



**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &
COMMUNITY COMMITTEE
REGULAR MEETING**

**Monday, March 8, 2021
10:00 AM**

Committee Members:

Councilmembers Rashi Kesarwani, Terry Taplin, and Ben Bartlett
Alternate: Councilmember Rigel Robinson

**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, this meeting of the City Council Health, Life Enrichment, Equity & Community Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive 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 using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://us02web.zoom.us/j/83663740251>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and Enter Meeting ID: **836 6374 0251**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Health, Life Enrichment, Equity, & Community Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

AGENDA

Roll Call

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - February 8, 2021

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. **Requesting the California State Legislature to introduce actions to value human life and to condemn racial injustice and police brutality**

From: Councilmember Davila (Author)

Referred: November 30, 2020

Due: May 22, 2021

Recommendation: 1. Adopt a resolution requesting the California State Legislature to introduce legislation incorporating recommendations from the community to value human life and to condemn racial injustice and police brutality.

2. Send copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

Financial Implications: None

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

3. **Update - Presentation: Public Health Implications for unsanitary conditions at Aquatic Park**

From: City Manager

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

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- **None**

Items for Future Agendas

- Discussion of items to be added to future agendas
- Discussion of future hearings and open forums

Adjournment

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*Written communications addressed to the Health, Life Enrichment, Equity & Community Committee and submitted to the City Clerk Department will be distributed to the Committee prior to the meeting.*

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



### COMMUNICATION ACCESS INFORMATION:

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

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I hereby certify that the agenda for this meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 4, 2021.

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

Mark Numainville, City Clerk

Communications

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

**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &
COMMUNITY COMMITTEE
REGULAR MEETING MINUTES**

**Monday, February 8, 2021
10:00 AM**

Committee Members:

Councilmembers Rashi Kesarwani, Terry Taplin, and Ben Bartlett
Alternate: Councilmember Rigel Robinson

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Written communications submitted by mail or e-mail to the Health, Life Enrichment, Equity, & Community Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

AGENDA

Roll Call: 10:05 a.m. All present.

Public Comment on Non-Agenda Matters – 1 speaker

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - January 25, 2021

Action: M/S/C (Bartlett/Kesarwani) to approve the minutes of January 25, 2021.

Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Support Vision 2025 for Sustainable for Sustainable Food Policies

From: Councilmember Davila (Author)

Referred: August 31, 2020

Due: February 15, 2021

Recommendation: 1. Adopt a Resolution Supporting Vision 2025 for Sustainable Food Policies

2. Join San Francisco, Chicago and Austin in signing the Milan Urban Food Policy Pact (MUFPP) which includes forming an advisory body on sustainable food policies.

3. Support adoption of a Climate-Friendly Food Purchasing Policy as described by Friends of the Earth to replace 50% of the City's annual animal-based food procurement with plant-based food.

4. Short Term Referral to the City Manager to: a. Track the amount of animal-based food replaced with plant-based food; b. Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: 2 speakers. M/S/C (Kesarwani/Bartlett) to send the item to Council with a qualified positive recommendation to:

1. express support for the Milan Urban Food Policy Pact (MUFPP)

2. Refer aspects of the original item to the Community Health Commission (or future commission addressing public health) to take the following actions:

a) Consult with appropriate City staff to evaluate the feasibility of altering food

Committee Action Items

sources within the City's existing food service contracts - with a specific focus on the feasibility of replacing meat and dairy-based offerings with plant-based options - given contractor procurement practices and any federal or state nutrition requirements for seniors and other affected populations; and
(b) Solicit input from potentially affected communities, particularly seniors, for their feedback on shifting to more plant-based foods through a short survey or other means; and

3. Adopt the resolution as amended.

Vote: All Ayes.

3. **Requesting the California State Legislature to introduce actions to value human life and to condemn racial injustice and police brutality**

From: Councilmember Davila (Author)

Referred: November 30, 2020

Due: May 22, 2021

Recommendation: 1. Adopt a resolution requesting the California State Legislature to introduce legislation incorporating recommendations from the community to value human life and to condemn racial injustice and police brutality.

2. Send copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

Financial Implications: None

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: 1 speaker. Item continued to next meeting on March 8, 2021.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- None

Items for Future Agendas

- Discussion of items to be added to future agendas
- Discussion of future hearings and open forums

Action: (Kesarwani/Bartlett) Amend the meeting schedule to once a month (second Monday). The next meeting is scheduled for March 8, 2021.

Vote: All Ayes.

Adjournment

Action: M/S/C (Kesarwani/Taplin) to adjourn the meeting

Vote: All Ayes

Adjourned at 10:48 a.m.

I hereby certify that this is a true and correct record of the Health, Life Enrichment, Equity & Community Committee meeting held on February 8, 2021.

April Richardson, Assistant City Clerk

Communications

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Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
December 15, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila (Author)

Subject: Requesting the California State Legislature to introduce actions to value human life and to condemn racial injustice and police brutality.

RECOMMENDATION

1. Adopt a resolution requesting the California State Legislature to introduce legislation incorporating recommendations from the community to value human life and to condemn racial injustice and police brutality.
2. Send copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

BACKGROUND

With the deaths of Ahmaud Arbery, Breonna Taylor, and George Floyd, we at the same time are reeling from the devastating effects and challenges of COVID-19 that has disproportionately affected the black community at high rates.

We must now move from protests to substantive policy change. We must be able to respond to our children and their children's children when they ask what we did during these troubled times to impact the community and make a difference?

The Berkeley City Council has a past record of supporting legislation to value human life, and to condemn racial injustice and police brutality.

In December 2018, in the nearby City of Richmond, then Councilmembers Jovanka Beckles and Eduardo Martinez introduced similar legislation requesting the State Legislature to introduce legislation based on recommendations brought forward by the community. The legislation was approved by the Richmond City Council and sent to the State Legislature.

Police officers can occasionally make poor choices that result in implementing harsh enforcement policies, often in extremely stressful and dangerous situations.

The City Council envisions a future where violent encounters between police and civilians are extremely rare.

An alarming number of people are killed by police every year, the majority of those victims were unarmed or were killed for behaviors due to issues that have included mental health that should

not have resulted in death.

Black and Latino teenage males are more likely to be killed by police than white teenage males and unarmed Black and Latino men are more likely to be killed by police than unarmed white men.

Aggressive policing and lack of community representation on police forces, often negatively impact people of color, leading to the use of racial profiling and disproportionate number of deaths of people of color at the hands of the police.

Police departments cannot investigate themselves, and there is a long list of no conviction cases.

There are too many cases where charges are not filed by top officials despite physical evidence and eyewitness testimony, contradicting the police department's statement of events.

In honor of many who have lost their lives advocating for human rights, the City Council supports human rights.

This action is the first step meant to restore integrity in policing and promote accountability for the public.

The following legislative actions require the State Legislature to introduce and act upon in order to make much needed change to save lives:

1. Repeal The California Police Officer Bill of Rights
2. Approve ACA-5: Repeal of Prop 209 that would ensure that fair hiring practices in California are implemented, so that African Americans can have access to public jobs.
3. Establish protection against profiling, and offer alternatives to mental health crises so that they do not have a fatal end.
4. Create a Task Force to Study and Develop Reparations for African Americans.
5. A Review of each jurisdiction's use of force policy and review of its alignment with AB 392: Peace Officers Deadly Force.
6. Allocate yearly funding and resources to ensure that African Americans in the state have access to culturally-based and responsive mental health services.
7. Establish stronger civilian oversight boards that have disciplinary power, so that law enforcement officers are accountable to the communities in which they serve;
8. Reduce the historically high levels of the prison population, through the implementation of community-based policing, smarter sentencing, and better post-incarceration programs for those returning to society, as well as training law enforcement, to better identify mental illness and reducing over forced approach to all Americans;
9. Ensure that the investigation process includes an immediate toxicology exam on all parties involved, including the officers, and unedited civilian video recordings should be considered evidence;
10. Police unions should bear the cost of the paid administrative leave in the form of malpractice insurance;
11. Allocate funding to train police to better identify and confront these problems using de-escalation tactics, and keep track of results through frequent data collection and analysis;
12. All officers of the law receive training to reduce excessive force, and training to assist with interaction with the mentally ill;

13. Train law enforcement officials to appropriately identify and address mental issues and those with addiction, with the aim of guiding members of the said population to treatment programs instead of jail when applicable;
14. An officer should be placed on administrative leave without pay during the investigation process;
15. An officer that is under investigation would not be eligible for CalPERS Disability Insurance or similar benefits as its pre-funded by tax dollars;
16. Tax dollars should not cover the cost of an officer's legal defense when they fire upon an unarmed civilian, who is not in the act of committing a felony offense;
17. Police unions should cover the cost of legal defense, malpractice insurance (similar to a doctor);
18. Police officers who fire upon an unarmed civilian, who is not in the act of committing a felony offense should be reprimanded and prosecuted.

FISCAL IMPACTS OF RECOMMENDATION

None.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSON

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS

1. Resolution

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

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BERKELEY REQUESTING THE CALIFORNIA STATE LEGISLATURE TO INTRODUCE LEGISLATIVE ACTIONS TO VALUE HUMAN LIFE AND TO CONDEMN RACIAL INJUSTICE AND POLICE BRUTALITY

WHEREAS, For several weeks, African Americans have been processing the recent deaths of Ahmaud Arbery and Breonna Taylor while at the same time, reeling from the devastating effects and challenges of COVID-19 that has disproportionately affected the black community at high rates. Then came the horrific death of George Floyd, in full view of the world that stunned many, adding to the community's unrelenting trauma and grief and disgust; and

WHEREAS, We must now move from protests to substantive policy change. We must be able to respond to our children and their children's children when they ask what we did during these troubled times to impact the community and make a difference; and

WHEREAS, The Berkeley City Council has a past record of supporting legislation to value human life, and to condemn racial injustice and police brutality; and

WHEREAS, the City Council is in support of the State legislature introducing legislation to support and value human life, and to condemn racial injustice and police brutality; and

WHEREAS, tension between police and communities throughout the United States has increased over many years after a series of high profile cases of police brutality and racial profiling; and

WHEREAS, police officers can occasionally make poor choices that result in implementing harsh enforcement policies, often in extremely stressful and dangerous situations; and

WHEREAS, the City Council envisions a future where violent encounters between police and civilians are extremely rare; and

WHEREAS, an alarming number of people are killed by police every year, the majority of those victims were unarmed or were killed for behaviors due to issues that have included mental health that should not have resulted in death; and

WHEREAS, Black and Latino teenage males are more likely to be killed by police than white teenage males and unarmed Black and Latino men are more likely to be killed by police than unarmed white men; and

WHEREAS, aggressive policing and lack of community representation on police forces, often negatively impact people of color, leading to the use of racial profiling and disproportionate number of deaths of people of color at the hands of the police; and

WHEREAS, police departments cannot investigate themselves, and there is a long list of no conviction cases; and

WHEREAS, there are too many cases where charges are not filed by top officials despite physical evidence and eyewitness testimony, contradicting the police department's statement of events; and


WHEREAS, in honor of many who have lost their lives advocating for human rights, the City Council supports human rights; and

WHEREAS, this action is the first step meant to restore integrity in policing and promote accountability for the public; and

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Berkeley requests the State Legislature to introduce and approve the following legislative actions:

1. Repeal The California Police Officer Bill of Rights
2. Approve ACA-5: Repeal of Prop 209 that would ensure that fair hiring practices in California are implemented, so that African Americans can have access to public jobs.
3. Establish protection against profiling, and offer alternatives to mental health crises so that they do not have a fatal end.
4. Create a Task Force to Study and Develop Reparations for African Americans.
5. A Review of each jurisdiction's use of force policy and review of its alignment with AB 392: Peace Officers Deadly Force.
6. Allocate yearly funding and resources to ensure that African Americans in the state have access to culturally-based and responsive mental health services.
7. Establish stronger civilian oversight boards that have disciplinary power, so that law enforcement officers are accountable to the communities in which they serve;
8. Reduce the historically high levels of the prison population, through the implementation of community-based policing, smarter sentencing, and better post-incarceration programs for those returning to society, as well as training law enforcement, to better identify mental illness and reducing over forced approach to all Americans;
9. Ensure that the investigation process includes an immediate toxicology exam on all parties involved, including the officers, and unedited civilian video recordings should be considered evidence;
10. Police unions should bear the cost of the paid administrative leave in the form of malpractice insurance;
11. Allocate funding to train police to better identify and confront these problems using de-escalation tactics, and keep track of results through frequent data collection and analysis;
12. All officers of the law receive training to reduce excessive force, and training to assist with interaction with the mentally ill;
13. Train law enforcement officials to appropriately identify and address mental issues and those with addiction, with the aim of guiding members of the said population to treatment programs instead of jail when applicable;
14. An officer should be placed on administrative leave without pay during the investigation process;
15. An officer that is under investigation would not be eligible for CalPERS Disability Insurance or similar benefits as its pre-funded by tax dollars;
16. Tax dollars should not cover the cost of an officer's legal defense when they fire upon an unarmed civilian, who is not in the act of committing a felony offense;
17. Police unions should cover the cost of legal defense, malpractice insurance (similar to a doctor);
18. Police officers who fire upon an unarmed civilian, who is not in the act of committing a felony offense should be reprimanded and prosecuted.

BE IT FURTHER RESOLVED that copies of this resolution is sent to State Assemblywoman Buffy Wicks, State Senator Nancy Skinner, and United States Congresswoman Barbara Lee.



No Material
Available for
this Item

There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

The City of Berkeley, Health, Life Enrichment, Equity & Community Policy Committee
Webpage:

https://www.cityofberkeley.info/Clerk/Home/Policy_Committee_Health,_Life_Enrichment,_Equity_Community.aspx

