

Peace and Justice
Commission

PEACE & JUSTICE COMMISSION MEETING AGENDA
Monday, July 15, 2019 – 7:00 p.m.
Berkeley City Hall,
2180 Milvia, Cypress Room Berkeley, CA

SECTION A. PRELIMINARY MATTERS

1. Roll Call
2. Announcements
3. Comments from the Public (*subject to time limits applicable to all speakers as necessary*)
4. Review and approval of meeting minutes - see attachment 2
5. Commission Updates & Chairperson's Report
6. Secretary's Report (including status of passed items from previous meetings)

SECTION B. ACTION ITEMS

7. Resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS, and DED. (Commissioner Bohn) - see attachment 3
8. Discussion and possible action on non-citizen voting initiative (Commissioner Lippman) - see attachment 4
9. Discussion and possible action on scheduling the African American Holistic Resource Center Presentation (Commissioner Lippman)
10. Discuss and adopt annual commission work plan (Chair Tregub) – see attachment 5
11. Meetings process initiatives – Discussion and Possible Action
- 11a. Meetings process initiatives - (Chair Tregub) – see attachment 6
- 11b. Setting an internal commission policy to send all action items and supporting documentation to the commission 10 days in advance of the regular meetings. (Commissioner Gussman) – see attachment 7

SECTION C. SUBCOMMITTEE REPORTS AND OTHER COMMISSION BUSINESS

10. Subcommittee on The Convention on the Rights of Persons with Disabilities
(Commissioner Maran) discussion and potential appointments
11. Subcommittee on Socially Responsible Investments and Procurement (Commissioner Bohn) discussion and potential appointments
12. BUSD subcommittee discussion and potential appointments (Commissioner Pancoast)

SECTION D. COMMUNICATIONS

SECTION E. BACKGROUND INFORMATION

SECTION F. ADJOURNMENT

Attachments:

1. Roster, enabling legislation, and work plan
2. Minutes of June 3, 2019 meeting
3. Resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS, and DED
4. Non-citizen voting initiative
5. Work Plan documents from City Clerk
6. PJC Process Memo
7. Proposed Commission policy

The next meeting of the Peace & Justice Commission is scheduled for September 9, 2019. All proposed Commission agenda items should be submitted to the Commission Secretary by or before August 31, 2019. Dates are subject to change, please contact the Commission Secretary by email at bslimick@cityofberkeley.info to confirm receipt of submitted items.

ADA Disclaimer



"This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting."

Communications Disclaimer

*Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.*

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Old City Hall located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704.

Commission Contact Information

Breanne Slimick, Secretary
Peace and Justice Commission
City of Berkeley
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
510/981-7018 (voice-mail)
510/981-7099 (fax)
bslimick@cityofberkeley.info (email)

Peace and Justice Commission Roster

Name	Appointer	District
Omeed Askary	<i>Levy-Cutler</i>	<i>BUSD</i>
Zo Pancoast	Alper	BUSD
Zaira Rodriguez	Student Director	BUSD
Rachel Pierce	Julie Sinai	BUSD
VACANT		BUSD
Grace Morizawa	Appel	BUSD
Igor Tregub (Chair)	Arreguin	Mayor
Rita Maran	Maio	1
Dr. Hatem al-Bazian	Davila	2
J. George Lippman (Vice Chair)	Bartlett	3
Diana Bohn	Harrison	4
Judith Gussmann	Hahn	5
Robert L Meola	Wengraf	6
Denny Han	Worthington	7
Angie Chen	Droste	8

Chapter 3.68 PEACE AND JUSTICE COMMISSION

Sections:

- [3.68.010](#) Findings.
- [3.68.020](#) Established--Membership--Appointment.
- [3.68.030](#) "Peace and justice" defined.
- [3.68.040](#) Automatic termination of appointment.
- [3.68.050](#) Liaison representative to other City entities.
- [3.68.060](#) Organization, meetings, rules, and procedures.
- [3.68.070](#) Functions.

3.68.010 Findings.

The council finds as follows:

- A. The intentional destruction of cities in war is the rule and not the exception.
- B. State, national and international governmental bodies have failed to control war and in fact, have in many cases, been responsible for war and the conditions of war.
- C. The wealth that could be spent to help the poor, heal the sick, house the homeless, educate the children, and care for the elderly is now spent on ever more costly weapons of mass destruction.
- D. Peace is not a fictitious tranquil end-state, but the process of solving differences constructively, creatively, and non-violently.
- E. Peace is inseparable from justice.
- F. The present threat of nuclear or biological holocaust is not peace, but a condition of war against all humanity.
- G. Initiatives are needed to reverse the drift toward war and to remove the causes of war.
- H. Our best protection lies in initiating, devising, and promulgating peaceful and just policy alternatives.
- I. Individual citizens, unless organized, are virtually powerless in confronting and influencing larger governmental bodies.

J. It is the responsibility of one and all to labor hard for peace and justice within forums of appropriate scale.

K. The residents of Berkeley have continually demonstrated their concern for peace and justice based on equality among all peoples.

L. The residents of Berkeley have welcomed to our City those who have been forced into exile, and who have come fleeing torture and death.

M. The Berkeley City Council, to act successfully in furthering peace and justice, must have wise counsel, accurate research, vigorous analysis, articulate formulation of issues and proposals for action, and thus the establishment of a Peace and Justice Commission is proper. (Ord. 5705 § 1, 1986)

3.68.020 Established--Membership--Appointment.

A Peace and Justice Commission is hereby established. The commission shall consist of fifteen members. Six members shall be appointed by the Berkeley Unified School District Board and nine members shall be appointed by the Berkeley City Council. Commission members shall have a demonstrated interest in the area of peace and social justice. It is suggested that the commission should have some representation of political refugees and political exiles who are residents of Berkeley and otherwise eligible to serve on the commission. Berkeley City Council appointments to the commission shall be made, and vacancies shall be filled in accordance with the provisions of Sections [2.04.030](#) through [2.04.130](#) of the Berkeley Municipal Code enacted as Ordinance No. 4780-N.S. by the voters of the City. (Ord. 5705-NS § 2, 1986)

3.68.030 "Peace and justice" defined.

For the purpose of this chapter, "peace and social justice" shall refer to the goal of creating a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression. (Ord. 5705-NS § 3, 1986)

3.68.040 Automatic termination of appointment.

A. The appointment of any member of the commission who has been absent from three consecutive meetings shall automatically terminate as set forth in Berkeley Municipal Code Chapter 3.02 unless: (i) the absence of the commissioner is due to incarceration for acts of conscience or is due to absence from the City for work related to that of the commission, (ii) in the case of absences for reasons stated in item (i) it is strongly urged that in accordance with Section [3.02.030](#) of the Berkeley Municipal Code the appointing councilmember grant a leave of absence for not more than three months, and fill the vacancy with a temporary appointment to the commission.

B. The chairperson of the commission shall report the attendance records of each member of the commission to the City Clerk monthly for each regularly scheduled meeting.

C. Any member absent as noted in items A (i) and A (ii) above shall be recorded as "excused". Any member absent without being recorded as excused from three consecutive regular meetings as reported monthly shall be terminated automatically after the third missed meeting.

D. The City Clerk shall notify any member whose appointment has automatically terminated and report to the appointing City Councilmember or School Board that a vacancy exists on the commission and that an appointment should be made for the unexpired term. (Ord. 5705-NS § 4, 1986)

3.68.050 Liaison representative to other City entities.

The commission may designate one or more of its members to act as a liaison representative to any other board, commission, or committee of the City. The functions of the liaison representative may include:

A. Attendance at meetings of such other boards, commissions or committees;

B. Advising the Peace and Justice Commission on the background behind those recommendations to the City Council of other boards, commissions or committees; and,

C. On request of any member of such other board, commission or committee giving advice to such other board, commission or committee of policies, and procedures and recommendations to the City Council of the Peace and Justice Commission that may bear upon matters under discussion by such other board, commission or committee. (Ord. 5705-NS § 5, 1986)

3.68.060 Organization, meetings, rules, and procedures.

A. The commission shall organize by electing from its members one chairperson and one vice-chairperson and such other officers as may be necessary, who shall hold office for one year and until their successors are elected unless their terms as members of the commission expire sooner. An officer or employee of the City designated by the City Manager shall serve as secretary to the commission.

B. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the

reason for the proposed meeting and should be expedited on the City Council' s agenda, or in the alternative, placed before the Agenda Committee for approval.

C. The commission shall establish internal working rules and procedures which do not violate those rules of governance existing in the City Charter, the Commissioner's Handbook, or established through the authority of the City Council. (Ord. 6899-NS § 1, 2006: Ord. 5705-NS § 6, 1986)

3.68.070 Functions.

The commission shall perform the following functions:

A. Advise the Berkeley City Council and the Berkeley Unified School Board on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war and preparation of war is spent on fulfilling human needs and the promotion of peace.

B. Help create citizen awareness around issues of social justice and develop educational programs for implementation by the City Council and the School Board.

C. Help develop proposals for the City Council and the School Board for actions in furtherance of the goals of peace and justice, and help publicize such actions in the community.

D. Hold public hearings and community forums on issues that fall within the charge of the commission, and call on appropriate witnesses to provide pertinent information.

E. Initiate and encourage research programs to collect and assess information relevant to the functions of the commission including the effect of the arms race and military spending on funding for City and school programs and on the quality of life for citizens of Berkeley.

F. Develop ways to resolve conflict which do not involve violence and which may be applied on a local level as well as a national level.

G. Initiate and develop cultural and educational foreign exchange.

H. Act as a liaison between community groups organizing around issues of peace and social justice and City government.

I. Prepare inventories of City resources, both public and private that are available for furthering the work of promoting international peace and social justice.

J. Provide information to other municipalities and school districts on the work of the commission, and exchange information on actions taken by cities and the School Board in furtherance of the goals of the commission.

K. Assist the Director of Finance in the annual evaluation of financial institutions for qualification of City investments; complete development and assist in the implementation of a linked deposit program; encourage target investments; coordinate with City agencies, appropriate community organizations, public and private investors, and the Governor's Public Investment Task Force; and advise the City Council on matters relating to the responsible investment of public funds in accordance with the responsible investment policy established by Resolution No. 55,141A-NS.

L. Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City, and such other functions and duties not prohibited by City Council which the commission should decide are consistent with its overall function of promoting peace and social justice.

M. In prescribing the above duties and functions of the commission, it is not the intent of the council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission or of a department of the City, the commission will render such assistance and advice to such board, commission or department as may be requested. (Ord. 6017-NS § 1, 1990: Ord. 5705-NS § 7, 1986)



Peace and Justice
Commission

INFORMATION CALENDAR
October 30, 2018

To: Honorable Mayor and Members of the City Council
 From: Peace and Justice Commission
 Submitted by: George Lippman, Chairperson, Peace and Justice Commission
 Subject: FY 2018-19 Peace and Justice Commission Work Plan

INTRODUCTION

At its September 2018 meeting, the Peace and Justice Commission adopted its FY 2018-2019 Work Plan (Attachment 1).

CURRENT SITUATION AND ITS EFFECTS

The Peace and Justice Commission has recently communicated to Council about two responsibilities it is prepared to assume, both in support of the Sanctuary City initiative. The attached work plan for FY 2019 incorporates these proposed roles along with the ongoing subcommittee work and mandated advisory responsibilities. The Commission adopted the work plan at its September 17, 2018 meeting.

M/S/C: Bohn/Hariri

Ayes: Maran, R., Lippman, G., Bohn, D., Kenin, W, Watson, R., Chin, A., Hariri, A

Noes: None. Abstain: None. Absent: Pancoast, Z

BACKGROUND

In 2016, the Council adopted direction to Commissions to submit a work plan annually.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental sustainability impacts directly associated with the adoption of the work plan.

POSSIBLE FUTURE ACTION

The Commission will re-evaluate the work plan after hearing back from Council on the two Sanctuary City proposals.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Fiscal impacts will depend on the actions recommended and the Council's decisions.

CONTACT PERSON

Shallon Allen, Secretary, Peace and Justice Commission, 510-981-7071

George Lippman, Chair, Peace and Justice Commission, 510-517-8379

Attachment 1: FY 2018-19 Peace and Justice Commission Work Plan
Berkeley Peace and Justice Commission
2018-2019 Annual Work Plan

Mission Statement:

The Peace and Justice Commission advises the Berkeley City Council and the Berkeley Unified School District Board on all matters relating to the City of Berkeley's role in issues of peace and social justice. (BMC Section 3.68.070.A.) Under its mandate, the Commission also helps create citizen awareness around issues of social justice, holds public hearings and community forums, initiates and encourage research programs, develops ways to resolve conflict which do not involve violence, acts as a liaison between community groups organizing around issues of peace and social justice and City government, and assists the Director of Finance in the evaluation of financial institutions for socially responsible investing.

I. Resolutions and communications to Council and the Board of Education.

Address homelessness, racial and gender justice, policing policy (including external BPD relationships such as NCRIC and UASI), protection of Ohlone sacred sites, civil liberties, international peace with justice, and other social issues as they arise throughout the year with proposals and communications as appropriate.

II. Other existing responsibilities and subcommittees.

- a. Continue the established responsibility for Nuclear Free Berkeley Act oversight and waiver process, as proposals are submitted to the Commission by City staff. Continue to collaborate with the international movement against nuclear weapons.
- b. Subcommittee on the Convention on the Rights of Persons with Disabilities (CRPD).

The Subcommittee held a successful forum on the CRPD in 2018, and plans to hold a follow-up forum in 2019.

- c. Socially Responsible Investing and Procurement Subcommittee (SRIP).
 - i. Improve and institutionalize the City's commitment to Socially Responsible investing,

- banking, and procurement.¹ Develop a resolution to propose a mechanism to fulfill the Commission's mandated advisory role.
- ii. Work with the City SRIP committee to strengthen and make effective the SRIP program, especially with regard to Procurement
- iii. Work with the BUSD School Board Policy Committee to establish an effective Sweatfree Berkeley Schools Policy.

III. Proposed expansions of responsibility.

The Commission has proposed two areas in which it could assist the Council in support of its Sanctuary City/City of Refuge declaration. As Berkeley has no Immigrant Rights Commission, Peace and Justice functions in that capacity on a de facto basis.

- a. Regional Sanctuary Community Working Group. The Commission offered to take on coordination with other Sanctuary communities (cities and counties) in a resolution passed July 9, 2018. Council is currently scheduled to discuss this resolution on October 2.
 - b. Sanctuary City Contracting Ordinance — Ban ICE data brokers from city contracting. The Commission reviewed the ordinance referred to it by Council, and responded with suggested language giving the Commission a role in vetting contracts, patterned after its role in the Nuclear Free Berkeley Act. The Commission's letter appeared in a subsequent Council agenda packet as a communication and is pending Council action.
- IV. Cooperate with the school board and the BUSD community on social issues of mutual interest affecting students and youth, with special consideration to the problem of the educational opportunity gap and sexual harassment in the schools, in the context of Title IX. Success of this initiative depends on School Board members fully appointing membership of the Peace and

¹ BMC Section 3.68.070.K: "The [Peace and Justice] Commission shall perform the following functions...K. Assist the Director of Finance in the annual evaluation of financial institutions for qualification of City investments...and advise the City Council on matters relating to the responsible investment of public funds in accordance with the responsible investment policy established by Resolution No. 55,141A-NS.")

Justice Commission (to its statutory number of six BUSD-appointed commissioners from the present two).

The Commission will support the development of the African American Holistic Resource Center.

Background:

CRPD

The Peace & Justice Commission established the Subcommittee on the Convention on the Rights of Persons with Disabilities (the Subcommittee) in 2014, in order to institutionalize the City of Berkeley's long-standing focus on promoting and protecting the legal rights of persons with disabilities. The City has held a leading position in the field of disability rights for many years, and is well-known nationally and internationally as an unusually fruitful breeding ground for grassroots non-profit organizations working in that field.

Together with representatives from four other City of Berkeley Commissions: the Commission on the Status of Women, the Commission on Disability, the Commission on Mental Health, and the Commission on Aging, the Subcommittee published its Mission Statement; requested the Peace & Justice Commission to ask the City Council to write to the U.S. Senate urging ratification of the Convention on the Rights of Persons with Disabilities (duly done in 2015); and held a public Forum at the Ed Roberts Campus in May 2018.

The Subcommittee is working on plans to hold another public Forum in 2019.

The Honorable Jesse Arreguin, Mayor of the City of Berkeley, welcomed the Forum participants at this successful Subcommittee initiative that extended knowledge and applicability of the international treaty in Berkeley.

Nuclear-Free Berkeley

The Nuclear Free Berkeley Act came into force in 1986 (Chapter 12.90.070 Section 030D). The Peace & Justice Commission established the Subcommittee on The Nuclear Free Berkeley Act (NFBA) to oversee and reinforce compliance with the terms of the Act. The Subcommittee's activities have included:

- recommendation against a waiver for continuation of the Berkeley Public Library's contracts with 3M (2009-2010);
- consideration of a waiver for the City of Berkeley Public Health Division's proposal on medical supplies (2012);

- recommendation of a waiver for the SkyDeck Business Incubator-Accelerator Contract (2012);
- consideration of a waiver for a proposal of the City of Berkeley Public Health Division on medical supplies (2012);
- recommendation (February 7, 2013) to the Regents of the University of California that it phase out responsibility for operating the Nuclear Weapons Laboratories in Livermore and Los Alamos;
- a letter from the City of Berkeley to President Obama in 2014 urging support of a ban on nuclear weapons.

More recently, in light of the Award of the Nobel Peace Prize in 2017 to the International Campaign to Abolish Nuclear Weapons (ICAN), whose goal is international adherence to and full implementation of the Treaty on the Prohibition of Nuclear Weapons (the Treaty), the Peace and Justice Commission will seek to collaborate further with ICAN on activities of mutual concern. We would note that the California State Senate and the California State Assembly voted affirmatively on a bill in September 2018 to urge U.S. Senate adoption of the Treaty. Strong support comes also from the International Red Cross Red Crescent Movement; NuclearBan.US, The City of Los Angeles, California; the City of Takoma Park, Maryland; Physicians for Social Responsibility; and the U.S. Conference of Mayors, among others.

Indigenous Peoples:

Between December 2015 and January 2016, the Berkeley City Council, upon the recommendation of the Peace and Justice Commission, adopted five important resolutions supporting the treaty rights of indigenous people in Berkeley. The resolutions included: recognition of the Ohlone people as the original inhabitants of Berkeley and the Bay Area, pledging to work in good faith with Ohlone representatives; implementing the UN Declaration on the Rights of Indigenous Peoples as municipal policy; endorsing the upgrading of the Declaration to a Convention; honoring the Berkeley Shellmound indigenous site; and urging the East Bay Regional Parks District to protect the Ohlone place of origin sacred site.

The resolution on the Berkeley Shellmound mandated that “free, prior, and informed consent of the Ohlone and other indigenous peoples of the region should be integral to any alteration planning for the Berkeley Shellmound site, in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.”

In 2018-2019 the Peace and Justice Commission will support the implementation of these resolutions with particular attention to proposed development of the Berkeley Shellmound site.

Sweatshop-Free Berkeley:

The Sweatshop-free Berkeley Policy now has a zero dollar threshold per supplier per year for textile products purchased by the City. This threshold is an improvement over the previous minimum of \$1,000 purchase per supplier for the Policy to apply. However, the policy is complaint-driven, so the burden is on community members to research the supply chain for each supplier. The SRIP Subcommittee proposes to establish a mechanism for suppliers to show that they are using Sweatshop Free products for City purchases.

Peace and Justice Commission
2018-2019 Annual Work Plan

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The resolution on the Berkeley Shellmound mandated that “free, prior, and informed consent of the Ohlone and other indigenous peoples of the region should be integral to any alteration planning for the Berkeley Shellmound site, in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.”

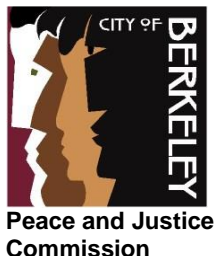
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The Policy governs textile purchases only. The goal is to identify sweat-free alternatives for technology purchases so tech can be covered as well.

The BUSD, through the School Board Policy Committee, is in the process of establishing a Sweatfree Schools Policy for athletic supplies. The SRIP Subcommittee and the Commission are supporting the BUSD to ensure the development of an effective policy.



**Peace and Justice Commission Meeting
 Regular Meeting – Monday, June 3, 2019
 City of Berkeley City Hall, 2180 Milvia, Berkeley CA, Cypress Room**

DRAFT MINUTES

The meeting convened at 7:05 pm with Chair Lippman presiding.

**Paul Blake is substituting for Commissioner Bohn*

1. Roll Call

Present: Askary, Blake, Gussmann, Lippman, Maran, Meola, Morizawa, Pancoast, Pierce, Rodriguez, Tregub

Absent: Chen, Han

Excused: al-Bazian

2. Announcements

3. Comments from the Public

Public Attendance: 1

Public Comments: Spit Hoods

Action Items

4. Review and Approval of Meeting Minutes

The Peace and Justice Commission adopted minutes for May 13, 2019 Meeting as amended.

M/S/C: Pancoast, Pierce

Ayes: Askary, Blake, Gussmann, Lippman, Maran, Meola, Morizawa, Pancoast, Pierce, Rodriguez

Noes: None

Abstain: Tregub

Absent: Chen, Han

Excused: al-Bazian

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5. Commission Updates and Chairperson’s Report (No Action Taken)

6. Secretary’s Report (No Action Taken)

7. Subcommittee on The Convention on the Rights of Persons with Disabilities (No Action Taken)

8. Subcommittee on Socially Responsible Investments and Procurement

(No Action Taken)

9. **BUSD subcommittee discussion and potential appointments (No Action Taken)**
10. **Recommend to Council to grant NFBA (Nuclear Free Berkeley Act) Waiver, send updated letter to UC Regents and to authorize Vice Chair to draft and send letter to Council**

M/S/C: Meola, Morizawa

Ayes: Askary, Gussmann, Lippman, Meola, Morizawa, Pancoast, Pierce, Rodriguez

Noes: Blake

Abstain: Maran

Absent: Chen, Han

Excused: al-Bazian

Recused: Tregub

11. **Report and possible action on Sanctuary Community Working Group in coordination with Mayor’s Task Force on Sanctuary City (No Action)**
12. **Adopt a resolution on spike of homeless deaths in Berkeley (No Action)**
13. **Approve a letter to Mayor and Council supporting ban on facial recognition systems (No Action)**

14. **Approve and send a letter to Mayor and Council supporting Mental Health Commission proposal to ban use of spit hoods by Berkeley Police (Lippman)**

M/S/C: Lippman, Meola

Ayes: Askary, Blake, Gussmann, Lippman, Maran, Meola, Morizawa, ,Pierce, Rodriguez, Tregub

Noes: None

Abstain: Pancoast

Absent: Chen, Han

Excused: al-Bazian

15. **Discuss and potentially take action on the Adeline Corridor Plan (No Action Taken)**
16. **Discuss and potentially take adopt annual commission Work Plan (No Action)**

////////////////////////////////////

The meeting was adjourned at 10:00 PM.

Respectfully Submitted,

Breanne Slimick, Secretary
Peace and Justice Commission

1 Resolution in support of protections from deportation and a path to permanent
2 residency for beneficiaries of DACA, TPS and DED

3
4 WHEREAS, the Peace and Justice Commission advises the City Council on all
5 matters relating to the City of Berkeley's role in issues of peace and social justice
6 (Berkeley Municipal Code Chapter 3.68.070);

7
8 WHEREAS, more than 1.1 million hardworking men and women stand to lose
9 their work authorization and legal status in this country unless Congress takes steps
10 to defend Deferred Action for Childhood Arrivals (DACA), Temporary Protected
11 Status (TPS), and Deferred Enforced Departure (DED), whose protections have
12 been canceled by the Trump Administration, although federal judges have issued
13 temporary injunctions blocking the terminations;¹

14
15 WHEREAS, our entire workforce benefits from these programs that allow people
16 to live and work without fear in our country, and we will all be harmed if these
17 workers lose their status;²

18
19 WHEREAS, there are more than 800,000 DACA recipients in this country who
20 have grown up and gone to school here. There are more than 320,000 TPS holders
21 who have been working, paying taxes, contributing to our economy and belong to
22 our unions. Many have lived here for decades, purchased homes and raised
23 families that include U.S.-born children;³

24
25 WHEREAS, without legislative action for permanent solutions, more than 300,000
26 TPS and DED holders could be uprooted this year, including those from South
27 Sudan in May, Nepal in June, Haiti in July and El Salvador in September;⁴

28
29 WHEREAS, TPS is a successful program that serves important humanitarian
30 purposes while helping to raise wages, support a stable workforce and reduce
31 exploitation. Studies have shown that TPS holders have a workforce participation
32 rate of 88.5 percent, with particular concentrations in construction and service
33 industries;⁵

34
35 WHEREAS, terminating these protections would separate families, force workers
36 into the shadows, and cause far-reaching harm in worksites and industries across
37 the country. Termination of TPS would lead to an estimated \$45 billion reduction
38 in gross domestic product, an immediate \$69 billion reduction in tax contributions
39 and an estimated \$1 billion in employer costs;⁶

40
41 WHEREAS, ending TPS protections will only serve to expand the pool of
42 vulnerable workers in our labor market and force a growing number of immigrants
43 and union members to work under a cloud of fear. Stripping status and work
44 permits from long-term, taxpaying members of our society is not in the interests of
45 working people;⁷

46
47 WHEREAS, on June 4, the House of Representatives passed which would provide
48 protections from the Dream and Promise Act of 2019 H.R. 6deportation and offer a

49 well-earned path to permanent residency to hardworking people who have played
50 by the rules for decades;

51
52 THEREFORE, BE IT RESOLVED, that the City of Berkeley stands in solidarity
53 with beneficiaries of DACA, TPS and DED by endorsing House Resolution No. 6
54 (H.R. 6), the Dream and Promise Act H.R. 6;⁸

55
56 AND FURTHER BE IT RESOLVED, the Council of the City of Berkeley urges
57 United States Senators Diane Feinstein and Kamala Harris to do all that they can in
58 the U.S. Senate to pass similar protections and a path to permanent residency for
59 DACA, TPS and DED;

60
61 AND FURTHER BE IT RESOLVED, the Council of the City of Berkeley
62 encourages all residents to contact their senators to urge them to take leadership in
63 fighting for protections from deportation and a path to permanent residency for
64 DACA, TPS and DED.

65

¹ **[Fact Sheet: Deferred Enforced Departure \(DED\) - National Immigration:](https://immigrationforum.org/article/fact-sheet-deferred-enforced-departure-ded/and:)**
<https://immigrationforum.org/article/fact-sheet-deferred-enforced-departure-ded/and:>

and:

Federal judge blocks Trump administration from ending TPS program ...: <https://thehill.com/.../court.../409813-federal-judge-blocks-tps-program-from-ending>

[Federal Court Blocks Trump's Termination of Humanitarian Status for ...:](https://www.nationalimmigrationproject.org/pr/2019_12Apr_haiti_tps.html)
https://www.nationalimmigrationproject.org/pr/2019_12Apr_haiti_tps.html

[Federal judge blocks Trump administration from ending Haiti TPS ...:](https://www.miamiherald.com/news/nation-world/world/.../article229151574.html)
<https://www.miamiherald.com/news/nation-world/world/.../article229151574.html>

[Federal Judge Blocks TPS Termination For Four Nations | Constangy ...:](https://www.jdsupra.com/legalnews/federal-judge-blocks-tps-termination-78150/)
<https://www.jdsupra.com/legalnews/federal-judge-blocks-tps-termination-78150/>

² **[With labor support, House OKs bill to keep Dreamers, TPS:](https://www.peoplesworld.org/.../with-labor-support-house-oks-bill-to-keep-dreamers-...)** <https://www.peoplesworld.org/.../with-labor-support-house-oks-bill-to-keep-dreamers-...>

and

Overcoming the Odds: The Contributions of DACA-Eligible Immigrants and TPS Holders to the U.S. Economy June 3, 2019: <https://research.newamericaneconomy.org/report/overcoming-the-odds-the-contributions-of-daca-eligible-immigrants-and-tps-holders-to-the-u-s-economy/>

³ See footnote #2, second entry

⁴ **[Executive Order: Enhancing Public Safety in the Interior of the United States:](https://www.whitehouse.gov/presidential.../executive-order-enhancing-public-safety-i...)**

<https://www.whitehouse.gov/presidential.../executive-order-enhancing-public-safety-i...>

Executive Order: Enhancing Public Safety in the Interior of the United States. Immigration. Issued on: January 25, 2017 ... authority vested in me as *President* by the Constitution and the laws of the *United States of America*

⁵ **The Experiences of Honduran and Salvadoran Immigrants::** ipsr.ku.edu/migration/pdf/TPS_Report.pdf

and

Terminating TPS to affect a quarter million U.S. born children - by java : [..www.sfexaminer.com/terminating-tps-affect-quarter-million-u-s-born-children/](https://www.sfexaminer.com/terminating-tps-affect-quarter-million-u-s-born-children/)

⁷ See footnote #6

⁸ H.R.6 - American Dream and Promise Act of 2019: <https://www.congress.gov/bill/116th-congress/house-bill/6>

BACKGROUND:

Nor Cal TPS Coalition is endorsing the resolution. footnote: <https://www.facebook.com/NorCalTPS/>

Participants: African Advocacy Network, Arab Resource and Organizing Center, Asociaciòn de Hondureños de Norte California (AHNCA), Bay Area Chapter of the Committee in Solidarity of People of El Salvador (CISPES), Bay Resistance, Central American Resource Center (CARECEN), Centro Latino Cuscatlan, East Bay Sanctuary Covenant, Faith In Action, Global Exchange, Haiti Action Committee, Immigrant Legal Resource Center, Interfaith Movement for Human Integrity, Jobs with Justice-SF, Labor Council for Latin American Advancement-SF, Nicaragua Center for Community Action, Oakland Catholic Worker, Red Nacional Salvadoreña en el Exterior (RENASE), San Francisco Labor Council, SF Living Wage Coalition, Services, Immigrant Rights and Education Network (SIREN), United Service Workers West-SEIU, TPS Committee Fighting for Our Rights, TPS Committee for Permanent Residency Now, NorCal We Rise S.F. Labor Center for Immigrant Justice. **Endorsers:** Clínica Martín-Baró, Council on American-Islamic Relations, International ANSWER, International Action Center, Marin Task Force on the Americas, Network in Solidarity with the People of Guatemala (NISGUA), School of the Americas Watch West, SHARE Foundation, UNITE HERE Local 2

FULL TEXT**AMENDMENT TO ARTICLE III OF THE BERKELEY CITY CHARTER TO PROVIDE FOR VOTING BY NON- CITIZEN RESIDENTS FOR CITY ELECTIONS****(a) Definitions.**

“Non-citizen voter” shall mean any Berkeley resident that is not a US citizen who is able to register and qualify for voting in city elections. A non citizen voter will be required to show a visa that is at least one years duration from the time that they register as well as proof of residency such as a utilities bill or a rental contract.

The People of the City of Berkeley hereby add Paragraph 4 to Section 5 of the Charter of the City of Berkeley to read as follows:

Section 1. Section 5, Paragraph 4 of Article III of the Charter of the City of Berkeley is added to read as follows:

Charter Article III, 5(4)

(a) Notwithstanding anything to the contrary in this Charter, the City Council may, by ordinance, provide for voting by non-citizen voters who would otherwise be eligible to be electors under the Elections Code, subject to all of the following conditions.

(1) No City of Berkeley funds may be used, directly or indirectly, to pay any cost related to voting by non-citizen voters pursuant to this Section, including litigation costs and attorneys’ fees, nor shall City of Berkeley funds be used to replace funds used for these purposes by any other public agency or private entity.

(2) Equipment, software, systems, and procedures for voter registration and voting are technically ready to handle voting by non-citizen voters.

(3) Voting by non-citizen voters will not preclude the City from consolidating its municipal elections with the County.

(4) Voting by non-citizen voters will not result in additional election costs that will be paid directly or indirectly by the City of Berkeley.

(b) Any program for allowing voting by non-citizen voters may specify the manner in which, method by which, and times at which, votes by such persons may be cast. The manner, method and time of voting for non-citizen residents need not be the same as for other persons.

(5) When the safety can be guaranteed to undocumented residents, the City of Berkeley pledges to include them.

ARGUMENT FOR NON-CITIZEN RESIDENT VOTING

Non-citizens play an active role in our communities just as their citizen counterparts

do. They pay taxes, raise families, go to school, as well as adding to the cultural fabric of our society. Extending suffrage would also benefit all of society because of our shared interest in quality education, affordable housing, transportation and other social goods.

While immigration policy is the responsibility of the federal government, local government must serve all who live here. Over 13% of Californians are non-citizens, with Alameda County having the fifth-highest proportion of immigrants in the State.¹ The franchise is one of the most important ways in which community members participate in the life of society. Without suffrage, non-citizens are often confined to the margins of society, and suffer from racial and ethnic discrimination. This initiative is a step toward uniting our City by giving all residents a voice in its future.

There is precedent for allowing non-citizen voting in the United States. For most of U.S. history, from 1776 to early 1926, alien suffrage as many as 40 states permitted non citizen voting. In many cases, non-citizens could vote in local, state, and even federal elections, as well as hold public office. The U.S. Constitution does not bar non-citizens from voting and the Supreme Court has affirmed their right to do so multiple times most recently in 1973 stating “citizenship is a permissible criterion” for limiting voting rights but not a compulsory one.

Yet, waves of anti-immigrant sentiment from the late 19th century and World War I through 1926 led to the rollback of these practices. New York City was the first jurisdiction to restore immigrant voting in 1969 for school board elections, and in 1988 Chicago passed a similar measure for local school council elections. Today ten municipalities in Maryland have granted non-citizens voting rights in all local elections, and San Francisco passed a measure in 2016 allowing immigrant parents to vote for school board.

Around the world, more than 40 countries permit some voting by non citizen residents. The European treaty of Maastricht grants Europeans in all EU members the right to vote in countries other than their own, expanding what has been in practice for decades in Sweden, Ireland, The Netherlands, Denmark and Norway. Europe is not alone with non citizen voting taking place in countries in Latin America, the Caribbean, Middle East, North America and New Zealand. Berkeley would be adopting what is globally a commonly accepted practice.

The United States immigrant population is expanding; now, over 10% of the voting age population in several states and over 27% in California alone are non-citizens. Berkeley is an international city that includes people from around the world. As a progressive beacon it should take the lead and continue the long tradition of non-

¹ <https://www.ppic.org/publication/immigrants-in-california/>

citizen voting that has been a part of this country's history since its inception, and provide the opportunity of civic engagement for all its residents.

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Yet, waves of anti-immigrant sentiment from the late 19th century and World War I through 1926 led to the rollback of these practices. New York City was the first jurisdiction to restore immigrant voting in 1969 for school board elections, and in 1988 Chicago passed a similar measure for local school council elections. Today ten municipalities in Maryland have granted non-citizens voting rights in all local elections, and San Francisco passed a measure in 2016 allowing immigrant parents to vote for school board.

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D. COMMISSION PURVIEW

Every commission is created by enabling legislation, which may take the form of an ordinance or resolution. The enabling legislation defines the role, scope, and responsibilities of the commission. The enabling legislation is how the City Council assigns and defines what types of work each commission may undertake and limits on what type of recommendations each commission may make.

In order for commission recommendations to have significant meaning in the eyes of the City Council, all commissions should take special care to ensure that they remain within their subject area purview and the constraints of their enabling legislation. Occasionally two or more commissions will have overlapping subject matter. In these cases, the secretaries should work together to ensure the subject is handled by the proper commission (see Chapter III, Section C, page 38).

E. DEVELOPMENT OF A WORK PLAN

In 2016, the City Council took formal action directing all commissions, except Board of Library Trustees (BOLT), Design Review, and Zoning Adjustments Board (ZAB), to submit an annual work plan at the start of each fiscal year. A commission work plan should contain the commission's mission statement, goals, resources, activities, outputs, and desired outcomes. This planning document specifies how and when the commission plans to accomplish its objectives (by specifying outcomes) during the fiscal year. Goal statements explain the nature and scope of the work to be performed and the time needed to accomplish the goal.

Designing yearly work plans or goal statements may be done in conjunction with the development of the relevant departmental work plan so that the work of the department and the commission will complement each other throughout the year.

When developing a work plan, commissions should take special care to ensure the subject area purview of their enabling legislation.

To: Members of the Peace and Justice Commission
From: Chair Igor Tregub
Subject: Recommendation to Adopt Process Guidance for the Peace and Justice Commission

RECOMMENDATION

The Peace and Justice Commission (PJC) has multiple demands on commissioners' time under its mandate. Adopting the following guidance, in addition to other elements that may be suggested by other commissioners, would help achieve the striking of an optimal balance between the need to duly deliberate on items submitted to the PJC and ensure that the PJC efficiently, effectively, and expeditiously weighs in on all such items.

1. Deadlines to submit information prior to each meeting should be respected. Commissioners should make a good-faith effort to submit a level of detail in describing their items (particularly if they are scheduled for possible action) that is of sufficient depth and breadth to give PJC commissioners a baseline understanding of the item, subject to questions and discussion at the meeting.
2. Should PJC commissioners choose to submit additional information to supplement their items following the deadline for publication of a PJC agenda packet, the PJC shall first vote on accepting this additional information at the meeting for which it is presented. Note: this guidance shall apply only to items scheduled for possible action at a PJC meeting. No late (post-agenda publication) submissions of new items will be entertained.
3. When discussing items that are agendized for possible action, a motion should be introduced as soon as possible for further discussion.
4. When there are multiple items scheduled for discussion during the course of an agenda, the presiding officer may have the discretion to introduce a time limit on each commissioner's comments. The presenter of the item would have four minutes. The question and answer segment following the presentation of the item would have no time limit. In the first round of comments, each commissioner would receive three minutes. In the subsequent round for rebuttals and responses, each commissioner would receive two minutes.

5. Prior to continuing a PJC meeting past 9:30 p.m. and 10:00 p.m., respectively, the PJC would entertain a motion, subject to passage by a simple majority vote, to do so. No PJC meeting should go beyond 10:30 p.m.
6. While the PJC Chairperson (or Acting Chairperson), per applicable Commission Guidelines, is responsible for finalizing any Council recommendations that are approved by the PJC, the PJC commissioner who introduced the item should provide an initial draft to the Chairperson for their review and approval, subject to the vote taken by the full PJC.

Rationale: Effective decision making calls for data from a variety of alternative perspectives and time to digest and weigh that data before a vote is taken. The University of Massachusetts lists the steps as follows:

Decision-making process

- **Step 1:** Identify the **decision**. You realize that you need to make a **decision**. ...
- **Step 2:** Gather relevant information. ...
- **Step 3:** Identify the alternatives. ...
- **Step 4:** Weigh the evidence. ...
- **Step 5:** Choose among alternatives. ...
- **Step 6:** Take action. ...
- **Step 7:** Review your **decision** & its consequences.