

Peace and Justice
Commission

PEACE & JUSTICE COMMISSION MEETING AGENDA Monday, September 19, 2022 – 7:00 p.m.

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the January 25, 2021 meeting of the Peace and Justice Commission will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL
<https://us02web.zoom.us/j/84600651143>

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 and enter Meeting ID 846 0065 1143. 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 all other rules of procedure and decorum will apply for Commission meetings conducted by teleconference or videoconference.

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
5. Commission Updates & Chairperson's Report
6. Secretary's Report (including status of passed items from previous meetings)

SECTION B. DISCUSSION/ACTION ITEMS

7. Discussion on Reinstating Burma/Myanmar in Berkeley's Oppressive State Ordinance
8. United Nations Global Goals and Human Rights Community Presentation
9. Discuss climate justice as a focus of commission action in FY 2023, and send communication or resolution to council and commissions with overlapping jurisdictions
10. Discussion and possible action to implement expected Council referral on Abortion and Reproductive Services Access
11. Discussion on the Preservation of Shellmound


SECTION D. COMMUNICATIONS

12. No communications received.

SECTION E. BACKGROUND INFORMATION SECTION F. ADJOURNMENT

Attachments:

- A. August Draft Minutes
- B. Meeting Schedule
- C. Oppressive States Ordinance
- D. Climate Change Proposal
- E. Commission Education
- F. Berkeley Resolution Shellmound
- G. Letter to Support Shellmound

 Meeting Access: To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

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

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Ovance-dozier@cityofberkeley.info (email)*



Peace and Justice
Commission

**Peace and Justice Commission Meeting
August 15, 2022**

Pursuant to March 17, 2020 Governor's Executive Order N-29-20, this meeting was held electronically.

MINUTES (Draft)

The meeting convened at 7:10 pm with George Lippman (Chair) presiding. Okeya Vance-Dozier, Community Service Specialist, Secretary.

SECTION A. PRELIMINARY MATTERS

1. Roll Call

Present: Morizawa, Rodriguez, Jacquilin, Gussmann, Lippman, Maran, Bohn

Absent: Lee, Leon-Maldonado

Excused: None

Leave of Absence: None

2. Announcements

3. Comments from the Public

Public Attendance: 2

Public Comments: 2

4. Review and approval of meeting minutes

Peace and Justice Commission approved minutes from 6/6/21.

M/S/C: Jacquilin, Gussmann

Ayes: Morizawa, Rodriguez, Jacquilin, Gussmann, Lippman, Maran, Bohn

Noes: None

Abstain: None

Absent: Lee, Leon-Maldonado

Excused: None

5. Commission Updates & Chairperson's Report (No Action Taken):

6. Secretary's Report (No Action Taken)

SECTION B. DISCUSSION/ACTION ITEMS

7. Election for Peace and Justice Commission Vice-Chair

M/S/C: Rodriguez, Jacquilin

Ayes: Lippman, Bohn, Gussmann, Jacquilin, Morizawa, Maran, Rodriguez

Noes: None

Abstain: None

Absent: Lee, Leon-Maldonado

Excused: None

8. Discussion on Reinstating Burma/Myanmar in Berkeley Oppressive States Ordinance

No Action Taken

M/S/C:

Ayes:

Noes:

Abstain:

Absent:

Excused:

9. Discussion on Review of Peace and Justice Commission FY 2023 Annual Work Plan for Implementation Planning

Work plan will be sent over to City Council

M/S/C:

Ayes:

Noes:

Abstain:

Absent:

Excused:

10. Discussion and Action on Selective Services Resolution

The letter will be sent to representatives.

M/S/C: Bohn, Lippman

Ayes: Lippman, Bohn, Gussmann, Jacquilin, Morizawa, Maran, Rodriguez

Noes:

Abstain:

Absent: Lee, Leon-Maldonado

Excused:

SECTION C. COMMUNICATIONS

11. No communications received prior to meeting.

SECTION D. ADJOURNMENT

The meeting was adjourned at 9:12 PM.

M/S/C: Lippman, Rodriguez

Ayes: Rodriguez, Gussmann, Lippman, Maran, Bohn, Morizawa, Jacquilin

Noes: None

Abstain: None

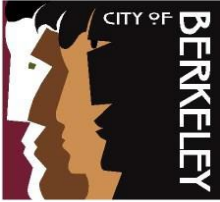
Absent: Lee, Leon-Maldonado

Excused: None

Respectfully Submitted,

Okeya Vance-Dozier, Secretary
Peace and Justice Commission

DRAFT



Peace and Justice
Commission

Peace and Justice Commission Approved 2022 Meeting Schedule Zoom Webinar Meetings

1. ~~Tuesday, January 4, 2022 at 7pm~~
2. ~~Monday, February 7, 2022 at 7pm~~
3. ~~Monday, March 7, 2022 at 7pm~~
4. ~~Monday, April 4, 2022 at 7pm~~
5. ~~Monday, May 2, 2022 at 7pm~~
6. ~~Monday, June 6, 2022 at 7pm~~
7. ~~Monday, July 18, 2022 at 7pm~~ rescheduled for August 15th
8. Tuesday, September 19, 2022 at 7pm
9. Monday, October 3, 2022 at 7pm
10. Monday, November 7, 2022 at 7pm

RESOLUTION NO. 59,853-N.S.

EXPRESSING SUPPORT FOR A NATIONAL FOREIGN POLICY WHICH PLACES PARAMOUNT IMPORTANCE ON HUMAN RIGHTS BY PROHIBITING THE EXPENDITURE OF PUBLIC FUNDS FOR PERSONAL SERVICES OR FOR THE PROCUREMENT OF GOODS OR FOR DEPOSIT OR INVESTMENT IN ACCORDANCE WITH THE STANDARDS ENUMERATED IN THIS RESOLUTION AND REPEALING RESOLUTION NOS. 57,881-N.S., 59,009-N.S. AND 59,107-N.S.

WHEREAS, the Council of the City of Berkeley finds as follows:

SECTION I. PREAMBLE

- A. The citizens of the City of Berkeley, believing that their quality of life is diminished when peace and justice are not fully present in the world, adopted Ordinance No. 5985-N.S. to promote universal respect for human rights and fundamental freedoms, and to stimulate public debate regarding the paramount importance of the rule of law and the need to end injustices and egregious violations of human rights wherever they may occur.
- B. The citizens of the City of Berkeley believe that the foreign policy of the United States of America should be grounded upon equality, respect for human rights and the abhorrence of exploitation and all forms of oppression. However, the foreign policy of the United States of America with regard to particular countries, or governments, fails to accord sufficient importance to promoting equality, respect for human rights and the abhorrence of exploitation and all forms of oppression.
- C. The citizens of the City of Berkeley believe that the expenditure, and the withholding, of public funds derived from their taxes constitutes an expression of their civic conscience regarding a subject of legitimate public debate and, therefore, can influence the views of their fellow American citizens.
- D. The citizens of the City of Berkeley believe that effective advocacy of both public and private points of view is undeniably enhanced by group association, including their association as electors and taxpayers in the City of Berkeley.
- E. The citizens of the City of Berkeley reaffirm that the right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the powers and duties of the national government, is an attribute of American citizenship, and, as such, under the protection of, and guaranteed by, the United States.

- F. The citizens of the City of Berkeley are cognizant of the fact that in the global marketplace the City's expenditures for services, goods, deposits and investments subject to this Resolution are not substantial enough to have even an indirect coercive effect on foreign governments and, therefore, the policies established herein represent principally a symbolic gesture rather than an economic threat, a regulatory action or an act to change the domestic policies of any foreign country.
- G. The citizens of the City of Berkeley desire to establish the policies herein for the purposes of stimulating public discussion, influencing the views of their fellow American citizens, and affecting the formulation and implementation of foreign policy by the United States Congress.
- H. The procurement of personal services and commodities, and the deposit and investment of public funds are municipal affairs of the City of Berkeley and the policies established herein are not established for the benefit of contractors submitting bids, but for the benefit of the Citizens of the City of Berkeley.
- I. The citizens of the City of Berkeley believe that like any participant in the global marketplace, the City of Berkeley possesses the right to consider the moral character of its business partners in determining with whom it seeks to maintain business relations and therefore to refrain from contracting with those entities which maintain business relationships with morally repugnant regimes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley as follows:

SECTION II. DEFINITIONS

"City" or "City of Berkeley" shall mean the City of Berkeley, or any entity acting under the direction of the City Council of the City of Berkeley.

"City Manager" shall mean the City Manager of the City of Berkeley, or any authorized representative of the City Manager.

"Peace and Justice Commission" shall mean the City of Berkeley's Peace and Justice Commission established pursuant to Chapter 3.68 of the Berkeley Municipal Code.

"Commodities" shall include, but not be limited to, any tangible supplies, goods, vehicles, machinery, or equipment.

"Oppressive State" shall mean the territory, or any portion of the territory, of a foreign government designated in the Oppressive States List.

“Business Entity” shall mean any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries to the extent that their operations are related to the purpose of its contract with the City. The term “Business Entity” does not include not-for-profit community based organizations, the United States of America, any State, municipality or other public corporation or agency.

“Personal Services” shall mean the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual agreement.

“Oppressive States List” shall mean Appendix A to this Resolution, as amended from time to time, and consisting of a compilation of Oppressive States and their respective Delisting Criteria.

“Delisting Criteria” shall mean the standard or standards which must be met in order for a government to be removed from the Oppressive States List.

“Remote Transaction” shall mean a sale of Commodities initiated and consummated completely by means of postal or Internet service and not exceeding the sum of \$10,000 U.S. Dollars to a single purchaser in a 12 month period.

“Loan” shall mean purchasing securities, investing in assets, lending monies, making interest-bearing deposits, extending lines of credit, or any other such transaction that is anticipated to result in a return, directly or indirectly, of assets.

All terms used in the Resolution shall be construed in a manner consistent with the intent of this Resolution.

SECTION III. PROVISION OF PERSONAL SERVICES

A. General Prohibited Transactions

The City is prohibited from entering into any contractual agreement for the provision of Personal Services with any Business Entity that is providing or is willing to provide personal services to:

- (i) the governing regime in any Oppressive State;
- (ii) any business or corporation organized under the authority of the governing regime of any Oppressive State;
- (iii) any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

B. Contract Stipulation

Any Business Entity contracting with the City for the provision of Personal Services shall be required as a material condition of any such contract to represent and certify that said Business Entity has reviewed this Resolution, that said Business Entity does not provide Personal Services to any entity described in Section III.A. and will not provide Personal Services to any such entity during the term of said contract; and that in the event of violation of the terms of this Resolution, the Business Entity will be subject to the remedies provided in Section VIII. The provisions of this section shall apply to renewals of existing contracts as well as to new contracts.

C. Disclosure Statement Required

Before any contract for the provision of Personal Services is awarded by the City pursuant to a formal or informal bid or proposal solicitation, the City Manager shall obtain from the prospective supplier of Personal Services a statement disclosing information sufficient for the City Manager to ascertain whether said supplier maintains any of the relationships described in Section III.A or is otherwise exempt from requirements of this Resolution pursuant to Section VII. The statement shall be signed and certified by an employee of the prospective supplier of Personal Services with sufficient legal authority to obligate the prospective supplier under the laws of the State of California. The Statement shall require the prospective supplier of Personal Services to notify the City Manager by written communication if the information disclosed in the statement is subsequently materially changed.

SECTION IV. SELECTIVE PURCHASE OF COMMODITIES

A. General Prohibited Transactions

1. The City shall not purchase any Commodity that is manufactured, assembled, extracted, harvested or refined in any Oppressive State;
2. The City shall not purchase any Commodity that is manufactured, assembled, extracted, harvested or refined by any Business Entity that buys, sells, leases or distributes Commodities in the conduct of business with, or who provides or is willing to provide Personal Services to:
 - (i) the governing regime in any Oppressive State;
 - (ii) any business or organization organized under the authority of the governing regime in any Oppressive State;
 - (iii) any Business Entity for the purpose of assisting in business operations or trading with any public or private entity located in an Oppressive State.

3. For the purposes of this Section only, a Remote Transaction(s) shall not be deemed selling, leasing, or distributing Commodities in the conduct of business.

B. Disclosure Statement Required

Each prospective supplier of Commodities that submits a formal or informal bid or proposal for a contract to supply Commodities shall include with its bid or proposal documents a statement disclosing information sufficient for the City Manager to ascertain whether or not said supplier of Commodities complies with the requirements of this Resolution or is exempt under Section VII. The statement shall be signed and certified by an employee of the prospective supplier of Commodities with sufficient legal authority to obligate the prospective supplier of Commodities under the laws of the State of California. The statement shall require the prospective supplier of Commodities to notify the City Manager by written communication if the information disclosed in the statement is subsequently materially changed.

C. Contract Stipulation

Any Business Entity contracting with the City for the provision of Commodities shall be required as a material condition of any such contract to represent and certify that said Business Entity has reviewed this Resolution; that the Commodities it provides to the City comply with the standards set forth in Section IV.A above; that the Business Entity will continue to comply with this Resolution during the term of said contract; and that in the event of violation of the terms of this Resolution, the Business Entity will be subject to the remedies provided Section VIII. The provisions of this section shall apply to renewals of existing contracts as well as to new contracts.

D. Selective Purchasing Process

The ability of a bidder to comply with the requirements of this Resolution is a material term of every bid solicited by the City pursuant to City Charter Section 67 or Ordinance No. 6420-N.S. Therefore, if the Commodity offered thereunder is manufactured, extracted, harvested or refined in any Oppressive State, or by an entity having any of the relationships described in Section IV.A above, said bid shall be deemed "non-responsive."

SECTION V. DEPOSIT AND INVESTMENT OF CITY FUNDS

A. General Prohibited Transaction

1. No City funds shall be deposited or remain deposited in any bank or financial institution which has any outstanding Loan to:

- (i) the governing regime in any Oppressive State;

- (ii) any business or entity organized under the authority of the governing regime of any Oppressive State;
- (iii) any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

2. No City funds shall be invested or remain invested in the stocks, bonds, securities, notes, debentures, certificates of indebtedness, or other obligations of any bank or financial institution which has any outstanding Loan to:

- (i) the governing regime in any Oppressive State;
- (ii) any business or entity organized under the authority of the governing regime of any Oppressive State;
- (iii) any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

3. The prohibitions of this Section shall not apply to City funds invested under a trust indenture or investment agreement or otherwise invested by the City under a pre-existing contractual obligation, provided that such funds, if invested or deposited in non-compliance with this Resolution, shall be withdrawn or divested at the earliest possible maturity date.

B. Disclosure Statement Required

1. Before any City funds can be deposited or invested in any bank or financial institution, the City Manager shall obtain from each bank or financial institution a statement certifying that it does not have any outstanding loan of the type listed in subsection A of this Section, or, in the alternative, the City Manager shall obtain from each bank or financial institution a statement stating that the policy of the bank or financial institution is to not make any such future loans during the period that it holds City funds. The statement shall require the bank or financial institution to notify the City Manager if it subsequently enters into any loan described in this subsection, or if the policy prohibiting such loans is changed.

2. The requirements of this Section shall be satisfied by ensuring that no City funds are invested or deposited by banks or financial institutions which fail to submit the Statements required by this Section.

C. Compliance

1. The withdrawal or divestiture required by this Section shall be completed within one hundred twenty (120) days after the effective date of this Resolution.

2. When the City Manager determines that City funds must be withdrawn or divested from banks or financial institutions for noncompliance with the provisions of this Resolution, the City Manager shall advise the bank or financial institution that the withdrawal or divestiture of City funds is required by this Resolution.

3. If the City Manager determines that City funds have been deposited or invested in a bank or financial institution which subsequently fails to comply with this Resolution, the City Manager shall require the withdrawal or divestment of those funds within one hundred twenty (120) days after the date of determination of noncompliance.

D. The prohibitions of Subsection V.A.1. and V.A.2 shall not apply if the City Manager finds that:

1. no bank or financial institution is available which is capable of performing the desired function, or
2. the City will incur a significant financial loss as a consequence of said prohibitions.

SECTION VI. CITY REAL PROPERTY MANAGEMENT

To the maximum extent permitted by law, it shall be the policy of the City of Berkeley that the City Manager shall not sell, rent, or dispose of any real property including, but not limited to, granting the right to lay, construct, maintain, or operate pipelines through, over, across, or under land, water, park, reservation or highway of the City of Berkeley, to any entity which meets the criteria set forth in Sections III.A and IV.A of this Resolution. For the purposes of City Charter Section 76, the City Council will determine in each individual case whether the public interest is served by applying the terms of this Resolution to the grant of a franchise. The City Manager may sell, rent, or dispose of said property or grant said rights to said entity only if he or she finds such action is essential to protect the health, safety and welfare of the public.

SECTION VII. WAIVERS AND EXEMPTIONS

A. The prohibitions of this Resolution shall not apply if the City Manager makes one or more of the following findings:

1. The special characteristics of the particular Personal Services or Commodities offered by the Business Entity are necessary for the efficient operation of the City or the health, safety, and welfare of the City, or no comparable Personal Service or Commodity is available without financial loss occurring. The City Manager shall periodically report to the City Council his or her exercise of the waiver authority granted pursuant to this subsection.

2. The Business Entity offering the particular Personal Services or Commodities to the City is operating in an Oppressive State exclusively for the one or more of the following purposes :

- (i) providing medical goods or services; or
- (ii) providing emergency or humanitarian goods or services; or
- (iii) news reporting or publishing.

SECTION VIII. REMEDIES

A. Upon a finding by the City Manager that a person has violated the terms of this Resolution, the City Manager shall be authorized to terminate said contract and bar the Business Entity from bidding on future contracts with the City for five years from the effective date of the contract termination. The City Council may, in its discretion, waive or modify such punitive action if the Business Entity can demonstrate to the City Council's satisfaction that the person did not knowingly violate the contract stipulation and has taken appropriate steps to prevent future violations.

B. In addition to the above, the City Council or City Manager may take any such actions as deemed necessary to recover damages resulting from the violations of contractual agreements as specified in Sections IV.C or V.C above.

SECTION IX. RULES AND REGULATION

The City Manager shall be authorized to promulgate any rules and regulations not in conflict with the purposes of this Resolution.

SECTION X. EFFECTIVE DATE

This Resolution shall take effect and apply to all bids and proposals due to the City, and contracts executed, on or after March 1, 1999. Any contract already executed at the effective date of this Resolution shall remain in full force and effect and not be subject to the provisions of this Resolution until such a time as the existing contract is renewed. At the time of the renegotiation, extension, or other similar action to effect the continuation or renewal of any existing contract, all provisions of this Resolution shall apply to such contract.

SECTION XI. AMENDMENT PROCESS

The City Council may alter the Oppressive States List only by amendment to this Resolution. Said amendment shall identify the country or territory to be added to, or removed from, the Oppressive States List, the basis for said action, and the applicable Delisting Criteria.

SECTION XII. PUBLIC AWARENESS

In furtherance of the purposes of this Resolution, the City Clerk shall distribute copies of the text of this Resolution, and any amendments thereto: (1) on or about the Independence Day holiday as observed each year; and (2) whenever the Council adopts an amendment to this Resolution. Copies shall be distributed by mail to the following officials: California's U.S. Senate delegation, the member(s) of the U.S. House of Representatives from the congressional district(s) representing the citizens of the City of Berkeley, the President of the United States, the U.S. Secretary of State, to a local newspaper of general circulation, and to a newspaper of national circulation.

SECTION XIII. SEVERABILITY

This Resolution shall be enforced to the full extent of the authority of the City of Berkeley. If any section, subsection, clause, sentence, paragraph or word of this Resolution or the application thereof to any entity or circumstances is deemed to be invalid or beyond the authority of the City of Berkeley by any court or agency of competent jurisdiction, such invalidity shall not affect the validity of the remaining sections, subsections, clauses, sentences, paragraphs or words of this Resolution, and the applications thereof; and to this end, the sections, subsections, clauses, sentences, paragraphs and words of this Resolution are declared to be separate, distinct, independent, and severable.

SECTION XIV. OVERSIGHT

A. Public Hearing and Reports

Pursuant to Section 3.68.070(L) of the Berkeley Municipal Code, the Peace and Justice Commission is directed to review the implementation of this Resolution on a regular basis as described below. One month prior to each public hearing, the City Manager shall provide a written report to the Peace and Justice Commission on the implementation of this Resolution.

B. Schedule of Hearings

The Peace and Justice Commission shall hold public hearings at least annually on the implementation of the Resolution with the first public hearing taking place at the first Peace and Justice Commission meeting in May after the effective date of the Resolution.

SECTION XV. REPEAL.

The following resolutions are hereby repealed upon the effective date of this Resolution: Resolution No. 57,881-N.S., Resolution No. 59,009-N.S., Resolution No. 59,107-N.S. However, the repeal of said resolutions is not intended to amend or modify the terms of any existing City contract and the terms of the such contracts will remain enforceable according to the resolutions in effect at the date of their execution.

* * * * *

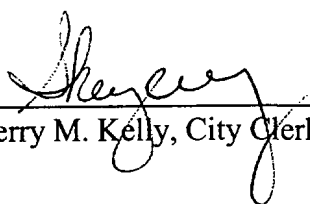
The foregoing Resolution was adopted by the Berkeley City Council on January 12, 1999 by the following vote:

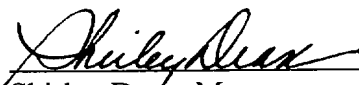
Ayes: Councilmembers Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington and Mayor Dean.

Noes: None.

Abstain: Councilmember Armstrong.

Absent: None.

Attest: 
Sherry M. Kelly, City Clerk


Shirley Dean, Mayor

APPENDIX A

OPPRESSIVE STATES LIST

1. Country/Region: **Union of Myanmar (Burma).**

Delisting Criteria: The Citizens of the City of Berkeley, acting through the City Council, determine that the foreign policy of the United States regarding the Union of Myanmar embodies an effective strategy for bringing about democratic government for the People of Burma.

2. Country/Region: **Federal Republic of Nigeria.**

Delisting Criteria: The Citizens of the City of Berkeley, acting through the City Council, determine that the foreign policy of the United States regarding the Federal Republic of Nigeria embodies an effective strategy for bringing about democratic government for the Nigerian People.

3. Country/Region: **Tibet Autonomous Region and the provinces of Abo, Kham, and U-Tsang.**

Delisting Criteria: The Citizens of the City of Berkeley, acting through the City Council, determine that the foreign policy of the United States regarding the Tibet Autonomous Region and the provinces of Abo, Kham, and U-Tsang embodies an effective strategy for bringing about democratic government for the Tibetan People.

4. Country/Region: **Republic of Indonesia**

Delisting Criteria: The Citizens of the City of Berkeley, acting through the City Council, determine that the foreign policy of the United States embodies an effective strategy for bringing about East Timorese self-determination and independence in a referendum agreeable to, and supervised by, the United Nations, as called for in United Nations General Assembly Resolutions 31/53 of 1 December 1976, 32/34 of 28 November 1977, 33/39 of 13 December 1978, 34/40 of 21 November 1979, 35/27 of 11 November 1980, 36/50 of 24 November 1981, and 37/30 of 23 November 1982, as well as in United Nations Security Council Resolutions 384 of 22 December 1975 and 389 of 22 April 1976, which, together with United Nations Human Rights Commission Resolution 1997/63 of 16 April 1997, co-sponsored by the United States, must be fully complied with by the Republic of Indonesia.

1 Resolution in favor of Reinstating Burma (Myanmar) on the Oppressive States List

2
3 WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to
4 the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter
5 3.68.070); and

6
7 WHEREAS, the Peace and Justice Commission mandate, as amended in 1990, includes Function
8 K of BMC section 3.68.070: “Advise the City Council on matters relating to the responsible
9 investment of public funds in accordance with the responsible investment policy established by
10 Resolution No. 55,141A-NS;” and

11
12 WHEREAS, in 1990 the Berkeley City Council passed the Oppressive States Contract
13 Prohibition (Res. 59,853-N.S.), banning contracts with companies doing business in several
14 countries including Burma (Myanmar); ¹and

15
16 WHEREAS, in 2003 President George W Bush signed the Burmese Freedom and Democracy
17 Act (BFDA) into law, including a ban on all [imports](#) from Myanmar and imposed other
18 sanctions; and.

19
20 WHEREAS, the Berkeley City Council therefore removed Burma from the Oppressive States list
21 in deference to the federal action; and

22
23 WHEREAS, on June 10, 2008, the Berkeley City Council approved a series of resolutions
24 proposed by the Peace and Justice Commission commending the people of Burma for 46 years of
25 struggle against dictatorship, honoring the 20th anniversary of the 1988 popular uprising and

¹https://en.wikipedia.org/wiki/Myanmar%E2%80%93United_States_relations#:~:text=The%20political%20relation%20between%20the,2007%2C%20further%20strained%20the%20relationship.

26 declaring August 8 as “Burma Day,” to be marked by raising Burmese popular flags at Berkeley
27 City Hall every August 8; ²and

28

29 WHEREAS, in July 2012, the U.S. formally eased sanctions on Myanmar in response to a
30 perceived democratization process, but between 2017 and 2021 the situation in Myanmar
31 deteriorated, with 600,000 Rohingya refugees displaced, and finally State Counsellor Aung San
32 Suu Kyi was overthrown and imprisoned in a military coup in February 2021, whereupon the
33 U.S. gradually resumed aspects of the former sanctions regime; and

34

35 WHEREAS, the renewed sanctions grant an exception for investment in the Myanmar Oil and
36 Gas Enterprises, prompting criticism from human rights groups including Human Rights Watch
37 which stated “By allowing deals with Myanmar’s state-owned oil company, the U.S. looks like it
38 caved to industry pressure and undercut [Aung San Suu Kyi](#) and others in Myanmar who are
39 promoting government accountability.”³

40

41 THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the Council urges
42 the U.S. Congress to require and for President Joe Biden to enact a ban on American companies
43 and people from investing in or contracting with Myanmar’s state-owned oil company or any
44 other state-owned companies in Myanmar.

45

46 BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the country of Burma
47 (Myanmar) be reinstated on Berkeley’s Oppressive States list and be fully subject to the City’s
48 Oppressive States Ordinance.

49

50 BE IT FURTHER RESOLVED that the City Clerk send a copy of this resolution to Berkeley’s
51 congressional delegation and Secretary of State Antony Blinken.

² “US City Declares August 8 ‘Burma Day,’”
https://www2.irrawaddy.com/article.php?art_id=12680Day,”https://www2.irrawaddy.com/article.php?art_id=12680

³ “US to Invest in Burma’s Oil,” <https://www.rfa.org/english/news/myanmar/sanctions-07112012185817.html>



Peace and Justice
Commission

To: Berkeley School Board Directors and Superintendent

From: City of Berkeley, Peace and Justice Commission

Submitted by: George Lippman, Chairperson, and Reichi Lee, Commissioner, Peace and Justice Commission

Subject: Support Climate Change Education bill, AB 1939

RECOMMENDATION

Adopt a Resolution (see below) supporting AB 1939 as introduced by California Assemblywoman Luz Rivas and other state legislators to require climate change education as part of California's K-12 science curriculum.

FISCAL IMPACTS OF RECOMMENDATION

Minimal impact to staff time.

CURRENT SITUATION AND ITS EFFECTS

At present there is no state-wide mandate that climate change be incorporated in the California educational curriculum. California is falling behind other states and countries that teach about climate change. The Climate Change Education bill, AB 1939, would make climate change education a course requirement for grades 1-6 and a graduation requirement for grades 7-12.

On November 3, 2021, BUSD became one of the first school districts in the country to commit to climate education when its School Board unanimously passed the "BUSD Climate Literacy Resolution No 22-018 Educational Response to the Climate Emergency." Among several commitments, BUSD's Climate Literacy Resolution seeks to graduate students who are well versed in climate change science, issues, and solutions and in environmental and climate justice as a civil rights issue.

AB 1939 is consistent with BUSD's Climate Literacy Resolution. BUSD's support of AB 1939 would send a clear message to the state and the country that climate literacy must become an education priority for 21st century global citizens. Local districts can not do the work alone and must have the full support of all levels of government.

Support Climate Change Education Bill, AB 1939

Attached is a draft fact sheet about the bill. Below is a draft of the Resolution sought. The Peace and Justice Commission has proposed a similar Resolution to the City Council. The bill language can be found [here](#).

Resolution to Support Climate Change Education Bill, AB 1939

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

WHEREAS, on November 3, 2021, BUSD became one of the first school districts in the country to commit to climate education when its School Board unanimously passed the "BUSD Climate Literacy Resolution No 22-018 Educational Response to the Climate Emergency." Among several commitments, BUSD's Climate Literacy Resolution seeks to graduate students who are well versed in climate change science, issues, and solutions and in environmental and climate justice as a civil rights issue; and

WHEREAS, California Assemblywoman Luz Rivas and other state legislators have introduced AB 1939, the Climate Change Education bill, requiring climate change education as part of the K-12 science curriculum;¹ and

WHEREAS, existing California law requires the adopted course of study for grades 1 to 6, inclusive, and the adopted course of study for grades 7 to 12, inclusive, to include certain areas of study, including, among others, English, mathematics, social sciences, science, and visual and performing arts, as specified; and

WHEREAS, AB 1939, with respect to both of the above-referenced adopted courses of study, would require the science area of study to include an emphasis on the causes and effects of climate change. The bill would require that appropriate coursework including this material be offered to pupils as soon as possible, commencing no later than the 2023–24 school year; and

WHEREAS, existing law requires a pupil to complete designated coursework while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law requires pupils, as part of this requirement, to complete two courses in science, including biological and physical sciences; and

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1939.

Support Climate Change Education Bill, AB 1939

WHEREAS, AB 1939, commencing with the class graduating in the 2027–28 school year, would add the requirement that at least one of those science courses include material on the causes and effects of climate change.

NOW THEREFORE, BE IT RESOLVED by the Berkeley School Board that the School Board supports the passage of the Climate Change Education bill, AB 1939, by the California legislature.

BE IT FURTHER RESOLVED that copies of this resolution be sent to California State Assemblymembers Luz Rivas, Lisa Calderon, Chris Ward, Tasha Boerner Horvath, Eduardo Garcia, Isaac Bryan, and Buffy Wicks, and State Senators Nancy Skinner and Dave Cortese, California State Superintendent of Public Instruction Tony Thurmond, Berkeley Mayor Jesse Arreguin and members of the Berkeley City Council.

To: Peace and Justice Commissioners

I am suggesting that 'climate change' be our focus for citizen awareness.

According to pewresearch.org: "A majority of Americans (63%) say that climate change is affecting their local community a great deal or some." According to a KPFA report on Friday, September 2, people are concerned but do not think their neighbors are, so they do not talk about it.

(I don't take notes while driving, so cannot cite the source of the report).

There are various issues we could address, including how climate change affects low-income neighborhoods and neighborhoods of color; the effects on aging and people with disabilities.

I suggest Peace and Justice look into how climate change affects low-income neighborhoods and neighborhoods of color; effects on the aging and people with disabilities.

In our Commission Work Plan for this year, we stated:

We expect to focus much of our work [this year] on the following issues....

4. Eliminating racial and other inequities in all realms, including housing, health, law enforcement, education, labor, and the environment.

There are other commissions we could collaborate with, if they are willing: Environment and Climate, Community Health, Homeless Services Panel of Experts, Aging, and Disability.

George mentioned a new City of Berkeley office being established this year on Race, Equity and Diversity.

This is super broad and the task would be to decide on where we want to focus to be effective.

When we feel ready to begin reaching out to other commissions and City staff, we will probably want to explain to Council and possibly BUSD what we're proposing and ask for their support. We may or may not be ready to do so at the September 13 meeting.

Thank you for your attention and consideration,

Veta

RESOLUTION NO. 67,353–N.S.

HONOR BERKELEY SHELLMOUND INDIGENOUS SACRED SITE, UC BERKELEY
RETURN ANCESTRAL REMAINS TO OHLONE PEOPLES

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

WHEREAS, the City of Berkeley adopted Ordinance 5,985-N.S., the "City of Berkeley Human Rights Ordinance, 1990" adopting a human rights policy based on articles 55 and 56 of the United Nations Charter; and

WHEREAS, on May 19, 2009, the Berkeley City Council passed a resolution to recognize and endorse the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 1; and

WHEREAS, Article 32, 2 of UNDRIP states, "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources"; and

WHEREAS, the Berkeley Shellmound is designated as a City of Berkeley Landmark; and

WHEREAS, the Berkeley Shellmound is held sacred by the Ohlone Peoples, the original peoples of this land; and

WHEREAS, continuous development has altered and desecrated much of the Berkeley Shellmound.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley considers the principles agreed to in the United Nations Declaration on the Rights of Indigenous Peoples to pertain to and apply in the City of Berkeley.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley recognizes that many of these principles have been violated continually and egregiously by European and U.S. settlers and governments in the Bay Area, including the right of indigenous peoples to self-determination, to be free of discrimination, protection from forced assimilation or destruction of their culture, and "the right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, (and) ceremonies", and the right to redress, including restitution, developed in conjunction with indigenous people, with regard to such property taken without their free, prior and informed consent.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley affirms that defense of indigenous rights, culture, and dignity are a public value of the City, with benefits that redound to every City resident, and should, therefore carry great weight in the City's land use and development, public planning, landmarking, and zoning.

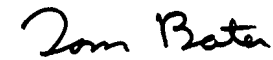
BE IT FURTHER RESOLVED that free, prior, and informed consent of the Ohlone and other indigenous peoples of the region should be integral to any alteration planning for the Berkeley Shellmound sacred site, in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous People, and all parties should follow the principles of the Declaration with respect to the West Berkeley Shellmound site.

The foregoing Resolution was adopted by the Berkeley City Council on January 19, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf and Worthington.

Noes: Bates.

Absent: None.



Tom Bates, Mayor

Attest:



Mark Numainville, City Clerk

Berkeley Peace and Justice Commission Letter to Mayor and Council:
Letter of Support and to Protect the West Berkeley Shellmound and Ohlone Village
September 19, 2022

Hon. Mayor Arreguin and Members of the Berkeley City Council:

The Peace and Justice Commission thanks you for your continued support to preserve the Berkeley Shellmound. You have been an extraordinary ally to indigenous people, the Ohlone, and the West Berkeley Shellmound struggle. For example, in 2016, Berkeley passed Resolution No 67,353 - NS recognizing that the West Berkeley Shellmound site is "held sacred by Ohlone peoples, and most recently, the City of Berkeley appealed to the California Supreme Court to forestall a building permit. Because the appeal failed and compelled the City to issue an SB-35 Permit for building on this sacred site, you must continue to explore how to protect the West Berkeley Shellmound and Ohlone Village Site and stop the building.

We understand that some of you have stated that with the forced issuing of SB-35, the hands of the City are tied. We also note that the state legislature has since amended SB-35 that places like this with tribal cultural resources cannot be entitled through SB-35's expedited permit process. So, if the property owner was to apply for this project today, it could not be approved using SB-35. Other sites could be used for housing. Furthermore, we are concerned that the proposed unit does not address the neediest in Berkeley, whose income is below the affordable income rate. Even the average Berkeley teacher with ten years of experience makes \$43,502 annually, which is \$20,000 below the income to qualify for affordable housing in Berkeley. As the Peace and Justice Commission, this inequity is stark, especially considering appropriating a treasured indigenous landmark.

We remind you that the 2016 resolution states:

BE IT FURTHER RESOLVED that the Council of the City of Berkeley affirms that defense of indigenous rights, culture, and dignity are a public value of the City, with benefits that redound to every City resident, and should, therefore carry great weight in the City's land use and development, public planning, landmarking, and zoning.

BE IT FURTHER RESOLVED 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 sacred site, in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous People and all parties should follow the principles of the Declaration with respect to the West Berkeley Shellmound site.

This sacred West Berkeley Shellmound is the last remaining site in the East Bay not covered up by development. The City of Berkeley must preserve this site as a beacon for all people, especially Berkeley's children and beyond. Please continue doing all you can - including tools available to you yet untried - to protect this sacred site from desecration. **Your continued support from right now remains critical.**

Signed Chairperson of the Peace and Justice Commission