS IS VERY IMPORTANT.

AND I THINK BECOMES MORE IMPORTANT IF WE'RE GOING TO HAVE A PROCESS THAT IS A YEARLY PROCESS.

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ANOTHER IDEA THAT I THINK IS IMPORTANT FOR US TO CONSIDER, IS THAT IF THE AGENDA COMMITTEE GETS TO MAKE THESE DECISIONS WE MAY ACTUALLY WANT TO HAVE AN OVER RIDE THAT TAKES THAT DETERMINATION TO THE FULL COUNCIL.

SO LET'S SAY A COUNCILMEMBER BRINGS SOMETHING FORWARD, THEY THINK IT'S TIME CRITICAL, THE AGENDA AND RULES COMMITTEE DOESN'T AGREE.

THEY COULD THEN BRING THAT DECISION TO THE FULL COUNCIL AND THE FULL COUNCIL WOULD BE ABLE TO WEIGH IN ON WHETHER THAT ITEM WAS TIME CRITICAL.

ALL RIGHTY.

NEXT TOPIC.

MOVING TO ANOTHER SPECIAL TOPIC.

THE DETAILS OF PRE SUBMISSION.

THE GUIDELINES FORMAT WOULD BE MANDATORY.

ANOTHER SUGGESTION IS THAT AT THIS STAGE THERE WOULD ONLY BE AUTHORS AND NO CO-SPONSORS AND THAT WOULD HELP WITH BROWN ACT ISSUES AS THINGS MOVE THROUGH COMMITTEE.

THAT A PRE-SUBMISSION CONSULTATION WITH THE CITY MANAGER WOULD BE AVAILABLE.

EXPLICITLY AVAILABLE SO THAT PEOPLE DON'T FEEL LIKE THEY ARE KIND OF BUGGING SOMEBODY BY REACHING OUT AND ASKING FOR HELP OR ADVICE ON SOMETHING THEY ARE THINKING OF DEVELOPING.



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AND THEN A REQUIRED PRE-SUBMISSION CONSULTATION WITH THE CITY ATTORNEY SO HER OFFICE HAS THE OPPORTUNITY TO IDENTIFY POTENTIAL LEGAL AND DRAFTING CONSIDERATIONS VERY EARLY IN THE PROCESS. I THINK IT'S PROBABLY A GOOD IDEA FOR THE CITY ATTORNEY TO DECIDE IF THERE ARE ISSUES.

AND THIS WOULD PROVIDE NOT JUST OPPORTUNITY BUT A REQUIREMENT TO RUN THINGS BY THE CITY ATTORNEY'S OFFICE.

THE LAST BULLET POINT IS VERY IMPORTANT.

HOW DO WE FOLD IN COMMISSIONS.

THIS IS SOMETHING BIG THAT THE AGENDA AND RULES COMMITTEE MEMBERS FELT VERY STRONGLY ABOUT.

I HAVE TO SAY THAT JUST TRYING TO HARNESS A SKETCH FOR THE COUNCIL PROCESS WAS A LOT.

BUT WE'RE VERY CLEAR THAT WHATEVER PROCESS WE STICK WITH OR MOVE TOWARDS, WE HAVE TO HAVE MORE EXPLICIT ABOUT HOW OUR COMMISSIONS ARE CONSULTED AND HOW WE GET THEIR IMPORTANT ADVICE AND REVIEW AND HOW THAT GETS WOVEN IN.

WE THOUGHT THERE MIGHT BE AN IMPORTANT ROLE FOR THAT IN THE PRE SUBMISSION PHASE.

LET'S SAY YOU START DEVELOPING SOMETHING EARLY IN THE CYCLE, IT'S POSSIBLE THAT IT COULD GO TO A COMMISSION BEFORE YOU EVEN SUBMIT IT.

THERE MIGHT BE OTHER WAYS AND OTHER TIMES IN THE PROCESS.

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BUT I REALLY WANT TO HIGHLIGHT THAT AS WE GO THROUGH THIS, THE AGENDA AND RULES COMMITTEE WAS VERY CONCERNED THAT THE COMMISSIONS NOT BE SIDE LINED AND ON THE CONTRARY, THAT WE FIND EXPLICIT WAYS FOR THEIR CONTRIBUTIONS AND THOUGHTS AND OPINIONS TO BE INTEGRAL TO THE PROCESS OF MOVING LEGISLATION FORWARD.

OKAY.

NEXT SLIDE.

STRENGTHENING THE COMMITTEE REVIEW.

LOTS OF IDEAS FOR HOW TO DO THAT.

AND I'M SURE THERE IS GOING TO BE A LOT MORE.

BUT SOME OF THE IDEAS OBVIOUSLY WOULD BE THAT FOR EVERY ITEM THERE IS A WHOLE SERIES OF QUESTIONS, A CHECKLIST IF YOU WANT TO CALL IT.

BUT A SERIES OF INQUIRIES THE COMMITTEE IS REQUIRED TO MAKE SO EVERY ITEM OF LEGISLATION IN COMMITTEE AND ACROSS COMMITTEES IS GETTING THE SAME SCRUTINY AND SAME OPPORTUNITY FOR INPUT.

ONE IDEA IS RELEVANCE TO STRATEGIC PRIORITIES.

ADDED VALUE OF THE PROGRAM OR POLICY.

BENEFITS AND COSTS OF THE PROGRAM OR POLICY TO THE COMMUNITY AND THE CITY.

POTENTIAL ALTERNATIVE MEANS TO ACHIEVE THE SAME OR SIMILAR GOALS THAT MIGHT BE MORE FRUITFUL OR MORE QUICK OR LESS EXPENSIVE.

PHASING IN TIMELINES FOR IMPLEMENTATION.

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STAFFING AND RESOURCES NEEDED.

HOW THE PROGRAM OR POLICY WOULD BE EVALUATED.

HOW IT WILL BE ENFORCED.

AND THEN AGAIN, IN BRACKETS ARE THINGS WITH A REAL QUESTION MARK.

WOULD THE COMMITTEE DO SOME KIND OF RATING OR RANKING, YES OR NO, POSSIBLY.

SHOULD WE INCREASE THE OPTIONS AROUND THE POSITIVE AND NEGATIVE RECOMMENDATIONS.

I THINK YOU ARE ALL FAMILIAR.

WE HAVE ONLY FOUR OPTIONS.

WHEN WE SEND SOMETHING TO CITY COUNCIL, MAYBE THERE IS SOME ROOM TO CHANGE OR REFINE THINGS THERE.

OTHER WITH A QUESTION MARK.

THIS QUESTION OF STRENGTHENING COMMITTEES REGARDLESS OF OUR OVERALL PROGRAM IS A SPECIAL TOPIC THAT WE ARE GOING TO HAVE TO ADDRESS AS A COUNCIL.

GOING TO THE NEXT SLIDE.

CONTINUING ON THE STRENGTHENING COMMITTEES IDEA, WE WOULD ALSO NEED TO CONSIDER HOW ARE WE GOING TO GET THE INPUTS WE NEED FROM THE PUBLIC, FROM STAFF, FROM CITY ATTORNEY.

THE COMMITTEES WOULD NEED TO DO ACTIVE OUTREACH WITH STAFF SUPPORT.

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ACTUALLY IDENTIFY STAKEHOLDERS THAT WOULD EITHER BE IMPACTED OR WOULD NEED TO TAKE ACTION ON ONE OR ANOTHER PRIORITY AND DO ACTIVE OUTREACH, NOT JUST HOPE THAT THEY MIGHT HAPPEN UPON AN AGENDA SOMEWHERE.

MULTIPLE HEARINGS TO ALLOW FOR A BEST COMMUNITY STAFF AND CITY ATTORNEY INPUTS AND DISCUSSION.

ENHANCE AND EMPOWER THE CITY ATTORNEY AND STAFF PARTICIPATION. SO THAT THEY COULD GIVE MEANINGFUL VERBAL INPUT WITHOUT THE REQUIREMENT FOR A FORMAL REPORT.

AND I KNOW THAT BOTH THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER ARE VERY HESITANT TO GIVE US AND HAVE THEIR STAFF GIVE US SORT OF PRELIMINARY ADVICE THAT DOES NOT REFLECT FULL AND DEEP CONSIDERATION.

AND I THINK THIS WILL BE SOMETHING FOR THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER'S OFFICE TO THINK ABOUT WHAT KIND OF INPUT THEIR STAFF COULD PROVIDE THEY WOULD FEEL COMFORTABLE WITH THAT WOULD BE SUBSTANTIAL AND MOVE THINGS ALONG.

THE COMMITTEE SCHEDULE.

HAVING A SCHEDULE AHEAD OF TIME COULD HELP THE CITY ATTORNEY AND THE CITY MANAGER SEND THE RIGHT PEOPLE TO EACH MEETING.

KNOWING AHEAD OF TIME WHAT ITEMS ARE GOING TO BE CONSIDERED AT DIFFERENT TIMES, I THINK COULD ALLOW US TO HAVE THE RIGHT PEOPLE THERE AND MORE ROBUST INPUT FROM OUR IMPORTANT PARTNERS.

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AND THEN, AGAIN CONSIDER HOW TO ATTAIN AND INTEGRATE INPUT FROM COMMISSIONS.

AGAIN, WE DID NOT GO DEEP THERE.

BUT WE IDENTIFIED IT AS SOMETHING CRITICALLY IMPORTANT.

NEXT SLIDE.

SO ANOTHER SPECIAL TOPIC.

PRIORITIZATION.

AND WHEN WE TALKED ABOUT THIS A LOT, BUT IN DISCUSSING THIS WITH THE CITY MANAGER, I THINK WE CAME TO UNDERSTAND THAT THERE IS KIND OF TWO ISSUES.

ONE IS THAT WE WHILE REDUCED, WE STILL HAVE THE BACKLOG NOW.

WE HAVE A BIG BACK LOG.

AND SO WE NEED TO FIGURE OUT SORT OF AN END GAME FOR HOW WE'RE GOING TO DEAL WITH THOSE BACKLOG ITEMS.

AND THE END GAME MIGHT BE THAT WE SORT OF FIGURE OUT WHAT TO DO.

THE SECOND TOPIC AROUND PRIORITIZATION IS ASSUMING THE DREAM OF A SYSTEM THAT HAS NO BACKLOGS, WE STILL WOULD HAVE TO DO

PRIORITIZATION.

SO LOOKING AT THE BACKLOG QUEUE, ONE IDEA WAS A ONE TIME PROCESS FOR MAJOR ITEMS THAT ARE CURRENTLY IN THE QUEUE THAT ALL PENDING BUT NOT INITIATED ITEMS EXPONENTIALLY WOULD GO BACK TO THE POLICY COMMITTEES FOR LIKE A REREVIEW.

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AND THE POLICY COMMITTEES WOULD LOOK AT THEM AND CONSIDER  
MERGING ITEMS OR UPDATING REFERRALS IN CASE THEY ARE STALE OR  
OTHER INITIATIVES THAT COME FORWARD THAT MAYBE MAKE THEM, MAKE  
IT WORTH CHANGING THEM A LITTLE BIT.  
REAPPROVAL OF ITEMS AS IS.

RECOMMENDATIONS TO SUNSET OR REMOVE ITEMS THAT HAVE BEEN  
SUPERSEDED MAYBE BY STATE LAW, MAYBE BY SOMETHING ELSE THE CITY  
HAS DONE.

RECOMMEND DISPOSITION OF ALL THE ITEMS.

POTENTIALLY RANKED BY LEAD DEPARTMENT.

AND BRING ALL THOSE RECOMMENDATIONS FROM EACH COMMITTEE TO THE  
COUNCIL FOR US TO DECIDE WHAT WE WANT TO CONSOLIDATE, WHAT WE  
WANT TO REMOVE, WHAT DO WE WANT TO RESTATE AND WHAT DO WE WANT  
TO RESUPPORT.

WE MIGHT NEED SOME CRITERIA.

WE MIGHT NEED SOME KIND OF R.R.V.

THE POINT HERE IS WE WOULD HAVE TO DEAL WITH A BACKLOG IN ORDER  
TO GET TO THAT BEAUTIFUL DAY WHERE EVERY YEAR, THE ITEMS THAT  
WERE APPROVED AND FUNDED COULD BE IMPLEMENTED OR THE  
IMPLEMENTATION COULD BEGIN RIGHT AWAY.

SO NEXT SPECIAL TOPIC.

IS THE PRIORITIZATION ON AN ONGOING BASIS OF A YEARLY QUEUE WITH  
THE DREAM OF THE BACKLOG HAVING BEEN CLEARED.

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FIRST OF ALL, IT IS HOPED THE ENHANCED COMMITTEE PROCESS WOULD RESULT IN FEWER BACKLOGS, AND THAT ITEMS WOULD BE IMPLEMENTED IN A REASONABLE TIMEFRAME.

AND THEREFORE, PRIORITIZATION WOULD BECOME LESS OF AN ISSUE. OBVIOUSLY WHEN YOU HAVE 150 ITEMS YOU HAVE TO PRIORITIZE.

IF YOU HAVE 10 OR 15, IT'S MUCH LESS OF A CHALLENGE.

BUT IN A RATIONALIZED SYSTEM, ONE, YOU WOULD HAVE MORE FULLY CONCEIVED AND VETTED ITEMS.

MAYBE YOU WOULD HAVE COMMITTEE SCORING AND/OR RANKING.

AND THEN, COUNCIL RANKING.

AND IT IS SUGGESTED THAT WOULD BE EITHER BY LEAD DEPARTMENT OR OVERALL.

I THINK WE'VE ALL SEEN A SITUATION WHERE WE RANK EVERYTHING TOGETHER.

AND IT TURNS OUT THE FIRST 15 ITEMS ARE FOR PUBLIC WORKS OR PLANNING.

AND THEN OTHER DEPARTMENTS THEIR ITEMS ARE SPRINKLED IN THE QUEUE.

WE MAY WANT TO LOOK AT RANKING BY DEPARTMENT RATHER THAN JUST DOING THE UNIVERSAL RANKING.

AND AGAIN, THESE ARE ALL IDEAS.

IT'S BIG.

THERE WAS A LOT FOR US TO COVER.

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ALL RIGHT.

NEXT SPECIAL TOPIC.

WE WOULD NEED A PROCESS AT THE MIDYEAR BUDGET OPPORTUNITIES.

HERE YOU SEE IN BLUE VERY HIGH-LEVEL SUGGESTIONS.

WE'LL FELT THIS WOULD BE A TOPIC THAT WOULD HAVE TO GO TO

BUDGET AND FINANCE.

ONE IDEA WAS THAT ONLY TIME CRITICAL AND ROLL OVER ITEMS

PREVIOUSLY APPROVED BUT UNFUNDED WOULD BE CONSIDERED.

NOT JUST FOR COUNCIL ITEMS BUT ALSO FOR CITY MANAGER ITEMS.

ANOTHER WOULD BE THAT NOT ALL THE EXTRA FUNDS WOULD GET

ALLOCATED AND MORE FUNDS WOULD BE AVAILABLE FOR THE ANNUAL

BUDGET PROCESS FOR COUNCIL INITIATIVE SAID THAT GO THROUGH THE

YEAR PROCESS.

AND POSSIBLY THAT A.A.O.1 AND 2 ARE ONE TIME OR SENSITIVE NEEDS,

EXCEPT IN SPECIAL CIRCUMSTANCES.

REALLY WE FELT THIS SHOULD GO TO BUDGET AND FINANCE TO THINK

ABOUT SHOULD WE ADOPT SOMETHING LIKE A YEARLY PROCESS.

BUT WITH ANY PROCESS, THESE THINGS WOULD NEED TO BE CLARIFIED.

ALL RIGHT, NEXT SPECIAL TOPIC.

IMPLEMENTATION.

WE ALREADY SAW WHAT THAT LOOKS LIKE.



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BUT I THINK THE CITY MANAGER REALLY WOULD WANT TO WORK ON FILLING OUT WITH MORE DETAIL WHAT THE IMPLEMENTATION PROCESS WOULD LOOK LIKE.

AND I KNOW SHE'S VERY COMMITTED TO HAVING A LEAD SO THAT EVERYBODY KNOWS WHO SAID RESPONSIBLE FOR MAKING SOMETHING HAPPEN.

BUT ALSO, HAVING A TEAM AND ALSO MAKING SURE THAT THERE IS CLARITY ABOUT INTENTIONS AND OFTEN TIMES AN AUTHOR WILL HAVE THOUGHT ABOUT IMPLEMENTATION.

AND HAVE SOME GOOD IDEAS.

WE'LL HAVE CONSULTED WITH STAKEHOLDERS AND THE COMMUNITY AND MAY HAVE SOME ADDITIONAL HELPFUL IDEAS BUT ULTIMATELY, IT'S UP TO THE CITY MANAGER TO DETERMINE IMPLEMENTATION, THAT CONSULTATION IS OBVIOUSLY A COURTESY, WHICH I THINK SHE IS VERY GENEROUSLY INTERESTED IN EXTENDING.

AND I CAN'T REMEMBER DO WE HAVE ONE MORE SPECIAL TOPIC?

NO.

WE DON'T.

THAT'S IT.

SO THANK YOU VERY MUCH.

>> MAYOR J. ARREGUIN: THE LAST PIECE ON IMPLEMENTS, THAT HAS BEEN HOW WE HAVE DONE -- IMPLEMENTATION, IMPLEMENTATION OF MAJOR NEW LAWS.

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IS AFTER WE WHILE WE'RE DEVELOPING IT AND WE GET INPUT ON OPERATIONAL IMPACTS, IMPLEMENTATION, THEN WE REFER TO THE CITY MANAGER DEVELOP IMPLEMENTATION PLAN, RESOURCE THAT AND THEN IMPLEMENTATION.

SO I THINK IT'S OPERATIONALIZING THE KIND OF AD HOC PRACTICE THAT WE'VE IMPLEMENTED.

I WANT TO TURN IT OVER TO COUNCILMEMBER HARRISON.

>> K HARRISON: FIRST OF ALL, I WANT TO THANK YOU COUNCILMEMBER HAHN FOR HER HARD WORK.

IT IS NOT EASY TO TACKLE SUCH A BROAD TOPICKISM SOMEONE HAS TO START.

IF YOU DON'T START YOU NEVER GET ANYWHERE.

SO THANK YOU VERY MUCH FOR THAT.

I REALLY COMMEND YOU FOR LEADING THIS EFFORT.

SINCE WE FIRST DISCUSSED IT IN 2021, AND THE CITY MANAGER CONTRIBUTION AND DEFERRING TO COUNCIL FOR THE SHAPE ANY CHANGES TAKE.

I HEARD HER SAY A COUPLE OF TIMES, IT IS NOT HER PROPOSAL.

I WANT TO MAKE THAT STATEMENT.

I'M NOT ON THE AGENDA COMMITTEE.

AND AS YOU NOTED, I WASN'T ABLE TO WORK WITH YOU, BUT I WORKED WITH COUNCILMEMBERS ROBINSON AND TAPLIN.

THANK YOU TO BOTH.

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AND I THINK COUNCILMEMBER BARTLETT IS INTERESTED IN THE PROPOSAL ABOUT TO DISCUSS, TO UPDATE AND BUILD ON IT.

I SUBMITTED AN ALTERNATIVE.

THIS IS NOT AN ALTERNATIVE TO COUNCIL HAHN, IT WAS AN ALTERNATIVE TO THEN COUNCILMEMBER DROSTE'S PROPOSAL IN 2021.

WHICH WAS MUCH MORE CONVEIN STRAINING OF US.

CONSTRAINING OF US.

I UPDATED TO RESPOND TO COUNCILMEMBER HAHN.

IT'S MEANT TO BE TAKEN CONSIDERATION HERE AND THE PUBLIC AND COUNCIL AND THE AGENDA COMMITTEE.

THERE IS REALLY POSITIVE ASPECTS OF COUNCILMEMBER HAHN'S PROPOSAL I WANT TO HIGHLIGHT.

AND I THINK WE SHOULD MOVE AHEAD.

COUNCIL ITEMS SHOULD FOLLOW THE GUIDELINES ALREADY PROMULGATED RATHER THAN USING THEM AS RECOMMENDATIONS.

WE GET THINGS IN VERY DIFFERENT FORMAT SAID IN COMMITTEES.

AND IT MEANS WE DON'T HAVE FAIR CRITERIA AGAINST WHICH THINGS ARE EVALUATED.

I THINK WE NEED TO ADOPT THESE AS BEING MANDATORY.

I LIKE THE IDEA OF A FORMAL PROCESS FOR CITY STAFF TO PROVIDE HIGH LEVEL CONCEPTUAL INPUT TO AUTHORS BEFORE SUBMITTING PROPOSALS.

I ALWAYS DO THAT.

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I PROBABLY NEVER SUBMIT ANYTHING WITHOUT FIRST TALKING TO THE DEPARTMENTS AND THE CITY ATTORNEY'S OFFICE.

I THINK THIS IS GOOD PRACTICE AND WE'RE PROBABLY ALL DOING IT.

I LIKE THE PROCESS FOR ADDRESSING THE BACKLOG OF UNFUNDED ITEMS.

I DON'T THINK IT SHOULD BE IN THE POLICY COMMITTEE.

I'LL EXPLAIN MORE IN A MINUTE.

I LIKE THE ENHANCED CHECKLIST FOR THE POLICY COMMITTEE.

I THINK WE NEED THAT.

WE OFTEN STRUGGLING, AS CHAIR OF ONE OF THEM.

EXCLUDING THE PROPOSAL THAT WE RATE ITEMS.

I DON'T WANT TO RANK ITEMS.

I'M IN A THREE PERSON COMMITTEE.

WE ALL BRING THINGS FORWARD.

I DON'T WANT TO SAY, I'M GOING TO RANK MINE AHEAD OF

COUNCILMEMBER TAPLIN.

THAT IS AWKWARD.

IT'S THE JOB OF THE FULL COUNCIL TO DO THE RANKING.

AND I DO LIKE THE IDEA OF SOMEHOW GETTING BETTER INPUT FROM

COMMISSIONS.

BUT I DON'T WANT TO DO BEFORE AN ITEM GOES BEFORE COUNCIL.

WE DON'T WORK FOR THE COMMISSION.

THAT STRUCK ME AS A LITTLE ODD, THERE ARE TIMES I HAVE WRITTEN

LEGISLATION, ASKED THEM TO HOLD HEARINGS, WHICH IS SOMETHING WE

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CAN CONSIDER DOING IF IT'S COMPLICATED AND WE BENEFIT FROM A LOT OF MORE HEARINGS THAN WE'RE ABLE TO HAVE.

BUT I DON'T WANT IT TO BE MANDATORY ANYWAY.

AND I GUESS MY MAJOR CONCERN ABOUT PROPOSALS, I'M A REALLY STRONG SUPPORTER OF THE POLICY COMMITTEE SYSTEM.

THAT COUNCILMEMBER HAHN ACTUALLY PROPOSED.

AND I DON'T BELIEVE OUR CENTRAL PROCESS IS FUNDAMENTALLY FLAWED ON MAJOR ITEMS.

I THINK WE'RE DOING A GOOD JOB ON THAT.

I'M GOING TO DESCRIBE IN A MINUTE WHY THE PROCESS WILL GO THROUGH A LENGTHY PROCESS AND DELAY US GETTING THINGS DONE.

I THINK THE MAIN THINGS WE'RE NOT DOING AS GOOD A JOB ON ARE REFERRALS AND BUDGET REQUESTS.

AND WHAT I SEE EMBEDDED IN BUDGET REQUESTS, BEING ON THE BUDGET COMMITTEE IS A LOT OF POLICY QUESTIONS NOBODY ANSWERED YET.

AND THAT REALLY CONCERNED ME.

IF WE CAN'T REALLY DISCUSS THE MONEY UNTIL WE KNOW HOW IT WILL WORK.

I'M HOPING YOUR INTENTION WAS TO INCLUDE IN THE GROUP OF ITEMS ORDINANCES WE WRITE NOW, REFERRALS, AND BUDGET REQUESTS OVER A CERTAIN DOLLAR AMOUNT.

I'M GOING TO MAKE A PROPOSAL HOW TO DO THAT.

I DON'T WANT TO SEE BUDGET REFERRALS JUST GO THROUGH.

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I THINK THAT'S NOT GOOD EITHER WHEN THEY ENTAIL A LOT OF BUDGETARY, POLICY ASPECTS.

A COUNTER EXAMPLE.

RECENTLY COUNCILMEMBER KESARWANI RECOMMENDED PUTTING MORE MONEY IN PAVING.

THAT DIDN'T NEED TO GO TO A POLICY COMMITTEE BECAUSE IT WASN'T CHANGING THE PAVING PLAN ANY WAY.

IT WAS SAYING PUT MORE MONEY IN.

IT WAS STRICTLY A BUDGET THING.

I'M NOT SURE WHY WE HAD IT AT OUR COMMITTEE.

OTHER TIMES WE HAVE THINGS THAT HAVE A LOT OF POLICY IMPLICATIONS BUT NOT MUCH MONEY AND GOING STRAIGHT TO BUDGET AND WE'RE LEFT AT BUDGET SAYING HOW ARE WE GOING TO DO THIS.

I THINK THAT IS THE WRONG PLACE TO ASK THOSE QUESTIONS.

I THINK THAT SHOULD GET WORKED OUT IN ADVANCE.

SOME OF THE MY CONCERNS ABOUT THE PROPOSAL I HAVE I AM GRATEFUL FOR, I THINK IT'S SIGNIFICANTLY LIMITS ACCESS TO THE LEGISLATIVE PROCESS BY EXTENDING TIMELINES.

RIGHT NOW, MAJOR ITEMS CAN BE SUBJECT TO NEARLY 300 DAYS.

THIS COMPARES THE CURRENT 120 DAYS IN COMMITTEE.

THAT HAPPENS BECAUSE OF THE SEPTEMBER DEADLINE.

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IF YOU TURN SOMETHING IN IN OCTOBER THAT IS NOT TIME CRITICAL BUT NONETHELESS IMPORTANT TO THE COMMUNITY IT WILL SIT THERE UNTIL NEXT YEAR.

AND THEN IT WILL SIT THERE UNTIL THE JUNE BUDGET PROCESS, THE WAY I READ IT NOW.

WE COULD BE LOOKING AT 18 MONTHS.

I DON'T THINK WE NEED TO BUILD IN EXTRA TIME.

SO I'M GOING TO SUGGEST WAYS TO NOT DO THAT.

IT ALSO DOESN'T ALIGN TIMELY LEGISLATIVE ITEMS WITH THE FALL BUDGET PROCESS.

THIS HAS BEEN A HUGE CONFUSION.

I HEARD THIS IN TWO DIFFERENT DIRECTIONS FROM THE CITY MANAGER.

ONE, SHE WOULD LIKE US TO GET ALL OF OUR PROPOSALS IN BEFORE THE JUNE BUDGET.

BUT TWO, ALSO SHE WOULD LIKE US TO NOT SUBMIT ANYTHING EXCEPT FOR THE A.A.O.

THAT'S WHEN WE KNOW MORE ABOUT REVENUES.

WE NEED A DEFINITIVE ANSWER ABOUT THE BEST PROCESS.

BUT I DO NOT WANT TO ASSUME THE BUDGET PROCESS.

I PERSONALLY THINK WE CAN HAVE TWO CYCLES.

ONE OF WHICH IS TO JUNE AND ONE OF WHICH IS TO A.A.O.

I THINK I'M RECOMMENDING WE DO THAT.

THAT WILL GET THINGS THROUGH MORE QUICKLY.

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I REALLY DON'T WANT POLICY COMMITTEES TO PRIORITIZE AS I'VE  
ALREADY DISCUSSED.

AND I THINK THAT IS REALLY A COUNCIL JOB.

ALSO, THERE IS SOMEWHERE IN HERE AN IMPLICATION THE POLICY  
COMMITTEES ARE A TIME COMMITMENT BURDEN. ON STAFF AND THE  
COUNCIL.

I THINK IT'S THE OPPOSITE.

PERSONALLY FOR ME THE STUFF WE GET AT COUNCIL IS SO MUCH BETTER  
BECAUSE OF YOUR SYSTEM, COUNCILMEMBER HAHN, OF SETTING OF THESE  
COMMITTEES AND REVIEW IT GOES THROUGH THAT I THINK THE STAFF  
BURDEN IS LESS.

AND SO THE BURDEN ON THE PUBLIC VERY CONFUSING PROPOSALS IS  
LESS.

THINGS ARE BETTER BECAUSE THEY HAVE GONE THROUGH THESE  
COMMITTEES.

SO I REALLY DON'T THINK WE SHOULD BE LIMITING THE COMMITTEES TO  
OPERATING SIX MONTHS OF THE YEAR.

WHEN WE DON'T HAVE SOMETHING TO DO.

I THINK IT'S OKAY TO KEEP THEM OPERATING DURING THE ENTIRE TIME  
THE COUNCILMEMBER IS MEETING AND TAKE THINGS UP AS THEY COME  
ALONG.

I'M GOING TO PROPOSE THAT.



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AND THEN FINALLY, I DON'T LIKE THE IMPLEMENTATION TEAM AT THE  
END AFTER THE ITEM HAS GONE OUT OF THE COMMITTEE, INCLUDING THE  
COUNCILMEMBER.

IT FEELS LIKE, BECAUSE IT INDICATES THEY WOULD BE ESTABLISHING  
CLARITY OF INTENTIONS, TIMELINES, OPPORTUNITIES, IDEAS AND  
CHALLENGES.

THAT SHOULD ALL HAPPEN AT THE COMMITTEE PROCESS.

IF WE HAVEN'T FIGURED OUT TIMELINES AND OPPORTUNITIES THEN, I  
DON'T THINK I'M COMFORTABLE WITH ONE COUNCILMEMBER BEING IN  
CHARGE OF THAT.

EVEN WHEN IT'S MINE, I DON'T THINK I LIKE THAT.

THAT I'M NOW I'M NEEDING TO FIGURE OUT HOW WE'RE REALLY GOING TO  
DO IT.

THAT SHOULD HAVE ALL BEEN TALKED ABOUT UP FRONT IN A COMMITTEE  
PROCESS.

SO I HAVE A FLOW CHART THAT TRIES TO SHOW WHERE THE DIFFERENCES  
ARE.

BUILDING OCOUNCILMEMBER HAHN'S EXCELLENT WORK.

GIVE ME ONE SECOND.

I'M ALWAYS TERRIBLE AT THIS.

I DON'T KNOW HOW TO SHARE A SCREEN.

HOLD ON A MINUTE PLEASE.

YOU WILL LAUGH AT ME BECAUSE I'M NOT GOOD AT THIS.

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I JUST FOUND IT.

THANK YOU, MR. MAYOR.

I SO APPRECIATE THAT.

HERE'S MY FLOW CHART, WHICH TRIES TO SHOW WHERE THERE ARE DIFFERENCES BETWEEN THE TWO PROPOSALS.

I'M PROPOSING THAT WE STILL SUBMIT ITEMS THROUGHOUT THE YEAR.

I THINK YOU SAID YOU WERE INTENDING FOR THE COUNCIL TO DO THAT.

A BIG DISTINCTION FOR ME IS ANOTHER THING THAT DOESN'T GO THROUGH THIS RIGOROUS ANALYSIS YOU ARE CALLING FOR ARE CITY MANAGER ITEMS.

AND I WOULD LIKE THOSE TO ALL GO THE COMMITTEE PROCESS.

THAT'S HOW THEY DO IT IN ON THE GROUND AND SAN FRANCISCO.

MY STAFF SPEND TIME LOOKING AT THOSE RULES.

IF IT'S A SIGNIFICANT THING, IT SHOULD BE USING THE SAME PROCESS THAT WE USE FOR OUR THINGS.

WE ARE THE BODY, WE APPROVE THE BUDGET AND THE ITEMS.

SO I WANT MAJOR ITEMS FROM THE CITY MANAGER TO ALSO GO TO THESE COMMITTEES.

AND I WANT TO DO IT ALL YEAR.

I ALSO WANT SOME OBJECTIVE CRITERIA FOR DETERMINING FROM THE AGENDA COMMITTEE, WHAT IS MAJOR.

I THINK RIGHT NOW THE LANGUAGE NEEDS TO BE TIGHTENED UP BUT IT IS A GOOD START.

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I THINK WE NEED TO IS SAY BUDGET ITEMS MORE THAN "X" DOLLAR.  
BUDGET ITEMS THE DOLLARS THAT CAUSE OPERATIONAL DIFFERENCES OR  
SOMETHING.

BUT WE NEED SOME CRITERIA IN THERE.

AND I WOULD HAVE THE POLICY COMMITTEES CONTINUE TO MEET DURING  
THE ENTIRE PERIOD.

AND AGAIN, KEEP THINGS FOR 120 DAYS MAXIMUM IN THE POLICY  
COMMITTEE HOPPER.

ALTHOUGH I THINK THE MAYOR WAS THINKING WE WANT TO EXTEND THAT  
TIME.

I THINK WE START WITH THE 120 AND IF WE NEED TO EXTEND, WE CAN  
ALWAYS GET ACCOMMODATIONS FROM OUR COLLEAGUES ON THAT.

ISSUING THE POLICY RECOMMENDATIONS AGAINST THE ENHANCED REVIEW  
CHECKLIST, WHICH IS I THINK IS REALLY CRITICAL.

GOES BACK TO THE AGENDA COMMITTEE.

THEN IT GOES TO COUNCIL MEETING.

THEN IT GOES TO ONE OR THE OTHER OF THE BUDGET PROCESSES  
DEPENDING ON WHAT TIME OF YEAR YOU ARE IN THROUGH THE BUDGET  
COMMITTEE.

AND THEN IT'S ADOPTED AS PART OF THE BUDGET.

A COUPLE OF OTHER COMMENTS I WANTED TO MAKE.

I'M NOT CERTAIN I THINK ALL BUDGET PROPOSALS SHOULD  
AUTOMATICALLY ROLL TO THE NEXT PERIOD.

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THE MAYOR HAS A UNIQUE AND DIFFERENT ROLE IN OUR GOVERNMENT.

WE DO HAVE A STRONG CITY MANAGER FORM OF GOVERNMENT.

AND WE DO HAVE A COLLABORATIVE COUNCIL IN WHICH HE SITS.

BUT THE CHARTER IS REALLY CLEAR THE MAYOR PRESENTS A BUDGET.

IF HE DOESN'T LIKE SOMETHING OR THINKS IT SHOULD NEVER BE

BUDGETED, I WANT HIM TO HAVE THAT OPPORTUNITY.

I'VE ACTUALLY NEVER SEEN YOU DO THAT.

BUT THERE COULD COME A TIME WHEN IT COULD HAPPEN.

AND SO I THINK THAT TAKING THAT AWAY FROM YOU IS NOT A GOOD

THING.

I DON'T THINK EVERYTHING SHOULD ROLL.

I THINK WE CAN HAVE A WORKING EXPECTATION THINGS WILL ROLL OVER

BUT I DON'T WANT EVERYTHING TO ROLL.

BECAUSE YOU MIGHT HAVE SOMETHING THAT ISN'T YOU THINK IS NOT A

GREAT IDEA OR THE CITY MANAGER MIGHT SAY THAT IS NEVER GOING TO

WORK BUDGETARILY SO DON'T DO THAT.

AND WE WANT TO MOVE ON WITH IT.

I ALSO FEEL WE HAVE TO VERY CLEARLY ESTABLISH THESE CRITERIA FOR

WHAT IS A SIGNIFICANT ITEM.

AND AGAIN IT SHOULD APPLY TO EVERYTHING FROM THE CITY MANAGER

AND FROM US.

AND ORDINANCES, REFERRALS AND BUDGET REQUESTS.

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MOST OF THE PROBLEMS I'VE SEEN IN MY COMMITTEE ARE NOT  
ORDINANCES.

WE ALREADY HAVE A GOOD PROCESS ON ORDINANCES.

THE PROBLEM ARE REFERRALS.

AND I WOULD BE PANICKED IF I WERE YOU I SAW THAT LONG LIST LIKE  
OH, MY GOD.

I JUST CAN'T GET THROUGH IT.

SO WE DO NEED, AND I SHOULD HAVE SAID THIS IN A POSITIVE ASPECT  
PARTS.

WE NEED AN ACTIVE PROCESS FOR GETTING RID OF REFERRALS.

AND I'M GOING TO SAY ON MY OWN BEHALF, I'M THE ONLY ONE IN THE  
LAST THREE CYCLES THAT HAS IDENTIFIED OTHER PEOPLE'S REFERRALS  
TO GET RID OF OTHER THAN MY OWN OR MY PREDECESSORS.

AND YOU KNOW WHAT, WE'VE SEEN THE ENEMY, AND IT IS US.

WE KEEP PUSH STUFF FORWARD.

WE DON'T WANT TO SAY NO TO EACH OTHER.

OUR PROBLEM IS US.

AND I THINK WE HAVE TO BE BRAVER IN SAYING I DON'T WANT TO  
PRIORITIZE THIS AT ALL.

I DON'T CARE IF IT COMES IN 43.

I REALLY DON'T THINK WE SHOULD BE DOING THIS THING OR 43 FITS  
WITH 22.

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BECAUSE NOW I'M "D" AND I HAVE 43 ITEMS AND I'M NEVER GOING TO DO 43.

OKAY. IT'S NEVER GOING TO HAPPEN BUT IT IS STILL THERE.

SOMEBODY IS STILL GOING TO CALL AND SAY WHAT THE HECK HAPPENED TO THAT THING WITH THE REFRIGERATORS FOR THE HOMELESS, WHICH I NOTICED WAS STILL ON THE LIST LAST YEAR.

SO YOU KNOW, WE SHOULD KILL IT.

IF WE DON'T LIKE IT, LET'S GET RID OF IT.

LET'S BE BRAVE HERE, PEOPLE.

LET'S DO OUR JOB SO DEE CAN DO HERS.

I THINK THAT'S KIND OF ONE OF MY BASIC PREMISES HERE.

I WANT US TO BE A LOT OF MORE SYSTEMATIC ABOUT THAT REFERRAL LIST.

AND I THINK WITH THOSE CHANGES, I THINK THAT I LIKE THIS GENERAL FLOW.

AGAIN, A FEW THINGS I DON'T WANT POLICY COMMITTEES DOING A COUPLE THINGS I WANT BETTER DEFINED.

AND I DON'T WANT THIS LONG TIMELINE.

I THINK IT'S WAY TOO LONG.

WE CAN DO MORE WORK THAN THIS.

WE'VE BEEN DOING MORE WORK THAN THIS.

AND I THINK WOULD BE KEEP IT UP WITH SOME BETTER STANDARDS AND FORMS.

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SO THANK YOU, COUNCILMEMBER HAHN.

>> MAYOR J. ARREGUIN: OKAY, THANK YOU VERY MUCH.

WE'LL GO TO COUNCILMEMBER HUMBERT.

>> M. HUMBERT: YES, THANK YOU, MR. MAYOR.

THOSE TWO PRESENTATIONS ARE HARD ACTS TO FOLLOW CERTAINLY.

I WANT TO SAY HOW MUCH I APPRECIATE ALL OF THE WORK THAT AGENDA AND RULES COMMITTEE DID TO REVIEW AND SUMMARIZE THE PROPOSALS CURRENTLY ON THE TABLE.

AND TO ESPECIALLY THANK THE MAYOR, COUNCILMEMBER WENGRAF AND THEIR STAFF FOR THE WORK THEY DID TO CREATE THE MATRIX.

IT WAS A LOT OF MATERIAL.

THE MATRIX TO ME WAS REALLY HELPFUL IN BEING ABLE TO DO A MORE APPLES TO APPLE COMPARISON BETWEEN THE PROPOSALS THAT HAVE COME DOWN DURING A SIGNIFICANT PERIOD OF HISTORY.

AND HOW THEY WOULD POTENTIALLY IMPACT VARIOUS COMPONENTS OF THE LEGISLATIVE PROCESS.

I ALSO WANT TO DEEPLY THANK COUNCILMEMBER HAHN FOR HER WORK IN PRESENTING A MORE STRUCTURED PROCESS THAT IMPLEMENTED WOULD CERTAINLY HELP ENSURE THE DETAILS AND POLICIES AND PROPOSALS ARE DRILLED INTO WELL BEFORE THEY REACH THE COUNCIL STAGE.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON, ALONG WITH COUNCILMEMBERS TAPLIN AND ROBINSON FOR THEIR WORK TO PUT FORWARD AN ALTERNATIVE LEGISLATIVE CYCLE APPROACH.

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I APPRECIATE HAVING DIFFERENT OPTIONS TO CONSIDER.

AND I THINK THIS ALTERNATIVE HAS SOME ADDITIONAL POSITIVE CHARACTERISTICS.

INCLUDING SIMPLICITY THAT MERIT STRONG CONSIDERATION.

OVERALL THOUGH I HAVE TO AGREE, ALTHOUGH I AGREE THAT PROPOSALS SOMETIMES NEED MORE WORK BEFORE COMING TO COUNCIL, BASED ON MY LIMITED EXPERIENCE ON COUNCIL, I DON'T NECESSARILY FEEL THAT A LACK OF COMPLETENESS IS THE BIGGEST PROBLEM WE FACE IN TERMS OF COUNCIL'S APPROACH TO MAJOR ITEMS.

I THINK THAT OUR EXISTING COMMITTEE APPROACH AND EXTREMELY CAPABLE STAFF ALREADY DO A PRETTY GOOD JOB OF ENSURING ITEMS EITHER GET TO COUNCIL OR COME OUT OF COUNCIL IN DESCENT SHAPE. AND THERE IS ALSO THE FACT THAT COUNCIL WAS A POLICY SETTING BODY WITH IMPLEMENTATION AND OPERATIONS BEING THE PROVINCE OF STAFF.

I DON'T KNOW THAT COUNCIL AND COUNCIL COMMITTEES GETTING EVEN MORE INTO THE WEEDS ON MINUTE DETAILS IS NECESSARILY GOING TO HELP STAFF DO THEIR JOBS.

IT MIGHT EVEN HAVE THE OPPOSITE EFFECT FOR POLICIES AND PROGRAMS AND HAVE LESS FLEXIBILITY.

THIS BRINGS ME TO WHAT I THINK IS THE FUNDAMENTAL PROBLEM WITH OUR APPROACH TO LEGISLATING, WE DO TOO MUCH OF IT.



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I THINK THE CITY MANAGER HAS BEEN JUST ABOUT AS CLEAR AS SHE CAN BE IN TELLING US WE NEED TO SLOW OUR GENERATION OF REFERRALS WHEN IT COMES TO THE MAJOR POLICIES AND PROGRAMS COMING OFF OF THIS DAIS.

AND I JUST DON'T FEEL A LEGISLATIVE SEASON APPROACH REALLY TACKLES THE FUNDAMENTAL ISSUE.

THAT'S WHY I LEAN STRONGLY TOWARD USING MY PREDECESSOR FORMER COUNCILMEMBER DROSTE BE RIGHT PROPOSAL AS A STARTING POINT WORKING OUT FROM THERE.

IN GENERAL, I'M RELUCTANT TO SUPPORT A LEGISLATIVE OVER HAUL WITHOUT LIMITS ON COUNCIL ITEMS OR TIME OUR REWEIGHTED RANGE VOTING PRIORITIZATION EXERCISE TO TAKE PLACE BEFORE STAFF AND COMMITTEES REALLY DIVE INTO THE DETAILS OF PROPOSALS THAT COULD CLEAR OUT SOME OF THE ITEMS EFFICIENTLY.

THIS LEGISLATIVE SEASON APPROACH SEEMS POISED TO RESEARCH OUTREACH AND NATIONAL BURDENS ASSOCIATED WITH ANY GIVEN ITEM, BOTH FOR COUNCIL STAFF AND POTENTIALLY OTHER CITY STAFF.

WITHOUT SOME LIMITS ON COUNCIL ITEMS THIS PROPOSAL SEEMS LIKELY TO INCREASE THE COMPLEXITY AND WORKLOAD ASSOCIATED WITH ITEMS COMING FROM COUNCIL.

IN ADDITION, BECAUSE ALL MAJOR ITEMS WOULD BE HELD TO THE SAME TIMELINE OR SAME TIMELINES THESE INCREASED NEEDS FOR REVIEW

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HEARINGS, AND ANALYSIS SEEM LIBEL TO EXACERBATE CRUNCH TIMES DURING THE YEAR AND POSSIBLY EVEN CREATE NEW ONES.

I THINK THAT THE HARRISON, TAPLIN, ROBINSON PROPOSAL IS BETTER THAT WOULD REDUCE STAFF EFFORTS AND AVOID GIVING COMMITTEES AN APPROPRIATE VETO POWER OVER COUNCIL REFERRALS.

AGAIN, THAT SAID, I STILL THINK THIS ALTERNATIVE ALSO GIVES SHORT SHIFT TO THE FUNDAMENTAL ISSUE, THE SHEER VOLUME OF COMPLEX AND WORK INTENSIVE POLICY AND PROGRAMS COMING OUT OF COUNCIL.

THIS REMAINS THE NUMBER ONE ISSUE TO ME.

AND THIS FEELS CONSISTENT WITH WHAT WE HEARD FROM THE CITY MANAGER.

I'M NOT GOING TO SUGGEST A MORATORIUM ON NEW MAJOR NONEMERGENCY ITEMS WOULD BE IN ORDER.

I'M SURE I WOULDN'T FIND SUPPORT AND MAYBE IT DOESN'T MAKE SENSE BUT A CAP OF SOME SORTED AND PERHAPS A TEMPORARY NUMERICAL CAP IS WHAT WE SHOULD AIM FOR.

I DON'T FEEL LIKE IN SUPPORT ANY PROPOSAL THAT DOESN'T SET A FIRM LIMIT ON MAJOR COUNCIL ITEMS.

BUT I DO WANT TO THANK EVERYBODY FOR ALL THE REALLY COMPLICATED AND HARD WORK THAT THEY PUT IN ON THIS.

AND I'VE SPENT A LOT OF TIME LOOKING AT THESE PROPOSALS.

AND THANK YOU SO MUCH.

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>> MAYOR J. ARREGUIN: OKAY.

COUNCILMEMBER HAHN WANT TO MAKE A CLARIFYING COMMENT.

AND THEN, ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

WE NEED TO TAKE PUBLIC COMMENTS AS WELL.

>> S. HAHN: THANK YOU.

COUNCILMEMBER HARRISON, I WANT TO BETTER UNDERSTAND.

I COMPLETELY AGREE WITH YOU THAT CITY MANAGER ITEMS WOULD ALSO BENEFIT FROM THE SAME REVIEW.

BUT I'M TRYING TO UNDERSTAND WHERE THAT COMES UP, BECAUSE MOST OF WHAT THEY BRING TO US ARE REFERRAL RESPONSES.

AND I WAS TRYING TO REMEMBER A TIME WHEN THE CITY MANAGER SORT OF BROUGHT US SOMETHING NEW THAT HADN'T BEEN REFERRED BY THE CITY COUNCIL.

THE ONLY THING I CAN THINK OF WAS THE KIOSKS IS WHEN THE REFERRAL RESPONSE COMES BACK THAT RESPONSE SHOULD THEN BE VETTED BY A COMMITTEE?

IF YOU COULD CLARIFY WHAT YOU MEAN BY THAT.

>> K HARRISON: YES, MANY PAST REFERRALS WERE SO VAGUE THAT WE, AND WE HAD COMPLETELY DIFFERENT PEOPLE ON COUNCIL THAT I WOULD HOPE THEY WOULD COME BACK TO US.

IF WE START DOING A BETTER JOB OF REFERRALS, THE WON'T BE AS BIG AN ISSUE.

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I THINK SOMETIMES STAFFING IN THE DARK TO FIGURE OUT HOW TO RESPOND.

IT MIGHT NOT BE ON POINT WITH WHAT WE WERE THINKING.

I CAN'T THINK OF AN EXAMPLE.

THERE HAVE BEEN EXAMPLES ABOUT HOMELESS POLICY, SHE'S TRYING TO DO SOMETHING REASONABLE BUT MANY THINGS HAVE CHANGED IN THE LEGAL LANDSCAPE THAT HAVE CHANGED WHAT WE MIGHT BE ABLE TO DO OR NOT DO.

FOR EXAMPLE, WE HAD CERTAIN POLICIES ABOUT SLEEPING IN CARS AND THAT CHANGED AS YOU RECALL, THEN IT CAME BACK.

I THINK IF THAT'S GOING TO BE SOMETHING WITH A LOT OF IMPLICATIONS, IT SHOULD GO TO COMMITTEE.

>> S. HAHN: NOT NECESSARILY SOMETHING WRITTEN, A CHANGE IN POLICY.

>> K HARRISON: I THINK SHE WAS COMING BACK WITH CHANGE IN WRITTEN POLICY BASED ON CHANGE IN THE LAW.

>> S. HAHN: I SEE.

>> K HARRISON: SO I THINK AT THAT POINT DEPENDING ON HOW COMPLEX IT IS, CRITERIA, IT WOULD GO TO A COMMITTEE.

MANY THINGS AREN'T THAT COMPLEX.

SO OBUT AND STILL THINK THERE ARE ITEMS --

>> S. HAHN: YEAH.

>> K HARRISON: -- [ MULTIPLE SPEAKERS ]

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>> S. HAHN: I WAS TRYING TO UNDERSTAND EXACTLY WHAT YOU WERE REFERRING TO.

WE'RE JUST TAKING NOTES AND WE'LL TAKE IT BACK TO THE AGENDA AND RULES COMMITTEE.

BUT I WONDERED, I THINK THE CITY MANAGER MIGHT HAVE HAD, MAYOR, IF I MAY, I THOUGHT IT LOOKED THE CITY MANAGER MIGHT HAVE A COMMENT ON THAT.

>> I JUST WANTED TO ECHO YOUR CONCERNS, COUNCILMEMBER HAHN, THAT WE RARELY IN EVER BRING FORWARD OUR OWN MAJOR, I DON'T BRING FORWARD POLICY.

I'M RESPONDING TO THIS BODY'S POLICY.

BUT IF THAT'S THE ROUTE THAT IS BEING RECOMMENDED WE BRING IT BACK TO A POLICY COMMITTEE BEFORE BRINGING IT TO THE FULL COUNCIL FOR ADOPTION, WE'RE OPEN TO THAT AS WELL.

>> S. HAHN: OKAY.

ANYTHING ELSE COUNCILMEMBER HARRISON, FOR US TO FULLY UNDERSTAND YOUR VISION ON THIS?

>> K HARRISON: AS AN EXAMPLE.

I THINK THE RESPONSE TO A.L.P.R.'S IS A GOOD EXAMPLE.

WE HAD A REFERRAL A LONG TIME AGO.

WE HAVE SO MUCH COMPLICATION, THE PARKING L.P.R.'S, THE OTHER CAMERAS THAT DID FINALLY GO TO PUBLIC SAFETY BUT IT WENT TO BUDGET FIRST.

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AND THAT WAS ODD.

SO IT'S REALLY NEED THAT NEEDED THAT PUBLIC SAFETY COMMITTEE  
REVIEW.

AND YOU GUYS DID A GREAT JOB BUT THAT WAS A BIG DEAL.  
IT IS THINGS LIKE THAT.

I DON'T THINK IT WILL COME UP EVERY DAY.

BUT WE'RE DEALING, YOU ARE DEALING WITH A LOT NOW, CITY MANAGER,  
MADAM CITY ATTORNEY, COMPLICATED ITEMS, AND I THINK SOMETIMES  
THEY BENEFIT FROM THAT FORUM.

THE COMMITTEES ARE BETTER FOR HAVING PUBLIC INPUT.

ONE REASON I LOVE THEM, WE REDUCED CONFUSION AT THE COUNCIL  
ABOUT WHAT THINGS ARE.

IT'S BEEN VERY HELPFUL.

>> THANK YOU.

VERY HELPFUL FOR US TO BETTER UNDERSTAND THE VISION ON THAT.

>> MAYOR J. ARREGUIN: COUNCILMEMBER ROBINSON.

>> R. ROBINSON: SURE.

GOOD AFTERNOON, I'LL TAKE THIS OPPORTUNITY TO JUMP IN.

AND FIRST, THANK YOU TO THE AGENDA COMMITTEE WHO HAVE BEEN  
ENGAGING WITH THE DISCUSSION AND INCREDIBLY DEEP LEVEL.

THE REST ARE STUCK OUTSIDE WITH OUR FACES PUSHED AGAINST THE  
WINDOW EAVESDROPPING AND UNABLE TO PARTICIPATE.

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COUNCILMEMBER HAHN, IT IS SO MUCH EASIER FOR THE REST OF US TO  
POKE AT PROPOSALS AND IDENTIFY THINGS WE'RE CRITICAL OF TO  
ASSEMBLE FOR CONSIDERATION.

THANK FOR THE HEAVY LIFTING.

MY FEEDBACK IS LARGELY REFLECTED IN THE SERIES OF NOTES WITH  
COUNCILMEMBER HARRISON.

I'M GLAD THE COMMITTEE WILL BE ABLE TO WEIGH THAT AND CONSIDER  
ALL PATHS AVAILABLE TO US.

REALLY I THINK COUNCILMEMBER HARRISON, TAPLIN, AND I, IT'S NOT  
REALLY A PROPOSAL.

IT'S A STRING OF IDEAS AND PRIORITIES REALLY FOR THE PROPOSAL  
THAT I THINK WILL BE SHAPED BY THE AGENDA COMMITTEE.

I'LL FOCUS MY COMMENTS ON THE TINY HANDFUL OF THOUGHTS IN MY  
TIME SITTING HERE.

ONE, WHICH I THINK COUNCILMEMBER HUMBERT ALLUDED TO, BUT WE  
HAVEN'T TALKED TO SUPER DIRECTLY.

THE IDEA OF QUANTITATIVE LIMITS ON THE NUMBER OF PIECES OF LIMITED  
LEGISLATION THAT COUNCILMEMBERS AND INTRODUCE, THIS HAS BEEN  
FLOATED BEFORE AND IT'S SOMETHING I THINK CANDIDLY INITIALLY I  
HAD A BIT MORE HOSTILE OF A REACTION TO.

I THINK IT FELT A LITTLE UNDEMOCRATIC IF YOU WILL.

WE'RE REPRESENTATIVES OF OUR DISTRICTS.

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I THINK WE SHOULD BE ABLE TO INTRODUCE THE VOLUME OF LEGISLATION THAT OUR RESIDENTS EMPOWER US TO.

BUT THAT SAID, WE HAVE A REAL ISSUE HERE.

AND I THINK IF I'M A LITTLE HONEST WITH MYSELF, I THINK THERE IS PROBABLY NUMBERS OUT THERE, MAYBE IT'S FIVE.

A NUMBER OF MAJOR ITEMS THAT ONE COUNCIL MEMBER COULD INTRODUCE THAT IS HIGHER THAN THE NUMBER OF MAJOR ITEMS I OR SOMEONE WAS GOING TO INTRODUCE ANYWAY BUT COULD HAVE AN INTERESTING SELECTIVE AFFECT IN OUR DECISION-MAKING PROCESS, TO EXERCISE JUST A LITTLE BIT MORE HESITATION TO VET AN IDEA JUST A LITTLE BIT MORE BECAUSE YOU KNOW THERE IS AN OPPORTUNITY COST TO INTRODUCING IT.

THAT LEVEL OF ANALYSIS, THAT LEVEL OF PATIENCE, REALLY THAT LEVEL OF HESITATION I THINK IS VALUABLE.

AND COUNCILMEMBER HARRISON, AS YOU SAID, IF THE PROBLEM IS US, IT'S REALLY HARD TO DEFINE RULES THAT WILL SHAPE THAT.

BUT I THINK THERE IS PROMISE THERE.

I THINK THERE ARE LIMITS SO WE COULD PUT IN PLACE THAT REALLY DON'T MEANINGFULLY CURTAIL THE EXTENT TOO MUCH WE CAN BE INNOVATIVE AND PUT THINGS ON THE TABLE AND FORCE US TO ASK OURSELVES BEFORE WE THROW SOMETHING ON THE HOPPER IF IT'S THE HILL WE WANT TO DIE ON.

I'M RUMINATING ON THAT.



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OPEN TO POSSIBILITY SAID THERE.

A LOT OF OTHER THINGS I LIKE THAT ARE IN THE MIX ACROSS PROPOSALS, I THINK REQUIRING THE ITEM GUIDELINES WE HAVE BE IN PLACE WOULD BE VALUABLE.

I'M CERTAINLY NOT ALWAYS THE BEST AT FOLLOWING THEM.

I THINK EXPLICIT CLARITY ABOUT ITEM DEADLINES FOR BUDGETING/IMPLEMENTATION WILL BE VALUABLE.

I THINK IT WILL BE GOOD, REALLY WE'RE DOING THIS CYCLE I THINK IT'S A GOOD PRACTICE TO MAKE PERMANENT TO BE CLEAR ABOUT WHAT THE ROLE OF BUDGET REFERRALS FOR A.A.O. ONE AND TWO SHOULD BE. AS ONE TIME OR SENSITIVE NEEDS.

THAT I THINK WOULD BE REALLY POSITIVE.

AND I CALLED TOGETHER A LIST OF THINGS I WOULDN'T EVEN SAY I'M OPPOSED TO BUT THINGS I WORRY A LITTLE ABOUT.

IN CONTEMPLATING SORT OF THE IDEA OF A SESSION.

OBVIOUSLY THAT WORKS AT A LOT OF OTHER LEVELS OF GOVERNMENTS.

I FIND MYSELF BEING ANXIOUS THE SURGES OF CERTAIN TYPES OF WORKLOAD AT CERTAIN TIMES MIGHT BE UNTENABLE.

I THINK OF THE WORK THAT OUR COMMITTEES ARE DOING RIGHT NOW SOMETIMES THEY EBB AND FLOW, SOMETIMES THEY HAVE SWELLS, SOMETIMES A LITTLE BACK LOG THAT TAKES MONTHS, SOMETIMES I GO FOUR MONTHS WITHOUT A LAND USE MEETING.

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TO DO THAT AT ONCE, TO HAVE PACKED AGENDAS FOR THAT COMMITTEE, WE HAVE A HARD TIME GETTING TO TWO AGENDA ITEMS AT THE COMMITTEE LEVEL.

I THINK AT OUR TUESDAY EVENING COUNCIL MEETINGS THERE IS OFTEN A LOT ON THE AGENDA AND WE HAVE AN INCENTIVE TO BE BRISK AND MAKE SURE WE GET TO WHATEVER ELSE WE HAVE.

I THINK THE BEAUTIFUL THING ABOUT THE POLICY COMMITTEE, WE CAN RUN IN CIRCLES AND ASK ALL SORTS TECHNICAL SMALL QUESTIONS TO REALLY VET SOMETHING AND SPEND THREE HOURS WITH ONE ITEM WORKSHOPPING IT.

AND SO I THINK I HAVE LOGISTICAL WORRIES ABOUT WHAT IT WOULD LOOK LIKE TO PACK THAT STAGE TO HAVE THE POLICY VETTING PROCESS FOR THE WHOLE CYCLE INTO A FEW MONTHS.

I SHARE AND WANT TO RESONATE WITH COMMENTS MADE ABOUT A ROLE FOR COMMITTEES PRIORITIZING OR SCORING ITEMS.

I THINK IT'S VERY VALUABLE THAT IS COMING FROM THE FULL COUNCIL. AND ALSO, WANTS US TO STIR AWAY FROM BEING LIMITED TO ONLY HAVING AUTHORS NOT CO-SPONSORS AT THE PRE-SUBMISSION STAGE.

I FLOAT AROUND A LOT OF IDEAS WITH COLLEAGUES AND I THINK HAVING THE OPPORTUNITY TO BRAINSTORM AND VET SOMETHING WITH OTHER COUNCILMEMBERS BEFORE I BRING IT FORWARD IS VALUABLE AND OFTEN RESULTS IN ME NOT INTRODUCING THINGS BECAUSE THERE IS A BETTER WAY TO GO ABOUT IT OR SOMETHING I DIDN'T KNOW.

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THAT IS VALUABLE AND I DON'T WANT TO MAKE THAT HARDER TO DO.

IN SUMMATION, THANK YOU TO EVERYONE WHO PUT ITEMS ON THE TABLE.

I DO NOT ENVY THE COMMITTEE TO FIGURE OUT A PATH FORWARD.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCIL WENGRAF.

>> S. WENGRAF: YEAH, THANK YOU VERY MUCH.

FIRST, I WANT TO THANK COUNCILMEMBER HAHN FOR DOING ALL OF THE HARD WORK.

AND TAKING ON THE BURDEN OF FORMULATING THIS WITH THE CLERK, CITY MANAGER AND PRESENTING IT TO US.

I THINK IT WAS A HUGE TASK.

AND I'M VERY GRATEFUL TO HER FOR DOING IT.

AND AS SHE EXPLAINED, THE MAYOR AND I COULD NOT PARTICIPATE BECAUSE OF THE BROWN ACT.

SO THANK YOU VERY MUCH, COUNCILMEMBER HAHN.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON FOR PUTTING FORWARD AN ALTERNATIVE.

BUT THESE ARE NOT THE ONLY TWO THINGS THAT ARE BEFORE US.

WE CAN, BOTH OF THESE THINGS I CONSIDER JUMPING OFF POINTS FOR THE DISCUSSION.

AND I WOULD LIKE TO SUGGEST WE TAKE A STEP BACK AND THINK ABOUT WHAT OUR GOAL IS.

IT'S BEEN YEARS YOU KNOW, WE'VE HAD SO MANY PROPOSALS.

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WHAT IS THE PROBLEM WE'RE TRYING TO SOLVE.

AND BOTH PROPOSALS BEFORE US ARE PRETTY COMPLEX.

I'M NOT SURE THAT LEVEL OF COMPLEXITY IS NECESSARY.

I THINK IT WAS COUNCIL HUMBERT WHO BROUGHT UP THE IDEA OF  
LIMITING THE NUMBER OF ITEMS.

ORIGINALLY, YOU KNOW, I REMEMBER THE CITY MANAGER COMING TO US  
AND BASICALLY BEGGING US TO STOP DOING MAJOR ITEMS BECAUSE STAFF  
WAS SO OVERWHELMED.

AND I THINK THERE IS STILL A BACKLOG.

I DON'T KNOW WHAT IT IS.

BUT MAYBE 90 ITEMS OR SOMETHING LIKE THAT.

YOU KNOW, GIVEN THE STAFFING SITUATION MAYBE WHAT WE DECIDE TO  
DO WILL BE TEMPORARY.

MAYBE WE CAN LINK IT TO STAFFING.

BUT I THINK THERE IS AN URGENCY IN US DOING SOMETHING RIGHT NOW  
TO ALLEVIATE THE PROBLEM THAT STAFF IS FACING, WHICH IS THAT  
THEY JUST CAN'T DEAL WITH EVERYTHING WE'RE GIVING THEM.

SO I WOULD LIKE TO AT OUR NEXT, WHEN WE DISCUSS THIS AGAIN, I  
DON'T THINK WE'RE GOING TO BE ABLE TO MAKE A DECISION TONIGHT,  
ARE WE MAYOR?

>> MAYOR J. ARREGUIN: WE'RE NOT MAKING A DECISION TONIGHT.

>> S. WENGRAF: YEAH, OKAY.

SO I WOULD LIKE TO REVISIT THE GOAL.

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AND REVISIT THE PROBLEM THAT WE'RE TRYING TO SOLVE.

BECAUSE I CERTAINLY DON'T WANT TO REPLACE A NEW BUNCH OF  
BUREAUCRATIC AND VERY COMPLICATED PROCEDURES WITH WHAT WE HAVE  
NOW.

I'M NOT SURE THAT IS GOING TO FIX ANYTHING.

SO THAT'S MY SUGGESTION FOR TONIGHT.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

VICE MAYOR BARTLETT.

>> B. BARTLETT: THANK YOU, MR. MAYOR.

I WANT TO THANK COUNCILMEMBER HAHN FOR YOUR DILIGENT WORK.

DEEP, DEEP WORK HERE.

SCHEMATICS OF A MICROCHIP.

[ LAUGHTER ]

>> B. BARTLETT: AND THANK YOU, AS WELL, COUNCILMEMBER HARRISON  
FOR YOUR APPROACH, COUNCILMEMBER ROBINSON, COAUTHORING.

WE TALKED ABOUT THIS THROUGH THERE YEARS.

AND YOU KNOW, A COUPLE OF THINGS COME TO MIND.

ONE, YOU KNOW, I THINK JUST A KNEE JERK I HAVE A KNEE JERK

RESPONSE WHEN I FUNDAMENTALLY TEND NOT TO SUPPORT LIMITATIONS ON  
DEMOCRACY AND REPRESENTATION.

BUT YOU HAVE ANSWERS SOME OF THE ISSUES WITH THE EXCEPTIONS YOU  
PROVIDE TO TIME CRITICAL MEASURES.

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BUT I GUESS THE REAL QUESTION IS, AND IT'S THIS KIND OF HARKENS TO WHAT COUNCILMEMBER WENGRAF JUST MENTIONED.

DOES ANYONE KNOW HOW MANY MAJOR ITEMS THE COUNCIL PRODUCED IN THE LAST YEAR?

I CAN'T THINK OF TOO MANY.

THERE ANY DATA ON THAT?

>> I'LL SAY I THINK JUST GOING OFF OF THE FLOW THROUGH THE AGENDA COMMITTEE, OBVIOUSLY NOTHING SCIENTIFIC, BUT I THINK DURING THE PANDEMIC WE SORT OF HAD A UNSPOKEN AGREEMENT.

THAT WE WERE GOING TO LEAVE THE

>> S. HAHN: CITY MANAGER TO ADDRESS THE PANDEMIC.

SO THE FLOW WENT DOWN.

AND SINCE THAT IS LIFTED I WOULD SAY THE FLOW OF MAJOR ITEMS IS LOWER THAN IT WAS BEFORE THE PANDEMIC.

MAYOR, WOULD THAT?

I MEAN, IF YOU LOOK AT FOR EXAMPLE OUR AGENDA TONIGHT, I THINK IT'S THE FIRST TIME IN MY TIME ON THE AGENDA COMMITTEE THAT WE ACTUALLY DON'T HAVE AN ACTION ITEM EITHER FROM STAFF OR FROM THE COUNCIL --

I THINK PEOPLE ARE BEING MORE I DON'T KNOW, RESTRAINED.

>> B. BARTLETT: THAT WAS MY ANECDOTAL OBSERVATION AS WELL.

IT SEEMS WE UNDERSTAND THE STAFF IS OVERWHELMED.

WE LOST MANY MEMBERS OF OUR TRANSPORTATION DIVISION.

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I SEE US WITHHOLDING AND WAITING FOR THINGS TO NORMALIZE.

I FOR ONE HAVE TAKEN MUCH TIME TO WORK WITH CITY STAFF ON MAJOR ITEMS THAT ARE IN DEVELOPMENT.

AND MAYBE DO ONE THIS YEAR.

WHICH SHOULD BE AMAZING TOO.

I CAN'T WAIT TO SHARE WITH YOU ALL.

[ LAUGHTER ]

>> B. BARTLETT: YOU KNOW, BUT THE YOU KNOW, THE LEANING INTO LEGISLATION THAT IS, AND THIS IS WHAT WE DO THROUGH THE PROCESS, THROUGH THE COMMITTEE PROCESS, WHICH I'M A FAN OF, IT HELPS YOU THINK IT THROUGH.

WE HELP OTHERS COME WITH THEIR -- WE LEND OUR EXPERTISE AND GROUP KNOWLEDGE AND HELP AUTHOR REFINE THEIR WORK.

WE HELP THEM SIMPLIFY THEIR WORK.

AND SO I THINK THIS MEASURE WE'RE TALKING ABOUT TO UNDERSTAND IS PRIORITIZATIONS, THEY KIND OF NEED THE SAME PROCESS, THEY NEED TO BECOME SIMPLIFIED.

THIS IS TOO COMPLEX.

THERE IS A MORE ELEGANT WAY.

PARTICULARLY IN THE LIGHT OF THE FACT THAT THE COUNCIL APPEARS TO BE RESPONSIVE TO THE NEEDS OF THE BUREAUCRACY.

BUT NOT GIVING THEM ANYTHING TO DO.

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IT SEEMS LIKE WE MAY NOT NEED TO OVERLAY THIS MUCH BUREAUCRATIC TO SOMETHING THAT IS NOT EXISTING RIGHT NOW.

WITH ALSO ANOTHER QUESTION, DOES THIS KEEP THE R.V. V. PROCESS AS WELL OR SUPPLANT IT?

>> S. HAHN: I THINK THE IDEA WAS THAT WHEN YOU DON'T HAVE A BIG BACK LOG OF OLD ITEMS THAT HAVEN'T BEEN IMPLEMENTED AND YOU HAVE A RESTRICTED FLOW BASICALLY MORE BASED ON QUALITY THEN ON QUOTAS, BY RAISING OUR STANDARDS, THE IDEA WOULD BE THAT LESS WOULD BE GOING FORWARD.

THEN THE PRIORITIZATION BECOMES MUCH EASIER.

YOU ARE NOT PRIORITIZING 100 ITEMS, MAYBE 15 OR 20.

AND MAYBE YOU USE R.R.V. OR MAYBE THERE IS ANOTHER PROCESS.

IT DEFINITELY DID NOT RECOMMEND GETTING RID OF IT.

BUT THE IDEA WAS THAT IT WOULD ESSENTIALLY BECOME LARGELY MOOT.

>> B. BARTLETT: IF UNDER THIS PROPOSAL YOU HAVE TO WAIT 16 MONTHS TO SUBMIT SOMETHING OR THEN YOU GET R.R.V.ED TO THE BOTTOM OF THE LIST, YOU EFFECTIVELY DENIED THE RESIDENTS WHO PAY EXORBITANT PROPERTY TAXES AND RENTED, THE OPPORTUNITY TO HAVE SOMETHING THEY CARE ABOUT SEEN BY THE COUNCIL.

FOR NEXT, THAT PERSON IS OUT OF OFFICE.

IT'S OVER.

YOU ARE TALKING SEVEN YEARS LATER.



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AND TRUST ME, I LIVED HERE SEVEN YEARS CYCLES OF LEGISLATION AND IT TAKES DILIGENCE TO SEE IT THROUGH.

AGAIN, I DON'T THINK -- I DON'T SEE THE NEED TO KEEP ADDING SO MUCH TIME AND DISTANCE BETWEEN PEOPLE AND THEIR ASPIRATIONS.

AND THEN, THE CO-SPONSOR'S MEASURE, COUNCILMEMBER ROBINSON BROUGHT IT UP.

I THINK IT'S IMPORTANT FOR COLLEAGUES AND COUNCILMEMBERS TO THINK THROUGH THE STRATEGIES AND YOU KNOW, IT'S PART OF THE KEY TO SUCCESS.

YOU KNOW, NEWER COUNCILMEMBERS COME ON AND TEAM UP WITH OTHERS AND FIGURE OUT HOW TO WIN THE RIGHT COMBINATIONS, I THINK IT'S A GOOD PROVING GROUND FOR LEGISLATION BECAUSE IN THE DAY THE AUTHORS GOAL IS TO GET IT PASSED ON BEHALF OF THE CONSTITUENTS WHO REQUESTED IT OR BENEFIT FROM THEM.

SO I THINK WE NEED TO BAN THEIR ABILITY TO STRATEGIZE ESSENTIALLY.

RIGHT?

AND GET HELP TOO. RIGHT?

AND THEN, LASTLY, I DO SUPPORT ATTACKING THE BACKLOG QUEUE.

SPECIAL TOPIC NUMBER FOUR.

I THINK THAT'S IMPORTANT.

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SITTING ON THIS DEEP BENCH OF MATERIALS THAT IS RAPIDLY TURNING FROM COAL INTO DIAMONDS AS IT SITS THE TECTONIC PRESSURE OF BUREAUCRATIC TIME, RIGHT?

YES, ABSOLUTELY, I THINK THAT'S IMPORTANT.

WE SHOULD GO THROUGH THIS AND GET THESE THINGS DEALT WITH.

THOSE ARE MY POINTS.

THAT'S ALL.

I THINK ULTIMATELY, I DON'T THINK ANY OF THIS IS NECESSARY.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, AGAIN.

>> K HARRISON: I WANT TO ANSWER COUNCILMEMBER BARTLETT'S

QUESTION ABOUT MY PROPOSAL DOES NOT GET RID OF R.R.V.

IT'S STILL THERE.

I DON'T THINK WE SHOULD DO IT AT THE COMMITTEE LEVEL.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU.

ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

COUNCILMEMBER WENGRAF?

>> S. WENGRAF: YES.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

>> S. WENGRAF: YEAH, I JUST WANT TO SAY THAT YOU KNOW, THE STAFF ISN'T JUST WORKING ON OUR ITEMS.

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I MEAN, THEY HAVE TO WORK ON ALL KINDS OF OTHER STUFF AS WELL.  
AND THEY HAVE PARTNERS, THE SCHOOL BOARD, THE RENT BOARD, YOU  
KNOW, ALL OF THESE STATE AGENCIES THAT THEY HAVE TO WORK WITH.  
SO I THINK WE'RE BEING A LITTLE NEAR SIGHTED WHEN WE THINK THAT  
STAFF ONLY WORKS WITH OUR ITEMS.

I THINK THEIR WORKLOAD IS HUGE.

AND WE'RE ONLY THINKING OF A LITTLE PART OF IT.

SO MAYBE IT WOULD BE ACTUALLY HELPFUL FOR US TO KNOW MORE ABOUT  
WHAT THE DEMANDS ARE ON THE DEPARTMENTS FROM ALL OF OUR  
PARTNERING AGENCIES.

SO THAT WE WOULD HAVE A BETTER UNDERSTANDING AND A BETTER  
PERSPECTIVE ON THE WORKLOAD.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU.

SO FOLLOWING UP ON THAT POINT, I RECALL I THINK IT WAS THE LAST  
BIENNIAL BUDGET PROCESS, WE GOT A COMPREHENSIVE LIST OF  
OUTSTANDING COUNCIL REFERRALS THAT HAD NOT BEEN PRIORITIZED I  
BELIEVE.

AND WE DO GET STATUS UPDATES FROM THE CITY MANAGER ON THE  
IMPLEMENTATION OF COUNCIL REFERRALS, SHORT TERM AND LONG TERM.  
AND WE HAD THAT DATABASE.

BUT I DO THINK, YOU KNOW, AT SOME POINT YOU KNOW PROBABLY  
LEADING UP TO THE NEXT BUDGET DEVELOPMENT, I THINK GOING OVER

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THAT LIST AGAIN WOULD BE HELPFUL BECAUSE THINGS MAYBE OBSOLETE OR REDUNDANT.

I SEEM TO RECALL MULTIPLE REFERRALS ABOUT ADU POLICY OR HOUSING POLICY, MULTIPLE FIRE SAFETY RECOMMENDATIONS.

AND YOU KNOW, WE MAY BE ABLE TO FIND A WAY TO CONSOLIDATE OR ELIMINATE REDUNDANT OR OBSOLETE COUNCIL REFERS SO WE CAN FOCUS ON THE THINGS WE THINK ARE RELEVANT AND WE WANT TO HAVE STAFF DEDICATE TIME TO ADDRESS.

SO I HEAR THAT AS AN OVERARCHING AGREEMENT AMONGST COUNCIL WE NEED TO LOOK AT DEALING WITH THE QUOTE, BACK LOG.

I HOPE WE CAN WHETHER IT'S THROUGH NEW PROCESS OR JUST LEADING UP TO THE BUDGET ADOPTION, WE CAN DO THAT.

I THOUGHT THAT WAS VERY HELPFUL.

SO MAYBE IN ALIGNMENT WITH THE R.R.V. PROCESS THAT MAYBE ONE WAY TO DO IT BEFORE THE R.R.V. PROCESS.

I'M SURE ASSOCIATION WITH THE APPRECIATE IF WE CAN CLARIFY AND REDUCE THE OUTSTANDING NUMBER OF ITEMS.

SO WITH THAT, WHY DON'T WE PROCEED TO PUBLIC COMMENT.

ANY MEMBER HERE THAT WOULD LIKE TO SPEAK TO THE ITEM ON OUR 4:00 P.M. SPECIAL CITY COUNCIL MEETING AGENDA, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

YES, MISS MOROSOVIC.

>> THANK YOU.

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I ATTENDED THE JUNE 29TH RETREAT.

AND I HEARD THE CITY MANAGER'S FRUSTRATION, AND TOTALLY

UNDERSTOOD IT.

HOW THERE WERE TOO MANY ITEMS THAT WERE POSSIBLE FOR STAFF TO POSSIBLY IMPLEMENT PROPERLY.

AND IT SEEMED AS IF SOME ITEMS COULD BE CONSOLIDATED AS THE MAYOR JUST MENTIONED AND SOME COULD BE FOLDED INTO ONE ANOTHER.

I UNDERSTAND THAT'S CHANGED THAT THERE AROUND AS MANY ITEMS COMING BEFORE COUNCIL BUT THERE ARE STILL OUTSTANDING ITEMS THAT ARE OUT THERE.

THERE IS A NEED FOR TIME CRITICAL ITEMS FOR OBVIOUS REASONS, STATE LAWS CHANGE, FEDERAL LAWS CHANGE, AND FUNDING CHANGES THAT COMES IN.

AND SO YOU ARE GOING TO HAVE TO HAVE TIME CRITICAL ITEMS THAT CANNOT BE LIMITED IN NUMBER IF THEY ARE GENERALLY TIME CRITICAL ITEMS.

THERE IS A NEED TO WORK WITH COMMISSIONS.

NOT ONLY HAS TO REFERRALS TO THEM, BUT ALSO REFERRALS FROM THEM.

NOW, THIS IS PERHAPS A SEPARATE ITEM.

BUT I BELIEVE IT'S IMPORTANT TO HAVE TRANSPARENCY TO THE PUBLIC SO THE PUBLIC NEEDS TO SEE WHAT STAFF IS DOING.

OR RATHER WHAT COUNCIL IS DOING, BUT ALSO WHAT STAFF IS DOING IN TERMS OF IMPLEMENTATION OF THE ITEMS THAT PASSED BEFORE YOU.

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I'M GOING TO RAISE THAT THE AGENDA, HOMELESS COMMISSION BROUGHT AN ITEM BEFORE THE AGENDA COMMITTEE THAT WAS PASSED IN EARLY 2020.

AND IT SOMEHOW STAYED AT THE AGENDA COMMITTEE LEVEL.

AND THAT WAS THAT ALL THE COMMISSION RECOMMENDATIONS FROM VARIOUS COMMISSIONS BECOME COMPILED ONLINE AND IN A BINDER SO THEY COULD BE TRACKED HOW THEY GO TO COUNCIL.

AND ALSO, IN TERMS OF IMPLEMENTATION.

AND THIS IS IMPORTANT, NOT ONLY FOR INFORMATION SHARING BETWEEN COMMISSIONS BUT ALSO FOR COUNCIL TO KNOW WHAT COMMISSIONS IS DOING, FOR STAFF TO FOLLOW IT, AND ALSO FOR TRANSPARENCY TO THE PUBLIC.

AND I HOPE THAT THIS IS ACTED ON.

EDIS GOING TO GIVE ME HIS TWO MINUTES, RIGHT?

THANK YOU. SO LET ME GIVE YOU AN EXAMPLE HOW DIFFICULT IT IS TO RESEARCH AN ITEM.

AND I THINK THE SAME THING HAPPENS WITH COUNCIL ITEMS THAT, AGAIN, THERE HAS TO BE THIS TRANSPARENCY TO THE PUBLIC.

ON THE COMMISSION OF STATUS OF WOMEN, I WANTED TO RESEARCH WHAT IS HAPPENING WITH PREVIOUS ITEMS THAT I WOULD NOT HAVE EVEN KNOWN THESE ITEMS EXISTED EXCEPT I'VE BEEN ATTENDING COUNCIL MEETINGS GENERALLY FOR THE LAST 17 YEARS.

SO I RECALLED SOMETHING ABOUT SMALL BUSINESSES AND WOMEN.

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I RECALLED IT PASSED BEFORE COUNCIL SEVERAL YEARS AGO.

I RECALLED OVER 10 YEARS AGO, THIS WAS SOMETHING ON SEX

TRAFFICKING THAT CAME FROM THE STATUS OF WOMEN.

I WOULDN'T HAVE KNOWN HAD I NOT ATTENDED THOSE ITEMS.

I WENT TO THE CITY CLERK'S OFFICE, WHO IS EXCELLENT AT DOING THE RESEARCH.

BUT I AM VERY RESPONSIVE.

HAD TO KEEP GOING BACK AND SAY WHAT HAPPENED TO THAT AFTER THAT.

WHERE IS SETTING, DID IT JUST DIE?

AND IT'S REALLY IMPORTANT WE HAVE THIS INFORMATION, AGAIN, FOR COMMISSIONS, FOR COUNCIL, FOR STAFF, AND FOR THE PUBLIC.

WE HAVE TO BE TRANSPARENT ABOUT WHAT HAPPENS.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC HERE IN THE BOARDROOM AT 1231 ADDISON THAT WOULD LIKE TO SPEAK TO ITEM ONE, THE COUNCIL'S REDESIGN.

I'LL ASK ARE THERE SPEAKERS ON ZOOM, PLEASE RAISE YOUR HAND.

MONI LAW.

>> GOOD EVENING, MAYOR AND COUNCIL AND COMMUNITY.

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I AM JUST VERY THANKFUL FOR EVERYONE'S HARD WORK AND MY COUNCILMEMBER, KATE HARRISON AND OTHERS WHO MAY HAVE PROPOSED AMENDMENTS.

I UNDERSTAND THIS IS GOING BACK TO AGENDA COMMITTEE FOR REVIEW.

I WANTED TO MAKE A QUICK REFLECTION AND IMPORTANCE OF THE OPENNESS OF CONTINUED DEMOCRACY.

AND I APPRECIATE COUNCILMEMBER BARTLETT'S COMMENT ABOUT NOT DISTANCING THE PEOPLE FROM THE PROCESS.

AND TO ENSURE THIS OPEN SPACE FOR OUR ASPIRATIONS TO GROW.

WITH THAT IN MIND, I'M THINKING OF THE MAYOR'S FAIR AND IMPARTIAL POLICING WORK GROUP THAT I'M THANKFUL FOR THE MAYOR HAVE APPOINTED ME TO THAT.

AND ALL THE WORK THAT PEOPLE ON THE REIMAGINING TASK FORCE FOR CONSTRUCTIVE IDEAS, POLICIES AND PROGRAMS TO PREVENT VIOLENCE AND KEEP US SAFE IN ALL WAYS FROM EDUCATION, ECONOMIC SECURITY, AND POLICE ACCOUNTABILITY.

THOSE PROPOSALS ARE IMPORTANT AND TIME SENSITIVE AND SHOULDN'T BE CONSTRAINED OR PUSHED OUT TO A YEAR LATER.

OR YEAR AND A HALF LATER.

SO TIME LOST IS -- JUSTICE AND GOOD POLICY AND BASIC GOVERNANCE AS DELAYED.

AND SO WE REALLY HAVE A BEAUTIFUL COMMUNITY IN BERKELEY.

I DON'T WANT IT PUT TO THE SIDE AND TOO MANY BITS AND PIECES.



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WE SHOULD HAVE A HOLISTIC CONSTRUCTIVE PROCESS THAT IS OPEN AND OTHERS SAID, TRANSPARENT AND AVAILABLE.

FINALLY, I WANT TO KIND OF SAY THAT WITH REGARD TO BUDGETS AND ALL THE OTHER THINGS THAT WAS SAID, SHE WOULD POINT OUT TO THE BUDGET AND FINANCING ISSUES THAT COME UP.

AND FINALLY, THERE ARE SO MANY THINGS WE HAD AN EXHIBIT "D" WAS CALLED, PART OF THE CITY MANAGER'S ATTACHMENT, AS I RECALL OF THE THINGS THAT HAD NOT BEEN COMPLETED.

I THINK WE COULD HAVE CONTINUED TO CHISEL ON THAT.

I BELIEVE IT'S WORKED ON I HOPE BECAUSE THERE ARE A NUMBER OF IMPORTANT PARTS OF GOVERNANCE AND COMMUNITY ACTIVITIES THAT NEED TO BE COMPLETED IN THAT EXHIBIT "D" AS I BELIEVE IT WAS REFERENCED FOR ALL OF THE BACK UP WORK THAT NEEDED TO BE DONE STILL.

I HOPE AS A CITY WORKER MYSELF, WE DO WORK HARD BUT WE ALSO WANTED TO MAKE THE BEST CITY WE CAN.

THANK YOU SO MUCH.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC ON ZOOM WHO WOULD LIKE TO SPEAK TO ITEM ONE, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

ANY OTHER MEMBERS OF THE PUBLIC?

THIS IS THE LAST CALL.

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OKAY.

THANK YOU.

WE'LL CLOSE PUBLIC COMMENT.

AND COLLEAGUES, I'LL ASK ARE THERE ADDITIONAL QUESTIONS OR COMMENTS?

COUNCILMEMBER KESARWANI.

>> R. KESARWANI: THANK YOU VERY MUCH, MR. MAYOR.

AND THANK YOU, COUNCILMEMBER HAHN, FOR YOUR PROPOSAL.

AND COUNCILMEMBERS HARRISON, ROBINSON, AND TAPLIN, FOR YOUR PROPOSAL AS WELL.

I DID WANT TO JUST TURN TO THE CITY MANAGER.

BECAUSE I WAS LOOKING BACK AT THE AUDITOR'S RECORD REPORT ON THE STAFFING.

SHE DID NOTE WORKLOAD ISSUES.

DRIVEN IN PART BY COUNCIL ITEMS BUT ALSO BY UNDERSTAFFING AND VACANCIES AS WELL.

AND SO I WANTED TO ASK THE CITY MANAGER FROM WHERE YOU SIT TODAY, COULD YOU HELP US JUST HONE IN ON WHAT YOU SEE AS THE MAJOR PROBLEMS IN TERMS OF MANAGING WORKLOAD IN TERMS OF WHAT IS RECEIVED BY COUNCIL.

>> THANK YOU, COUNCILMEMBER KESARWANI.

THERE ARE A NUMBER OF THE THINGS THAT INFLUENCE HOW QUICKLY WE CAN IMPLEMENT TURN AROUND LEGISLATION AND PRODUCT.

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THERE ARE LOTS OF THINGS.

BUT I THINK HALL MARK TO WHAT WE DO HERE AT THE CITY IS THE MATH WE WANT TO BE THOUGHTFUL ABOUT THE WORK WE'RE DOING FOR YOU ALL AND FOR THE COMMUNITY.

SO THERE IS A BIG COMMUNITY PIECE THAT IS THERE FOR US AS WELL.

I THINK THAT DRIVES US LOTS OF WHAT WE DO AS IN TERMS OF STAFF AND HOW WE PROCESS INFORMATION AND GATHER INFORMATION.

STAFFING, WE ARE IN A STAFFING CRISIS.

WE'VE KNOWN THAT FOR QUITE SOME TIME.

WE'RE CHIPPING AWAY AT IT AND DOING WELL AT CHIPPING AWAY AT GETTING NEW HIRES ONBOARD.

ADDRESSING ISSUES WHERE WE HAVE DIFFICULT TO FILL POSITIONS.

WE'RE DOING A GREAT JOB IN THAT REGARD.

WHEN IT COMES TO THE NUMBER, THIS IS ABOUT VOLUME FOR US TRULY.

WE MAKE OUR OWN WORK TOO.

SO LET'S TALK ABOUT THAT A LITTLE BIT.

BECAUSE WE DEVELOP A STRATEGIC PLAN.

WHERE DEPARTMENTS PUT IN 30 OR 40 TYPES OF PROGRAMS THEY WANTED TO DO TO IMPROVE COMMUNITY SERVICE, AND TO WORK HARDER, WHETHER THAT IS ABOUT HOW WE DEVELOP ADMINISTRATIVE REGULATIONS, TO HIRE THE BEST EMPLOYEES, TO TRAINING, TO WHATEVER IT IS, WE HAD OUR OWN SET OF INITIATIVES COMING THROUGH THE STRATEGIC PLAN AS WELL.

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ON TOP OF THAT WE HAD REFERRALS.

SO WE AT ONE POINT WE HAD OVER 300 REFERRALS.

AND I WOULD PROBABLY REDUCE THAT TO ABOUT 250.

NOW WE'RE DOWN TO 80 TO 90 REFERRALS.

I THINK THE OTHER THING THAT KIND OF CHALLENGED US IS THAT THESE THINGS WOULD COME IN AT VARIOUS TIMES THROUGH THE YEAR AND IT WILL BE A START STOP FOR US.

WE WOULD START THE WORK ON A PROJECT.

AND THEN WE WOULD GET TWO OR THREE NEW PROJECTS THAT WOULD REQUIRE US TO STOP AND RESTART.

SO THAT CREATED BACK LOG FOR THOSE PRIOR AS WE START LIFTING UP NEW.

WE WERE UNABLE TO SHIFT AND BE AS FLEXIBILITY AS WE WOULD LIKE TO BE IN TERMS OF ADDRESSING AND IMPLEMENTING THAT POLICY.

WHOLE STAFFING HAS BEEN AN ISSUE FOR US, I THINK PRIORITIES KNOWING WHAT THEY ARE FOR THE CITY HAS BEEN SOMETHING I'VE BEEN CHALLENGED WITH IN TRYING TO ADDRESS WHAT ARE OUR TRUE PRIORITIES ACROSS-THE-BOARD AND HOW DO I GET TO WHAT IS MOST IMPORTANT TO THIS COUNCIL FIRST, SECOND AND THIRD SO I HAVE THAT IN MY QUEUE.

SO WE'VE USED R.R.V. TO TRY AND GATHER THAT AS A PRIORITY BASE FOR US TO LAUNCH AND COMPLETE INITIATIVES AND WORK.

I THINK WE'VE DONE WELL WITH THAT.

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WE'VE NOT ALWAYS BEEN ABLE TO ADDRESS THE NUMBER-ONE PRIORITY BECAUSE BEEN, REMEMBER THE YEAR PRIOR WE WORKED ON NEW INITIATIVE SAID.

THOSE ARE EITHER UNDERWAY OR NOT STARTED. ESPECIALLY IF YOU ARE A DEPARTMENT WITH FIVE OR 10 REFERRALS THAT COME TO YOU.

SO IT'S NOT ONLY THE AMOUNT AND NUMBERS.

WE ALSO GET LOTS OF PROJECTS FROM STATE AGENCIES, OUR LOCAL PARTNERS, OUR COMMISSIONS, AND OF COURSER, WITH POLICY COMMITTEES WE'RE DOING WORK WITH THEM AS WELL.

OUR PLATES ARE EXTREMELY FULL GENERALLY.

BUT WHAT I THINK IS HELPFUL FOR US IS NOT GOING TO BE THE A CONVOLUTED OR COMPLEX PROCESS.

I AGREE.

I THINK WE DON'T WANT TO PUT IN SOME COMPLICATED OR YOU KNOW, PROCESS THAT IS GOING TO RENDER US PARALLELIZED IN TERMS OF INITIATIVES I'M NOT SAYING THESE ARE DOING THAT.

MY POINT IS WE DON'T WANT TO PUT TOO MUCH IN THERE.

WHAT IS HELPFUL FOR ME AS THE CITY MANAGER WHICH I SHARED BEFORE IS HAVING CORE PRIORITIES.

EVERYTHING CAN'T BE AN EMERGENCY OR AT THE SAME LEVEL OF PRIORITY AS -- THEY ALL CAN'T HAVE EQUAL PRIORITY FOR US.

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BECAUSE AND WE DON'T WANT TO SHIFT EVERY TIME THERE IS A NEW THING.

BUT WE'RE SHIFTING AND WE PUT SOMETHING ON THE BACK BURNER, WE START ANEW.

WHAT IS HELP IF ME, IF WE TRULY HAVE A PROCESS, WE CAN LEAN IN AND SAY, YOU GOT THESE 30 MAJOR INITIATIVES OR THINGS YOU ARE WORKING ON, THESE 20 WE WANT YOU TO PUT ON HOLD SO YOU CAN GET THEM DONE AND COME BACK TO THESE.

WE KNOW WHAT WE'RE PUTTING ON HOLD, WE KNOW WHAT IS STOPPED OR YIELDED.

RIGHT NOW WE TRY TO PECK AT ALL OF THEM AND NEVER GET ALL YOU HAVE THEM DONE.

IT WOULD BE GOOD TO KNOW IF WE HAVE A PROCESS TO ALLOW US TO COME TO YOU AND SAY, WE'VE GOT THIS SIX YOU HAVE GIVEN US TO WORK ON, WE NEED TO MOVE THESE FIVE TO THE BACK BURNER.

THAT IS HELPFUL SO EXPECTATIONS FOR THE COMMUNITY AND COUNCIL AND STAFF ARE CLEAR.

SO WHENEVER WE HAVE NEW THINGS THAT ARE GOING TO IMPACT OLD THINGS, WE NEED TO PUT SOMETHING ON HOLD.

AND I THINK A CLEAR PROCESS TO DO SO WOULD BE HELPFUL.

I THINK THE COMPLEXITY OF THE WORK THAT WE DO IS SOMETIMES NOT SEEN.

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THE WORK THAT COMES FROM NOT ONLY THE COUNCIL BUT OUR DEPARTMENTS AS WELL, OUR COMMISSIONS AND PARTNERS OUT THERE, STATE AGENCIES, THAT WORK IS COMPLICATED, DETAILED AND IT'S HARD.

SO AS WE'RE TRYING TO CHALLENGE OUR WAY THROUGH ALL OF THAT IT TAKES TIME.

TO ME THOSE ARE THE THINGS THAT KIND OF IMPACT THIS WORK. AND THE WORKLOAD FOR ME AS CITY MANAGER.

THANK YOU FOR GIVING ME A MOMENT TO SAY ALL OF THAT.

I APPRECIATE IT.

>> R. KESARWANI: THANK YOU, MADAM CITY MANAGER.

I APPRECIATE HEARING THAT.

I THINK IT'S NOT ALWAYS CLEAR TO ME AND PERHAPS NOT TO MY COLLEAGUES WHAT EXACTLY IS ON YOUR PLATE.

AND I DO KNOW SOME OF THE MY COLLEAGUES TALKED ABOUT EXAMPLES, THINKING ABOUT THE ACCESSORY DWELLING ORDINANCE THE OTHER NIGHT. WE DID ADD TWO REFERRAL SAID AND PART OF WHAT I UNDERSTOOD FROM THE PLANNING DIRECTOR WAS DOING THAT SURVEY YOU KNOW THAT'S ADDITIONAL STAFF TIME POTENTIALLY, MAYBE NOT SO MUCH IF WE USE PUBLICLY AVAILABLE DATA.

I WAS THINKING ABOUT STATE MANDATES AS IT RELATES TO THE HOUSING ELEMENT AND DEADLINES WE HAVE TO ATTEMPT TO LIVE UP TO.

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AND SO I THINK THAT'S AN EXAMPLE WHERE WE HAVE GIVEN MORE REFERRALS NOW TO THAT DEPARTMENT BUT THAT DOESN'T TAKE AWAY THE STATE MANDATES AND THINGS THAT ARE CURRENTLY IN PROCESS THAT HAVE TO BE COMPLETED.

SO I KNOW OUR AGENDAS IS GOING TO TAKE THIS BACK.

AND SOLVE IT ALL IN THE NEXT MEETING PROBABLY IN SHORT ORDER.

SO IN ANY CASE, I WANT TO THANK THOSE WHO THOUGHT ABOUT THIS AND YEAH, I DO, I JUST WANT TO SAY GENERALLY AM A LITTLE BIT CONCERNED ABOUT A LENGTHY BUREAUCRATIC PROCESS.

BUT I DO THINK WE HAVE TO GIVE OUR CITY STAFF CLEAR PRIORITIES THAT ARE ACHIEVABLE SO THAT MEANS THERE DOES HAVE TO BE SOME KIND OF LIMIT TO IT THAT WE DO HAVE THINK ABOUT.

AND I THINK THE BIGGEST CONCERN THAT I HAVE AS A MEMBER OF THIS BODY IS WHEN WE GET A LARGE NEW PROGRAM THAT THE CITY HAS NEVER DONE BEFORE THAT WOULD REQUIRE YOU KNOW NEW STAFF, NEW SIGNIFICANT BUDGET ON AN ONGOING BASIS.

THOSE ARE THE THINGS THAT YOU KNOW, I JUST WANT US TO BE AWARE OF THOSE COMMITMENTS WHEN WE MAKE THEM.

BECAUSE THOSE ARE THINGS WE HAVE TO PLAN FOR ON AN ONGOING BASIS.

SO THERE IS SOME WAY, YOU KNOW, IF WE'RE GOING TO TAKE THOSE THINGS ON, WE HAVE TO THINK ABOUT WHAT ARE WE NOT GOING TO DO. IN SOME CASES I THINK ABOUT DEPARTMENTS LIKE H.H.C.S.



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HOUSING HEALTH AND COMMUNITY SERVICES, A LOT OF WHAT THEY DO IS MANDATED.

THESE ARE REQUIRED PROGRAMS THAT WE'RE ADMINISTERING, WE RUN A PUBLIC HEALTH DEPARTMENT, WE HAVE A MENTAL HEALTH DIVISION, WE HAVE TO RUN THESE PROGRAMS.

AND SO, YOU KNOW, WE HAVE TO FIGURE OUT WHAT DOES IT MEAN WHEN WE GIVE THAT DEPARTMENT A WHOLE NEW PROGRAM TO LIFT UP AND HOW IS THAT GOING TO HAPPEN WITH A STAFFING SITUATION WE'RE IN.

AND YOU KNOW, I THINK IT MAY BE A NEW NORMAL BECAUSE I'M HEARING A LOT ABOUT GOVERNMENT AGENCIES THAT HAVE HIGH VACANCY AND YOU KNOW, IT'S A CHALLENGE BECAUSE ALL OF THESE ENTITIES ARE RECRUITING AND IT'S A CHALLENGING LABOR SITUATION RIGHT NOW.

SO IN ANY CASE, I WILL LEAVE IT AT THAT AND THANK EVERYONE FOR THE THEIR CONTRIBUTIONS TO THIS ITEM.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, THEN WRAP IT UP.

>> K HARRISON: MADAM CITY MANAGER, THAT WAS HELPFUL.

I THINK WE INSTITUTE THE R. R.V. TO DO WHAT YOU ARE TALKING ABOUT.

I WOULD LOVE FOR YOU TO DISCUSS WITH THE AGENDA COMMITTEE WHY THAT DOESN'T FUNCTION THAT WAY.

I THOUGHT THAT'S WHY WE HAD IT.

THERE IS SOMETHING MISSING WE NEED TO DEAL WITH.

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I WANTED TO MAKE SURE ALL OF US RECOGNIZE THERE IS SOMETHING NOT QUITE RIGHT ABOUT THE R.R.V. AND IT'S NOT GETTING THE CITY MANAGER WHAT SHE NEEDS.

HOWEVER WE CAN GET THAT RESOLVED WOULD BE GREAT.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

I THINK THIS WAS A GOOD DISCUSSION.

I APPRECIATE WE HAD THIS FORUM TO HEAR EVERYONE'S INPUT.

SO WE'LL TAKE ALL THIS FEEDBACK BACK TO THE COMMITTEE.

AND TRY TO IDENTIFY THE AREAS WHERE THERE IS CONSENSUS.

FIRST AND FOREMOST, I HEARD CONSENSUS THAT STAFF INPUT INTO THE PROCESS OF DRAFTING LEGISLATION IS IMPORTANT EARLIER IN THE PROCESS.

I THINK EVERYONE IS IN AGREEMENT ON THAT.

THAT WE NEED TO DEVELOP SOME CLEAR CRITERION FOR DETERMINING WHAT IS A MAJOR ITEM.

I THINK- AND THE CITY MANAGER ACTUALLY PROVIDED SOME SUGGESTED LANGUAGE FOR DEFINITION CANNOT BE OPERATIONALIZED OVER TIME, NOT IMPLEMENTABLE WITH EXISTING RESOURCES.

ADDITIONAL AND NEW FTE NEEDED.

ADDITIONAL COSTS.

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SOME METRIC BY WHICH THIS CAN'T BE ABSORBED BY EXISTING RESOURCES WE NEED TO DEDICATE NEW RESOURCES AND THAT IS NOT A PROBLEM.

AND I HAVE TO SAY THAT, YOU KNOW, WE'RE BERKELEY. YOU KNOW, WE'RE ALWAYS AT THE CUTTING EDGE.

YES WE HAVE TO PROVIDE BASELINE SERVICES BUT WE ALSO ARE REALLY AT THE FOREFRONT OF INNOVATIVE PUBLIC POLICY.

AND RESPONDING TO A LARGE MACRO ISSUES.

THAT ARE FACING THIS COUNTRY AND THIS REGION.

AND THAT WE'RE RESPONDING TO AND PROGRESS WE'RE MAKING IN BERKELEY TO ADDRESS THE HOUSING CRISIS, HOMELESSNESS, PUBLIC SAFETY.

AND MODELING BEST PRACTICES THAT OTHER CITIES CAN FOLLOW IN THE STATE.

AND THAT DOES MEAN WE HAVE TO THINK OUTSIDE THE BOX AND DO NEW THINGS.

AND TAKE ON NEW LEVELS OF RESPONSIBILITY AND ADAPT AND EVOLVE IN THE WAY WE SERVE THE COMMUNITY.

THERE IS ONLY SO MUCH STAFF AND BUDGET.

HAVING A CLEAR PROCESS AND WAY TO PRIORITIZE, AND MAKING SURE WE HAVE FLEXIBILITY TO BE RESPONSIVE TO WHAT IS HAPPENING IN THE COMMUNITY AND WHAT THE COMMUNITY WANTS.

THAT'S WHAT THE PEOPLE OF BERKELEY WANT FROM US.

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GOING BACK TO A FEW OTHER THINGS.

WE NEED TO DEAL WITH THE BACKLOG.

I THINK AS WE GO BACK TO THE AGENDA COMMITTEE, DEFINITELY LOVE TO HEAR MORE FROM THE CITY MANAGER, CITY CLERK AND OTHER STAFF ABOUT YOUR THOUGHTS TOXIC THIS INPUT INTO CONSIDERATION.

WE'LL TRYING TO SUMMARIZE THE FEEDBACK AND NOTES TO THE COMMITTEE THAT WILL BE IN THE PACKET.

SO I THINK THERE IS AREAS OF AGREEMENT.

LOOKING AT USING A TEMPLATE WITH MORE REQUIRING MORE SPECIFIC INFORMATION ABOUT WHAT SHOULD BE IN AN ITEM TO MAKE SURE WE HAVE THE RELEVANT INFORMATION AND MAKE A DECISION THAT WE SHOULD TRY TO ALIGN IT WITH THE BUDGET PROCESS.

WE NEED TO FIGURE OUT THE TIMING OF THAT.

IS IT ONE TIME LINE, IS IT A ROLLING TIMELINE, WHAT IS THE TIMELINE FOR WHERE THE INPUTS ARE COMING IN AND OUTPUTS ARE COMING OUT.

AND REALLY SORT OF HELPING STRENGTHEN THE ROLE OF THE POLICY COMMITTEE TO REVIEW ITEMS IS ONE THING I HEARD AS WELL AND MAKING SURE WE HAVE CITY ATTORNEY REVIEW AND WE'RE ABLE TO HAVE THINGS OUT OF THE PROCESS IN ORDER FOR US TO BUDGET FOR THEM AND IMPLEMENT THEM.

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SO I THINK WE HAVE SOME COMMONALITY FROM THE FEEDBACK WE'VE  
GOTTEN AND WE'LL TRY TO CONSOLIDATE THIS INPUT AND COME BACK  
WITH A FRAMEWORK FOR THE COUNCIL TO CONSIDER.

WE DO NEED TO MOVE ON.

WE'RE PAST DUE FOR OUR 6:00 MEETING.

UNLESS IT IS CRITICAL, I WOULD LIKE TO WRAP UP THE DISCUSSION.

THANK YOU FOR YOUR COMMENTS.

I MAKE A MOTION TO ADJOURN THE 4:00 P.M. MEETING.

>> SECOND.

>> MAYOR J. ARREGUIN: IF WE CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> R. KESARWANI: YES.

>> T. TAPLIN: YES.

>> B. BARTLETT: YES.

>> K HARRISON: YES.

>> S. HAHN: YES.


>> S. WENGRAF: YES.

>> R. ROBINSON: YES.

>> M. HUMBERT: YES.

>> MAYOR J. ARREGUIN: YES.





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