AGENDA

1. Roll Call

2. Public Comment

3. Approval of Minutes: September 4, 2012

4. Review and Approve draft agendas for October 02, 2012
   a. 10/2/12 – 6:30 p.m. Joint Powers Financing Authority Meeting
   b. 10/2/12 – 7:00 p.m. Regular City Council Meeting
   c. Adjournments in memory of -

5. Upcoming Council Items:
   a. Proposed Upcoming Council Worksessions
      1. Bayer Development Agreement
   b. Five Minute Grace Period for Pay and Display Meters (Capitelli)

6. Land Use Calendar – accept and file

7. Adjournment – next meeting October 1, 2012
Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure Resolution No. 65,337-N.S., Article III, C3c - Agenda - Submission of Time Critical Items

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

The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

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

This is a meeting of the Berkeley City Council Agenda Committee. Since a quorum of the Berkeley City Council may actually be present to discuss matters with the Council Agenda Committee, this meeting is being noticed as a special meeting of the Berkeley City Council as well as a Council Agenda Committee meeting.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.
Please refrain from wearing scented products to this meeting.

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on September 13, 2012.

Mark Numainville, CMC, Acting City Clerk
BERKELEY CITY COUNCIL AGENDA COMMITTEE
SPECIAL MEETING MINUTES

TUESDAY, SEPTEMBER 4, 2012
2:30 P.M.

6th Floor Conference Room, 2180 Milvia Street

Committee Members:
Mayor Bates, Councilmembers Linda Maio and Gordon Wozniak
(Alternate: Councilmember Anderson)

1. Roll Call: 2:32 p.m. All present (Anderson, Wozniak, Bates)

2. Public Comment – 2 speakers.


4. Review and Approve draft agenda for September 18, 2012
   a. M/S/C (Anderson/Wozniak) to approve the agenda of the 9/18/12 – 5:30 p.m. Special City Council Meeting
   b. M/S/C (Wozniak/Anderson) to approve the agenda of the 9/18/12 – 7:00 p.m. Regular City Council Meeting revised to reflect the following:
      - Item Added: Support UNITE HERE! And the workers at the HMS Host at the Oakland International Airport. Added by Councilmember Worthington.
      - Item Added: Consideration of Revision to Policies Regarding BPD Mutual Aid Memoranda of Understanding (MOU) and Approval of 2012 Mutual Aid MOU Compendium. Added by Councilmember Worthington.
      - Revised Item: Proclamation in Honor of Bisexual Pride Day (Worthington)
      - Revised Item: City Manager Referral: Standardize Finance Categories of Software and Exclusively Internet Companies (Worthington)
   c. Adjournments in memory of – None.

5. Upcoming Council Items:
   a. Proposed Upcoming Council Worksessions
      1. Bayer Development Agreement
      2. Telegraph Avenue – scheduled for November 27, 2012
      Climate Action Plan scheduled for November 13, 2012
   b. Amendments to the Rules of Procedure (room capacity)

6. Land Use Calendar – accepted and filed

7. Adjourned at 2:47 p.m

Mark Numainville, CMC, Acting City Clerk
DRAFT AGENDA

BERKELEY JOINT POWERS FINANCING AUTHORITY MEETING
TUESDAY, OCTOBER 02, 2012
6:30 P.M.
Council Chambers – 2134 Martin Luther King Jr. Way
TOM BATES, MAYOR

Councilmembers:
DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN
DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRIS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953, and Teleconferencing. Any member of the public may attend this meeting at either location. Questions regarding this matter may be addressed to Mark Numainville, Secretary, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call

Public Comment on Consent Calendar Items Only

Agency Action: The Joint Powers Financing Authority may take action related to any subject listed on the Agenda.

Consent Calendar

The Agency will consider removal and addition of items to the Consent Calendar prior to voting on the Consent Calendar. All items remaining on the Consent Calendar will be approved in one motion. Items removed from the Consent Calendar will be taken up after the "Action Calendar" unless the Agency reorders the agenda.

1. Minutes for Approval
   From: City Manager
   Recommendation: Approve the minutes for the Authority meeting of July 17, 2012.
   Financial Implications: None
   Contact: Mark Numainville, Secretary, 981-6900
2. Refunding of 1999 Lease Revenue Bonds and 2003 Certificates of Participation

From: Chief Administrative Officer

Recommendation:
1. Adopt a Resolution of the Berkeley Joint Powers Financing Authority approving the amended and restated bylaws.

Financial Implications: See report
Contact: Robert Hicks, Finance, 981-7300

Public Comment – Items Not Listed on the Agenda

Adjournment

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Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6908 or clerk@cityofberkeley.info for further information.

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City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Email: clerk@ci.berkeley.ca.us

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
North Branch – 1170 The Alameda
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Preliminary Matters

Roll Call:

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

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

Public Comment on Non-Agenda Matters: Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.
Public Comment on Consent Calendar and Information Items Only: The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.

In the event that there are more than three persons wishing to speak either in opposition to or support of a “Consent” item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

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

Consent Calendar

The Council will first determine whether to move items on the agenda for action or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to “Action”, however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. **Zoning Ordinance Amendment: Chair Massage**  
   **From:** City Manager  
   **Recommendation:** Adopt second reading of Ordinance No. 7,258–N.S. amending Berkeley Municipal Code sections 23C.20.010 and 23F.04.010 to define Chair Massage and allow it as an exempted accessory use to retail uses.  
   **First Reading Vote:** Ayes – Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Absent – Maio.  
   **Financial Implications:** None  
   **Contact:** Eric Angstadt, Planning and Development, 981-7400

2. **Lease Agreement: Friends of the Berkeley Public Library for a Used Bookstore at 2431 and 2433 Channing Way**  
   **From:** City Manager  
   **Recommendation:** Adopt second reading of Ordinance No. 7,259–N.S. authorizing the City Manager to execute a lease agreement with Friends of the Berkeley Public Library for the purpose of operating a used bookstore at 2431 and 2433 Channing Way in the Telegraph Channing Garage shops.  
   **First Reading Vote:** Ayes – Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Absent – Maio.  
   **Financial Implications:** See report  
   **Contact:** Andrew Clough, Public Works, 981-6300
Consent Calendar

3. Contract: Berkeley East Bay Humane Society for Veterinary Services
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with the Berkeley East Bay Humane Society (BEBHS) for an amount not to exceed $95,000 for in-house veterinary services for Berkeley Animal Care Services (BACS) for FY13 with an option to continue with the veterinary services for another two-year period. The extension of this contract will be for $95,000 per year for FY2014 & FY2015 for a total not to exceed $285,000 and subject to the city’s annual appropriation process.
   Financial Implications: General Fund - $95,000
   Contact: Kate O’Connor, Animal Care Services, 981-6600

4. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on October 2, 2012
   From: City Manager
   Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
   Financial Implications: General - Fund $265,000
   Contact: Robert Hicks, Finance, 981-7300

5. Donation Solicitation to Support the City of Berkeley Senior Nutrition Programs
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to solicit donations from Berkeley residents and businesses through an annual appeal letter to support Meals on Wheels and congregate lunch program's unfunded costs.
   Financial Implications: Fundraising Activities: Donation Solicitation
   Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

6. Contract No. 7008 Amendment: Hanson Bridgett Marcus Vlahos Rudy LLP for Legal Services
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing Contract No. 7008 with Hanson Bridgett Marcus Vlahos Rudy LLP (hereinafter "Hanson Bridgett") by increasing expenditure authority in an amount not to exceed $40,000 for legal services pertaining to federal and state tax issues.
   Financial Implications: General Fund - $40,000
   Contact: David Hodgkins, Human Resources, 981-6800

7. Recognized Obligation Payment Schedule: January 1 - June 30, 2013
   From: City Manager
   Recommendation: Adopt a Resolution approving a Recognized Obligation Payment Schedule ("ROPS") for the six month fiscal period commencing on January 1, 2013 and ending June 30, 2013.
   Financial Implications: See report
   Contact: Eric Angstadt, Planning and Development, 981-7400
Consent Calendar

   From: City Manager
   Recommendation: Adopt a Resolution approving plans and specifications for the Alcatraz/Baker and Alcatraz/Idaho Valley Gutter Project, Specification 13-10688-C; accepting the bid of AJW Construction, Inc. and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed $414,462.
   Financial Implications: Various Funds - $414,462
   Contact: Andrew Clough, Public Works, 981-6300

9. City Auditor’s Annual Report Fiscal Year 2012
   From: Auditor
   Recommendation: Request the City Manager: 1) Make timely implementation of audit recommendations a high priority, particularly the recommendations regarding fraud prevention, such as the 1998 grants audit and the 2011 adjusting journal entries audit. These recommendations aim to increase the Finance Department’s oversight of practices in the departments. 2) Disclose internal control risks of recommended budget cuts in future budget reports.
   Financial Implications: See report
   Contact: Ann-Marie Hogan, Auditor, 981-6750

Council Consent Items

10. Proclamation Declaring October 2012 as Homeless Awareness Month
    From: Councilmember Arreguin
    Recommendation: Approve the attached proclamation declaring October 2012 as Homeless Awareness Month in the City of Berkeley.
    Financial Implications: None
    Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

11. Referral to the Community Health Commission Regarding the Use of Anthropogenic Mercury Within the City of Berkeley
    From: Councilmember Capitelli
    Recommendation: Request that the Community Health Commission research major sources of anthropogenic mercury in the environment and strategies used by other municipalities to reduce its use; return to Council with a draft resolution regarding this pollutant and recommendations for reduction of use within the City of Berkeley.
    Financial Implications: None
    Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

12. Coro Center for Civic Leadership: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
    From: Councilmember Worthington
    Recommendation: Adopt a Resolution to approve the expenditure of up to $1,000 for Coro Center for Civic Leadership with funds relinquished to the City’s general fund for this purpose from Councilmember Kriss Worthington’s.
    Financial Implications: Councilmember’s Discretionary Fund - $1,000
    Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Council Consent Items

13. Letter in Support of Hyatt Hotel Workers and Housekeepers
From: Councilmember Worthington
Recommendation: Send the Hyatt Hotels Corporation a letter urging its leadership to take necessary precautions to protect its workers and housekeepers in the workplace.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

14. Letter to California Department of Labor on Whistleblower Program Flaws
From: Councilmember Worthington
Recommendation: Send the Division of Labor Standards and Enforcements (DLSE) a letter urging the DLSE to conduct thorough investigations into retaliation complaints by “whistleblowers”.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

15. Proclamation in Honor of the Center of Agroecology and Sustainable Food Systems (CASFS) City Day of Appreciation
From: Councilmember Worthington
Recommendation: Adopt a proclamation that October 7 is Center of Agroecology and Sustainable Food Systems (CASFS) City Day of Appreciation in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

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

Action Calendar – Old Business

16. Community Choice Aggregation (Continued from September 11, 2012)
From: Energy Commission
Recommendation: Request the East Bay Municipal Utility District (EBMUD) to address the issues identified in Attachment 1 as part of its examination of community choice aggregation (CCA).
Financial Implications: See report
Contact: Neal DeSnoo, Commission Secretary, 981-7400

b. Communication
   1. Al Weinrub, on behalf of Community Choice Energy Working Group, Berkeley Climate Action Coalition
Action Calendar – Old Business

17. a. D&FSC Comments on City Manager's Information Reports of May 1, 2012
   (Continued from September 11, 2012)
   **From: Disaster and Fire Safety Commission**
   **Recommendation:** Review and consider the Commission's comments on the City
   Manager's Information Reports of May 1, 2012.
   **Financial Implications:** See report
   **Contact:** Gil Dong, Commission Secretary, 981-5501

   b. Staff Response to DFSC Comments to the May 1, 2012 Report (Continued
   from September 11, 2012)
   **From: Fire and Emergency Services**
   **Recommendation:** Consider the staff update along with the Disaster Fire and
   Safety Commission's (DFSC) request that additional funds be allocated for disaster
   preparedness and community emergency response training (CERT) programs, and
   direct the City Manager to report back with budget recommendations in January
   2013 as part of the FY 2014 budget process.
   **Financial Implications:** See report
   **Contact:** Debra Pryor, Fire, 981-3473

Action Calendar – New Business

18. Refunding of 1999 Lease Revenue Bonds and 2003 Certificates of Participation
   **From: City Manager**
   **Recommendation:**
   1. Adopt a Resolution of the City Council of the City of Berkeley approving the
      Amended and Restated Joint Exercise of Powers Agreement for the JPFA and
      execution by the parties of the Amended and Restated Joint Exercise of Powers
      Agreement.
   2. Adopt a Resolution of the City Council of the City of Berkeley approving
      documents and actions relating to the refinancing of 1999 Lease Revenue Bonds
      and 2003 Certificates of Participation.
   **Financial Implications:** See report
   **Contact:** Robert Hicks, Finance, 981-7300

19. Recommendations for Disaster Preparation for Vulnerable and Underserved
    Population
    a. **From: Disaster and Fire Safety Commission**
    **Recommendation:** Adopt a Resolution directing the City Manager to commit, out of
       Measure GG funds, a total of $353,000 to fund the following recommended
       personnel and services: 1) Fund a position in the Public Health Division dedicated
       solely to disaster preparedness in the vulnerable and underserved populations of the
       City, with emphasis on South and West Berkeley. 2) Fund a position in the Office of
       Emergency Services to report to and assist the CERT Program Manager in
       developing workable options to increase disaster preparedness for the target
       populations and implement them: 3) Dedicate and set aside a specific amount that
       would cover the costs of additional emergency preparedness classes, both those
       already in existence and those that may be developed under Recommendation Two.
    **Financial Implications:** See report
    **Contact:** Gil Dong, Commission Secretary, 981-5501
Action Calendar – New Business

b. Staff Response to DFSC Recommendations for Disaster Preparation for Vulnerable and Underserved Population
From: City Manager
Recommendation: Refer the Disaster and Fire Safety Commission's recommendations to the City Manager for additional comment and include the Commission's recommendations as part of the FY 2014 budget process.
Financial Implications: See report
Contact: Debra Pryor, Fire, 981-3473

Information Reports

20. Tentative Map Tract No. 8107: 1337 Henry Street
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400

From: Board of Library Trustees
Contact: Donna Corbeil, Library, 981-6100

Public Comment – Including Items Not Listed on the Agenda –

Adjournment

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2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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CONSENT CALENDAR
October 2, 2012

To: Honorable Mayor and Members of the City Council
From: Ann-Marie Hogan, City Auditor
Subject: City Auditor's Annual Report for Fiscal Year 2012

RECOMMENDATION
Request the City Manager:
1. Make timely implementation of audit recommendations a high priority, particularly the recommendations regarding fraud prevention, such as the 1998 grants audit and the 2011 adjusting journal entries audit. These recommendations aim to increase the Finance Department’s oversight of practices in the departments.
2. Disclose internal control risks of recommended budget cuts in future budget reports.

SUMMARY
In 2012, we once again succeeded in our mission to improve performance of City operations, save money, promote transparency and accountability, and deter fraud. The City Manager and staff helped us achieve this by agreeing to take action on 100 percent of the 22 recommendations we made in our audit reports. Unfortunately, 2012 was another year of limited progress on some of the oldest outstanding recommendations aimed at reducing the risk of fraud and potential loss of federal and state grant funds. As of June 30, 2012, there were still 23 recommendations outstanding from ten reports we issued prior to fiscal year 2010.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
We estimate that implementing the recommendations in the audits we issued in fiscal year 2012 could result in $39 million in cost avoidance and revenue recovery over five-years.
CURRENT SITUATION AND ITS EFFECTS

Our audit, “Failing Streets: Time to Change Direction to Achieve Sustainability,”¹ provided City management with the analysis needed to make data-driven decisions regarding street maintenance and repairs. Our report brought transparency to the high cost of deferred maintenance. Various funding scenarios demonstrated how street conditions would improve or decline and how the unfunded need would increase or decrease at the end of five years.

Our audit “Business License Taxes: Providing Better Guidance and Customer Service Will Increase Revenues,”² provided guidance for preventing fraud risk and improving both efficiency and accountability for assessing and collecting business license taxes, penalties, and interest. The report identified the need to clarify business license provisions in the Berkeley Municipal Code and for Finance to develop comprehensive procedures to improve consistency in applying those provisions. The report also demonstrated the need for timely and aggressive collection efforts on delinquent accounts. Revenue should increase as a result. Fiscal year 2012 business license revenue was $15.9 million.

The City received $139,526 in taxes, penalties, and interest during fiscal year 2012 as a result of our business license tax audits. The business license audits we have conducted during the last ten years can be expected to generate an additional $1.3 million over the next five years.

City management continued to support our efforts by implementing 71 of 125 open recommendations from prior-year audits. However, key recommendations affecting three of the City’s most important risk areas continue to remain open:

- Lost opportunities for efficiencies or cost savings.
- The risk of losing state and federal grants and the lack of guidance and software to address that risk.
- The risk of fraud and the lack of computer controls to address that risk.

We once again urge the City Manager to implement the Council-adopted policy to include an analysis of internal control risks resulting from budget cuts in the annual proposed budget. The City Manager should balance reductions so as not to jeopardize fiscal accountability, and should state this as a budget policy.

BACKGROUND

The audit function is an essential element of the City of Berkeley’s public accountability. The City Auditor’s independence and accountability, mandated by the City Charter, means the public, the Council, and City staff can rely on us for objective information and practical advice. We rigorously review and analyze City performance, and we do our best to give you the information you need about complex and difficult issues.

¹ [http://www.ci.berkeley.ca.us/uploadedFiles/Auditor/Level_3_-_General/Streets%20Audit%20Report_Final(2).pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Auditor/Level_3_-_General/Streets%20Audit%20Report_Final(2).pdf)
² [http://www.ci.berkeley.ca.us/uploadedFiles/Auditor/Level_3_-_General/BLT%20Revenue%20Collection%20Audit_Final(1).pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Auditor/Level_3_-_General/BLT%20Revenue%20Collection%20Audit_Final(1).pdf)
RATIONALE FOR RECOMMENDATION
Taking action on our audits will reduce financial, regulatory, and operational risks. It will also help protect the City's good reputation.

CONTACT PERSON
Ann-Marie Hogan, City Auditor, Office of the City Auditor, 981-6750

Attachment: City Auditor's Annual Report for Fiscal Year 2012
City of Berkeley

City Auditor’s Annual Report
Fiscal Year 2012

Prepared by:
Ann-Marie Hogan, City Auditor, CIA, CGAP
Harriet Richardson, Audit Manager, CPA, CIA, CGAP
Claudette Biemeret, Senior Auditor, CGAP

Presented to Council October 2, 2012
City Auditor’s Annual Report for Fiscal Year 2012

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City Auditor’s Message

The Auditor’s Office is an essential element of public accountability and transparency for the City of Berkeley. We conduct objective and rigorous reviews and analyses of City programs and make recommendations to promote the effective, efficient, economical, and ethical use of public resources. We perform our audits in accordance with generally accepted government auditing standards. These standards provide a framework for conducting high quality audits with competence, integrity, objectivity, and independence.

Our independent oversight and impartial analyses focus on ways to reduce various types of risk that can prevent the City from achieving its goals or operating in the most efficient and effective manner. Our office is a good investment of resources because we identify hard dollar recoveries, future dollar savings and cost avoidances, sources of additional revenue, and ways to deter fraud. The City Manager and department staff helped us achieve this by agreeing to implement all 22 of the recommendations we made in our 2012 audit reports. They also implemented 71 of the 125 recommendations that were outstanding from older audit reports as of September 30, 2011. We closed 11 audits as a result.

Unfortunately, 2012 was another year of limited progress on some of the oldest outstanding recommendations aimed at reducing the risk of fraud and potential loss of federal and state grant funds. As of June 30, 2012, there were still 23 recommendations outstanding from ten reports we issued prior to fiscal year 2010.

In 2012, we succeeded in our mission to improve performance of City operations, save money, promote transparency and accountability, and deter fraud. The City Manager and department staff helped us achieve this by agreeing to implement all 22 of the recommendations we made in our 2012 audit reports. They also implemented 71 of the 125 recommendations that were outstanding from older audit reports as of September 30, 2011. We closed 11 audits as a result.

NOTE: All reports discussed in this report can be found on the City Auditor’s website at: http://www.ci.berkeley.ca.us/Auditor/Home/Audit_Reports.aspx
**Auditor’s Office Wins National Award!**

The Auditor’s Office won the 2011 Knighton Bronze Award from the Association of Local Government Auditors (ALGA) for our performance audit, "Failing Streets: Time to Change Direction to Achieve Sustainability."

With more than 1,750 members, ALGA is the professional organization of choice for local government audit professionals throughout the United States and Canada. The Knighton Awards recognize the best performance audit reports issued by ALGA members each year. The purpose of the award is to improve government services by encouraging and increasing levels of excellence among local government auditors.

ALGA judges evaluated the report on several key elements, including the potential for significant impact; the persuasiveness of the conclusions; the focus on improving government efficiency and effectiveness; and its clarity, conciseness, and innovation.

The judges said:

“...the report used excellent graphics, tables and charts to present a clear roadmap of the issue and the solutions.”

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**Failing Streets: Time to Change Direction to Achieve Sustainability**

Berkeley’s streets are in a serious state of disrepair with the average street at risk of failing. More than 134 (62 percent) of the 216 linear miles of streets must be resurfaced or reconstructed because they have deteriorated to the point where less costly preventive maintenance work, such as crack and slurry sealing, is no longer an effective option. The streets budget is only $3.66 million a year, which limits Public Works’ ability to do more, and results in a growing unfunded need for street rehabilitation. At the current funding level, future costs for work deferred will increase more than $30 million in five years, to $70.8 million. Spending $17.5 million in each of the next five years would eliminate the unfunded need. Although it would take longer, spending $10 million annually is the minimum amount needed to change direction and start reducing the unfunded need. We recommended that the Department of Public Works begin using StreetSaver® to develop data-driven funding strategies.
Investing in Sustainability: Streets Audit Follow-up and Stormwater

The City is projecting to budget $3.6 million in fiscal year 2014 for street rehabilitation. Our audit, "Failing Streets: Time to Change Direction to Achieve Sustainability," showed that 12 percent of Berkeley’s streets are currently “failed” and unfunded needs are more than $40 million. At this low funding level, failed streets would increase to 21 percent and unfunded needs would increase to nearly $71 million at the end of five years. This is because maintaining streets costs $36,000 to $309,000 per mile, but reconstructing a failed street costs $1.15 million per mile. A $10 million budget would begin to reverse the direction by the end of five years - street conditions would improve from the low to high end of “fair” and the unfunded need would decline to $32 million. The Council used the data analysis in our audit in making their decision to place a $30 million bond measure on the November 2012 ballot for street and related stormwater management improvements.

Berkeley’s Average Cost of Rehabilitation by Condition Category

<table>
<thead>
<tr>
<th>Condition Category</th>
<th>Rating Category and PCI Range</th>
<th>Treatment</th>
<th>Average Cost Per Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>EXCELLENT (100-90)</td>
<td>Crack Seal and Slurry Seal – Comprehensive maintenance used to repair distress and reinforce weakened pavement</td>
<td>$36,065</td>
</tr>
<tr>
<td>I</td>
<td>GOOD (89-70)</td>
<td>Thin Asphalt Concrete Overlay – Grind surface layer, repair base, and replace surface with a thin (1½”) overlay</td>
<td>$125,657</td>
</tr>
<tr>
<td>II/III</td>
<td>FAIR (69-50)</td>
<td>Thick Asphalt Concrete Overlay – Grind surface layer, repair base, and replace surface with a thick (2½”) overlay</td>
<td>$309,464</td>
</tr>
<tr>
<td>IV</td>
<td>POOR (49-25)</td>
<td>Reconstruction – Excavate entire roadway and replace pavement structure (surface layer and base)</td>
<td>$1,153,181</td>
</tr>
<tr>
<td>V</td>
<td>VERY POOR/FAILED (24-0)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Business License Taxes: Providing Better Guidance and Customer Service Will Increase Revenues

“\textit{I think your Office did a very good job that will be helpful in improving the efficiency and effectiveness of the Finance Department. Thank you.}”

- City of Berkeley Finance Director, in response to this audit

The City’s business license tax code is complex and unclear, guidance is insufficient, and responsibilities are not clearly assigned. As a result, Finance staff did not always assess taxes, penalties, and interest accurately and consistently. Errors and inconsistencies may result in taxpayers being treated inequitably and can lead to businesses appealing their cases.

The audit also identified three fraud risks related to business license activities: 1) staff performing incompatible duties; 2) lack of reconciliation, and 3) insufficient support for and lack of supervisory review of adjustments. Prior audits by both our office and the City’s external financial statement auditor identified all three of these issues as citywide concerns.

Collection on delinquent accounts also needs improvement. More than $700,000 owed on delinquent business license accounts was beyond the statute of limitations for collection. Because the collectability of delinquent accounts declines rapidly, Finance was likely to collect only about $50,000 of the remaining $380,000 in delinquent business license accounts. Following recognized best practices for more timely and persistent collection efforts on delinquent business license accounts could generate additional revenue of $90,000 annually.

Our report made 20 recommendations that focus on ways to improve consistency in applying the City’s business license tax ordinance; the accuracy in assessing business license taxes, penalties, and interest; and collection of delinquent business license accounts. As a result of implementing our recommendations, Finance should see increased efficiencies, reduced risk of fraud, and more revenue.

Business License Tax Audits: An Ongoing Source of Revenue

Since 2003, the City has received $1.2 million as a result of our business license tax audits.

Our business license tax audits increase the public’s awareness about Berkeley’s business license requirements and help bring unlicensed and underpaying businesses into compliance. The City received $139,526 in unpaid taxes, penalties, and interest during fiscal year 2012 as a result of our current- and prior-year business license tax audits. The penalties and interest are one-time revenues, but the taxes are an ongoing revenue stream for the City for as long as these businesses continue to operate in the City of Berkeley. As a result, the business license audits we have conducted over the last ten years can be expected to generate an additional $1.3 million over the next five years.
**Audit Action: Reduce Fraud, Enhance Service Delivery and Revenue**

Preserving front-line services at the expense of reducing risk is not sustainable.

Many recommendations outstanding at the time of our 2011 Annual Report are aimed at reducing the risk of fraud. Unfortunately, departments have not implemented all of these recommendations, some dating as far back as 1998 (see Appendix A for a list of open audit recommendations). More troubling is our discovery in our recent audit, "Business License Taxes: Providing Better Guidance and Customer Service Will Increase Revenues," that other recommendations, previously reported as implemented, are not implemented. The benefits of our audits come from the City’s implementation of our practical and expert advice. This Council report highlighted three types of fraud risks that remain uncorrected. Similar risks have allowed fraud to occur in the City. We emphasized the importance of making timely implementation of our recommendations a high priority and for Council to recognize that preserving front-line services at the expense of reducing risk is not sustainable.

**Significant Progress Made on Implementing Recommendations From Prior-Year Audits, but More Action Needed**

City departments’ implementation of 71 open recommendations resulted in improved efficiency and oversight of City operations and eliminated the potential for fraud and loss of grant funds.

Our audit recommendations improve performance of City operations, save money, and promote transparency and accountability. We collaborate with department staff as we conduct our audits to ensure our recommendations are practical and feasible to implement. Doing this ensures a higher implementation rate and helps achieve the ultimate goal of improved City operations.

City staff implemented 71 (57 percent) of the 125 recommendations from prior-year audits that were open as of September 30, 2011. This allowed us to close 11 prior-year audits. The recommendations in these audits focused on improving efficiency and oversight of City operations, as well as eliminating the risk of fraud or the potential loss of grant funds.

The table below lists the audits that we closed, followed by those that are still open but had recommendations implemented during the year.
### Closed Audits

<table>
<thead>
<tr>
<th>Audit</th>
<th>Recommendations Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts Payable Audit</td>
<td>1</td>
</tr>
<tr>
<td>Association of Sports Field Users</td>
<td>7</td>
</tr>
<tr>
<td>Efficiency and Transparency of Contract Fiscal Management Needs Improvement</td>
<td>4</td>
</tr>
<tr>
<td>HHS Medi-Cal Mental Health Billings</td>
<td>1</td>
</tr>
<tr>
<td>Improved Workflow Systems Will Help Ensure Property Taxes are Adjusted for New Construction</td>
<td>1</td>
</tr>
<tr>
<td>Mental Health Adult Clinic Surprise Cash Count: Client Funds Could Be Lost, Stolen, or Misused</td>
<td>3</td>
</tr>
<tr>
<td>Over $38,000 in Duplicate and Over Payments Recovered</td>
<td>7</td>
</tr>
<tr>
<td>Parcel Based Special Taxes, Fees, and Assessments Audit</td>
<td>1</td>
</tr>
<tr>
<td>Police Property and Evidence Room: Further Improvements</td>
<td>5</td>
</tr>
<tr>
<td>Police Staffing Audit</td>
<td>3</td>
</tr>
<tr>
<td>Workers’ Compensation Policies and Procedures</td>
<td>7</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>40</strong></td>
</tr>
</tbody>
</table>

### Progress on Open Audits

<table>
<thead>
<tr>
<th>Audit</th>
<th>Recommendations Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Fuel Operations Need Improvement</td>
<td>10</td>
</tr>
<tr>
<td>Employee Benefits: Tough Decisions Ahead (Audit Report)</td>
<td>1</td>
</tr>
<tr>
<td>Equipment Replacement Fund - Sustainability and Transparency</td>
<td>7</td>
</tr>
<tr>
<td>FUND$ Change Management Audit</td>
<td>2</td>
</tr>
<tr>
<td>Lack of Support for Payroll Adjusting Journal Entries: Grant Revenue at Risk?</td>
<td>2</td>
</tr>
<tr>
<td>Leases Audit: Conflicting Directives Hinder Contract Oversight</td>
<td>4</td>
</tr>
<tr>
<td>Public Works Contract Monitoring: Risk of Overpayments / Lack of Inventory Controls</td>
<td>2</td>
</tr>
<tr>
<td>Utilization of Public Works Sewer Staff Can Be Improved</td>
<td>3</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>31</strong></td>
</tr>
</tbody>
</table>

**Total Recommendations Implemented** | 71
### Status of Audit Recommendations by Fiscal Year: 2008 Through 2012

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Recommendations</td>
<td>63</td>
<td>67</td>
<td>92</td>
<td>80</td>
<td>22</td>
</tr>
<tr>
<td>Percent of RecommendationsAccepted</td>
<td>98%</td>
<td>99%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Fully Implemented (closed)</td>
<td>61</td>
<td>59</td>
<td>87</td>
<td>51</td>
<td>0</td>
</tr>
<tr>
<td>Percent Implemented</td>
<td>97%</td>
<td>88%</td>
<td>95%</td>
<td>64%</td>
<td>0%</td>
</tr>
<tr>
<td>Partially Implemented (open)</td>
<td>0</td>
<td>7</td>
<td>3</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>Not Implemented (open)</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td>21</td>
</tr>
<tr>
<td>Percent Open</td>
<td>1.5%</td>
<td>10%</td>
<td>3%</td>
<td>36%</td>
<td>100%</td>
</tr>
<tr>
<td>Will Not / Cannot Implement (closed)</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Percent Will Not or Cannot Implement</td>
<td>1.5%</td>
<td>1%</td>
<td>2%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

* The status reports for the audits we issued in FY 2012 are not yet due. Therefore, we do not have updated information on how many of the 21 open recommendations have been implemented since the report was issued.

### Recommendation Implementation Rates Compared to Other Audit Organizations

- **Berkeley**
- **ALGA 2010 Benchmarking Survey (other cities and counties)**
- **Government Accountability Office (federal)**
Stopping Trouble Before It Starts: Fraud Prevention Training

"Thank you for an excellent training and for being such a wonderful resource for us to inculcate awareness!"
- Presentation attendee

Our office has an important role in preventing fraud, waste, and abuse that extends beyond conducting audits. At the request of the City Manager, the City Auditor and Audit Manager provided a fraud presentation to all department directors. We explained what fraud is and provided several examples of fraud that has occurred in government entities, as well as statistics on the demographics of people who commit fraud. We “brought it home” by providing examples of past frauds that have occurred in the City and the weaknesses that allowed them to occur. With a focus on eliminating opportunity, we provided details about what City management can do to prevent fraud from occurring in the future or to identify it timely if it does. The City Auditor subsequently did a similar presentation, at the request of the Director of Health, Housing, and Community Services, to staff in community agencies that receive grant funds from the City. The City Auditor and audit staff also gave a fraud presentation to staff in the Department of Information Technology.

Audit Cost Savings – Fiscal Year 2012

Our audit recommendations improve performance of City operations, save money, promote transparency and accountability, and mitigate risk. Often, our audit recommendations also result in efficiencies that improve service delivery, program quality, cost savings, or revenue increases that we cannot easily quantify. As a result, actual cost recoveries or dollar savings may be much more than the amounts we cite in our audits. For example, the increased revenue due to efficiency and effectiveness improvements we identified in our audit, "Business License Taxes: Providing Better Guidance and Customer Service Will Increase Revenues," may far exceed the $90,000 annual amount that we dollarized in the audit report. The table below lists the estimated savings we quantified our fiscal year 2012 audits.

<table>
<thead>
<tr>
<th>2012 Audits With Cost Avoidance, Potential Savings, or Revenue Recovery</th>
<th>Type of Savings</th>
<th>Potential Five-Year Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failing Streets: Time to Change Direction to Achieve Sustainability*</td>
<td>Cost Avoidance</td>
<td>$38,536,106</td>
</tr>
<tr>
<td>Business License Taxes: Providing Better Guidance and Customer Service Will Increase Revenues</td>
<td>Revenue Recovery</td>
<td>450,000</td>
</tr>
<tr>
<td>Business License Tax Program Audit Report for Fiscal Year 2011</td>
<td>Revenue Recovery</td>
<td>140,306</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$39,126,412</strong></td>
</tr>
</tbody>
</table>

*The potential savings for the streets audit is based on performing work more timely, and less expensively, if voters approve the Alameda County transportation tax and City bond measure for streets and related infrastructure in November 2012. Approval of both would increase funding from $3.6 million to $10.4 million annually, allowing the unfunded need to decline from $70.8 million to $32.2 million at the end of five years.
Transparency and Risk Reduction

Berkeley’s Charter gives the City Auditor a role in reducing the risk of management overriding procedures established to prevent fraud. We do this through oversight of payroll and other payments:

Contracts
The City Charter requires the Auditor to countersign and register all contracts. We reviewed and registered 528 contracts and contract amendments, valued at $193 million, in fiscal year 2012. The City Clerk posts the contracts to Records Online at http://www.ci.berkeley.ca.us/recordsonline/search.aspx.

Payroll Audit
Payroll Audit continues to improve the accuracy, integrity, and efficiency of the City’s payroll system. Key accomplishments in fiscal year 2012 include:

• Provided many detailed, specific suggestions to the Department of Human Resources to use in union negotiations, with a goal of increasing conformity among the City’s seven Memoranda of Understanding (MOUs). Having conformity among the MOUs saves costs because it reduces payroll complexity.
• Advised and assisted the Berkeley Housing Authority in its transition to a commercial payroll service for payroll and benefits processing.
• Increased the security and integrity of the City payroll system by further limiting who can access and change certain payroll screens that control salaries and benefits.
• Increased the number of payroll forms and documents that are available electronically. City employees, supervisors, and payroll clerks can now access and print these as needed.

About Us
Staff in the City Auditor’s Office have extensive knowledge of auditing methods and techniques. We maintain and improve our knowledge and skills by participating in continuing professional courses annually, as required by the government auditing standards. Collectively, the performance auditors have more than 100 years of professional audit experience and the payroll auditors have more than 150 years of payroll experience. Many of our staff hold professional certifications, including:

• Certified Internal Auditor (CIA)
• Certified Government Audit Professional (CGAP)
• Certified Payroll Professional (CPP)
• Certified Public Accountant (CPA)
• Certified Fraud Examiner (CFE)
Auditors from other local government audit organizations review our performance audit work every three years to ensure we continue to meet the requirements of the government auditing standards, which is the professional framework that the City Charter requires us to follow.

### Performance Auditors:
- Ann-Marie Hogan, CIA, CGAP  
  - City Auditor  
- Harriet Richardson, CPA, CIA, CGAP  
  - Audit Manager  
- Frank Marietti, CFE, CIA, CGAP  
  - Senior Auditor  
- Claudette Biemeret, CGAP  
  - Senior Auditor  
- Jack Gilley, CFE  
  - Auditor II (retired)  
- Myrna Ortiz  
  - Auditor I  
- Sherren Styles  
  - Administrative Assistant  

### Payroll Auditors:
- Dr. Brian Zandipour, CPP  
  - Deputy City Auditor, Payroll  
- Leo Reyes  
- Ann del Rosario  
  - Auditor II  
- Agnes Celis  
- Candice Schott  
  - Accounting Technicians  
- Raul Chan  
- Gail Wread  
  - Accounting Office Specialist III  

### Conclusion
The Auditor’s Office is a good investment because the City saves money and increases performance when the City Manager and department directors act on our recommendations. Management took significant actions to clear open recommendations this year, but there is more work to be done. The value of our work is in the long-term changes that occur when management implements our recommendations. We will continue to provide a roadmap for continuous improvement of City services.
## Appendix A: Open Recommendations as of June 30, 2012

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Risk Category</th>
<th>Fiscal Year</th>
<th>Total Open</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Special Report to Council</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Invisible Problems: Weak Internal Controls Require Disclosure by City Manager and Possible Future Council Action on Budget and Workplans</td>
<td>E, F, G, O</td>
<td>2008</td>
<td>1</td>
</tr>
<tr>
<td><strong>Audit Reports</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works Grants Audit</td>
<td>E, F, G, O</td>
<td>1998</td>
<td>1</td>
</tr>
<tr>
<td>City-wide Payroll Audit</td>
<td>E, O</td>
<td>1999</td>
<td>2</td>
</tr>
<tr>
<td>Customer Service Cash Receipts / Cash Handling Audit</td>
<td>F, O</td>
<td>2003</td>
<td>3</td>
</tr>
<tr>
<td>Cash Receipts / Cash Handling Audit - Treasury</td>
<td>E, F, O</td>
<td>2003</td>
<td>1</td>
</tr>
<tr>
<td>FUND$ Change Management Audit</td>
<td>F, O</td>
<td>2004</td>
<td>3</td>
</tr>
<tr>
<td>Purchase Order Audit - Select Public Works Divisions at the Corporation Yard</td>
<td>E, F</td>
<td>2005</td>
<td>1</td>
</tr>
<tr>
<td>Follow-Up Audit of Public Works Construction Contracts</td>
<td>E, F, O</td>
<td>2007</td>
<td>3</td>
</tr>
<tr>
<td>FY 2008 Surprise Cash Count: Permit Service Center</td>
<td>F</td>
<td>2008</td>
<td>1</td>
</tr>
<tr>
<td>Leases Audit: Conflicting Directives Hinder Contract Oversight</td>
<td>E, O</td>
<td>2009</td>
<td>7</td>
</tr>
<tr>
<td>Public Works Contract Monitoring: Risk of Overpayments / Lack of Inventory Controls</td>
<td>E, F</td>
<td>2010</td>
<td>1</td>
</tr>
<tr>
<td>Utilization of Public Works Sewer Staff Can Be Improved</td>
<td>E, O</td>
<td>2010</td>
<td>2</td>
</tr>
<tr>
<td>Audit: City Fuel Operations Need Improvement</td>
<td>F, O</td>
<td>2011</td>
<td>4</td>
</tr>
<tr>
<td>Property and Evidence Room POST Study: Follow-up Audit</td>
<td>E, F</td>
<td>2011</td>
<td>1</td>
</tr>
<tr>
<td>Lack of Support for Payroll Adjusting Journal Entries: Grant Revenue at Risk?</td>
<td>F, G, O</td>
<td>2011</td>
<td>1</td>
</tr>
<tr>
<td>Equipment Replacement Fund - Sustainability and Transparency</td>
<td>E</td>
<td>2011</td>
<td>7</td>
</tr>
<tr>
<td>Failing Streets: Time to Change Direction to Achieve Sustainability</td>
<td>E, O</td>
<td>2012</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td>77</td>
</tr>
</tbody>
</table>

1 Open recommendations include those that are in progress and those that the auditee has not yet started to implement. It excludes recommendations that the auditee will not or cannot implement.
To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguín

Subject: Proclamation Declaring October 2012 as Homeless Awareness Month

RECOMMENDATION:
Approve the attached proclamation declaring October 2012 as Homeless Awareness Month in the City of Berkeley.

BACKGROUND:

National Homelessness Statistics

- 643,067 people are homeless on any given night in the United States.
- Of that number, 238,110 are people in families and 404,957 are individuals.
- 17% of the homeless population is "chronically homeless."
- 12% of the homeless population (67,000 people) are veterans.

FINANCIAL IMPLICATIONS:
NONE.

CONTACT PERSON:

Jesse Arreguín, Councilmember, District 4 981-7140

Attachments:
1. Proclamation
The attachment(s) to this report, has not yet been received from the submitting department.

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

or from:

The City of Berkeley, City Council’s Web site
http://www.cityofberkeley.info
To: Honorable Mayor and Members of the City Council
From: Councilmember Laurie Capitelli
Subject: Referral to the Community Health Commission Regarding the Use of Anthropogenic Mercury Within the City of Berkeley

RECOMMENDATION
Request that the Community Health Commission research major sources of anthropogenic mercury in the environment and strategies used by other municipalities to reduce its use; return to Council with a draft resolution regarding this pollutant and recommendations for reduction of use within the City of Berkeley.

FINANCIAL IMPLICATIONS
None.

BACKGROUND
The Community Health Commission is charged with the concern of health planning, education, and disseminating informational services to the community. To this end we are requesting an investigation into the use of anthropogenic mercury in the form of dental amalgam, a substance known to contain 50% mercury, a trace element put on the California Environmental Protection Agency’s list of chemicals known cause cancer and/or reproductive toxicity since 1990, pursuant to California’s State Proposition 65.

Mercury is a naturally occurring trace element found in air, water, and soil. Various human activities are widely dispersing larger amounts of mercury into the environment than would otherwise naturally occur. The United Nations Environmental Programme (UNEP) identifies dental amalgams as one of five products accounting for over 80% of human contributions of mercury into the environment.

Both the California and United States EPA recognize mercury as a dangerous neurotoxin that can render deleterious effects on human mental development and the nervous system. Mercury poses a particular threat to expectant mothers, unborn fetuses, and children because of the sensitivity of the developing nervous system, including increased risks of learning disabilities associated with in-utero exposure to methylmercury. In addition to environmental agencies, a number of California cities have already recognized mercury as a significant source of risk to human health and impairment to the nation’s environment due to its properties as a persistent, bio-accumulative toxic substance. In 2004 the City of San Francisco adopted a resolution supporting US Senate Bill 1939, the Mercury Health Advisory Act of 2003 (Leahy). In 2010 and 2011 the cities of Costa Mesa and Malibu respectively adopted resolutions
opposing the use of dental mercury, requesting that all dental practices located within city limits voluntarily cease use of dental amalgam in advance of state and federal action and to switch to modern alternative filling materials already widely in use.

CONTACT PERSON
Councilmember Laurie Capitelli, District 5, 981-7150

ATTACHMENTS:
City of San Francisco resolution supporting US Senate Bill 1939, July 14, 2004
City of Costa Mesa resolution opposing dental amalgam, October 19, 2010
City of Malibu resolution opposing dental amalgam, September 22, 2011
Resolution No. 004-04-COE
Mercury Health Advisory

URGING THE MAYOR AND THE BOARD OF SUPERVISORS OF THE CITY
AND COUNTY OF SAN FRANCISCO TO SUPPORT US SENATE BILL 1939,
THE MERCURY HEALTH ADVISORY ACT OF 2003 (LEAHY) TO SUPPORT
THE CALIFORNIA STATE ATTORNEY GENERAL BILL LOCKYER IN THE
LAWSUIT FILED AGAINST CALIFORNIA GROCERS AND RESTAURANTS
(4/2003) AND THE RECENTLY FILED LAWSUIT AGAINST PRODUCERS OF
CANNED TUNA FOR FAILURE TO ADEQUATELY WARN CONSUMERS
ABOUT THE HEALTH RISKS OF MERCURY IN CANNED TUNA, AND TO
ADOPT AN ORDINANCE REQUIRING THAT ALL BUSINESSES IN THE CITY
AND COUNTY OF SAN FRANCISCO THAT SELL FRESH, FROZEN OR
CANNED FISH AND SEAFOOD WHERE THE POTENTIAL FOR MERCURY
EXPOSURE MAY EXIST TO CONSPICUOUSLY POST AN ADVISORY
DETAILING THE EFFECTS OF EXPOSURE TO MERCURY.

Whereas: mercury is a persistent, bio-accumulative and toxic heavy metal
that poses a significant risk to human health, wildlife, and the environment; and,

Whereas: mercury and methyl mercury and their compounds are
identified on the California Environmental Protection Agency June 11, 2004 list of
chemicals known to the state to cause cancer or reproductive toxicity; and,
Resolution No. 004-04-COE
Mercury Health Advisory

Whereas: there is increasing evidence linking the increased risk of coronary heart disease to mercury exposure, presented in 2 peer reviews; and,

Whereas: both the US Federal Food And Drug Administration (FDA) and the US Environmental Protection Agency (EPA) concluded that pregnant and nursing women and young children should eat only limited amounts of canned albacore "white" tuna because of potential hazards from mercury in the fish. They further suggest this population avoid shark, swordfish, king mackerel and tilefish because of high mercury levels; and,

Whereas: according to the FDA, between 30 and 50 percent of women of childbearing age are not aware of the methyl-mercury exposure risks from ingestion of mercury contaminated fish. According to the US Census 2000, just more than 25% of the city's population is women between the ages of 15 and 44 or what is known as childbearing age; and,

Whereas: data from the National Health And Nutrition Examination Survey Centers and the EPA indicate that 7.8 percent of women of childbearing age have blood mercury levels in their bodies above what is considered safe for the developing fetus, translating into over 300,000 babies born each year in the United States at risk of mercury poisoning. New EPA data (Mahaffey, 2004) has found that fetal blood levels are typically significantly higher (as much as 1.7 times) than their mother's blood levels, indicating that the correct number of babies at risk is about 630,000; and,
Whereas: many San Franciscans are dependent upon healthy and diverse ocean ecosystems for livelihood, recreation, nutrition, medicines, raw materials, quality of life, and valuable natural processes; and,

Whereas: in particular, San Francisco has a number of minority communities some of which are non-English speaking that are dependent upon both fish as a dietary staple; and,

Whereas: San Francisco has adopted the Precautionary Principle as the foundation for its Environment Code, mandating anticipatory action to prevent harm; and,

Whereas: San Francisco has been a national trendsetter in efforts to educate and protect its residents and visitors of the potentially serious health hazards of mercury exposure enacting the Mercury Thermometer Ban in 2001, developing appropriate warning signage of mercury contamination in the San Francisco Bay in 2003, and by leading a citywide voluntary compliance campaign to install dental mercury amalgam separators in all San Francisco dentist offices in 2004; and,

Whereas: if enacted, US Senate Bill 1939, The Mercury Health Advisory Act of 2003 (Leahy), will require adequate notice and education on the effects and exposure to mercury through the development of health advisories and requiring that such appropriate advisories be posted or made readily available at all business that sell fresh, frozen or canned fish and seafood where the potential for mercury exposure may exists; and,
Resolution No. 004-04-COE
Mercury Health Advisory

1 Be it therefore resolved: the San Francisco Commission on the
2 Environment does hereby urge the Mayor and the Board of
3 Supervisors to support US Senate Bill 1939, The Mercury Health
4 Advisory Act of 2003 (Leashy); now, therefore, be it

5
6 I hereby certify that this resolution was adopted by the Commission on the
7 Environment at its special meeting on _______(date)___________
8 ________________________________________________________________________________—July 14, 2004,
9
10 Emily Rogers, Commission Secretary
11 Vote: Approved
12 Ayes: Crowder, Desser, Mok, Pelosi, and Rodríguez Noes: None
13 Absent: Wald
RESOLUTION NO. 10-

A RESOLUTION OF THE CITY OF COSTA MESA OPPOSING THE USE OF DENTAL MERCURY

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, Dental Amalgam contains about 50% mercury; and

WHEREAS, the State of California recognizes in Proposition 65 that "Dental Amalgam causes exposure to mercury, a chemical known to the State of California to cause birth defects or other reproductive harm" and the State recognizes in the Watson Law that "mercury may harm the developing brain of a child or fetus;"; and

WHEREAS, Amalgam is the second-largest selling mercury product in the United States where more mercury resides in human teeth than in all other mercury products combined; and

WHEREAS, the mercury from dental fillings pollutes our water via dental clinic releases and household waste; and

WHEREAS, the mercury from dental fillings pollutes our air via cremation, clinic emissions and sludge incineration; and

WHEREAS, the mercury from dental fillings pollutes our land via landfills, burials and fertilizer; and

WHEREAS, Amalgam is by far the greatest contributor of mercury to wastewater; and

WHEREAS, Amalgam, once in the environment, converts to methylmercury and contaminates the fish we eat; and

WHEREAS, the environmental health effects of mercury are well established — according to the U.S. Environmental Protection Agency — mercury in the environment can cause neurological damage, especially to the developing brains and nervous systems of children and fetuses; and

WHEREAS, dental workers, mostly females of childbearing age, are often exposed to mercury in their work environments; and

WHEREAS, many dental consumers, deceived by the term "silver fillings," are unaware of Amalgam's mercury content and its resulting environmental impact; and

WHEREAS, interchangeable modern alternatives to Amalgam exist and are readily
BE IT RESOLVED, that the City Council opposes the use of Dental Amalgam and hereby requests that State and Federal agencies with the legal authority to eliminate the use of mercury in dental practices take the necessary steps to effect this needed change immediately and;

BE IT FURTHER RESOLVED, that the City Council hereby requests that all dental practices located in Costa Mesa voluntarily cease use of Dental Amalgam in advance of State and Federal action and switch to interchangeable, modern alternative filling materials that are already widely in use and;

BE IT FINALLY RESOLVED, that the City Council hereby directs that copies of this resolution be disseminated to the City’s State and Federal representatives and to the other 33 cities in Orange County with a request that they adopt similar resolutions.

PASSED AND ADOPTED this 19th day of October, 2010
Council Agenda Report

To: Mayor Sibert and Honorable Members of the City Council

Prepared by: Jennifer Brown, Senior Environmental Programs Coordinator

Approved by: Jim Thorsen, City Manager

Date prepared: September 22, 2011  Meeting date: October 10, 2011

Subject: Reduction of Anthropogenic Mercury to the Environment (Mayor Sibert)

REQUESTED ACTION: At the request of Mayor Sibert, adopt Resolution No. 11-44 committing to address major sources of anthropogenic mercury to the environment through reduction and stewardship, and supporting efforts to reduce this pollutant worldwide.

FISCAL IMPACT: None.

DISCUSSION: Mercury is a naturally occurring trace element found in air, water and soil. However, various human activities are widely dispersing larger amounts of mercury into the environment than otherwise would occur naturally. Mercury is volatile and can be transported thousands of miles by air currents before being deposited. Thus, mercury in the environment is a national, as well as international, issue. Thousands of household, commercial and industrial processes can release mercury into the environment. Mercury can enter waterbodies through direct discharge, non-point runoff or from atmospheric deposition, which is the most significant source. Mercury in aquatic systems when converted by microorganisms into its organic form, methylmercury, is toxic. Methylmercury bio-accumulates in the aquatic food chain and poses significant threats to humans and animals that consume the fish. Once released, mercury can persist in the environment where it circulates between air, water, sediments, soil and biota in various forms.

Mercury is a dangerous neurotoxin that can render deleterious effects on human mental development and the nervous system. Mercury poses a particular threat to new and expectant mothers, children and the unborn fetus because of the sensitivity of the developing nervous system, including increased risk of learning disabilities associated with in utero exposure to methylmercury. In the human body, mercury damages the...
central nervous system, thyroid, kidneys, lungs, immune system, eyes, gums and skin. Neurological damage to the brain caused by mercury cannot be reversed. There is no known safe exposure level for elemental mercury in humans and effects can be seen even at very low levels. Over the past 50 years, mercury's toxicity has been well documented and many countries have taken steps to reduce its uses and releases in order to protect their citizens from mercury exposure. In the United States, 49 states and the Food and Drug Administration have adopted public health advisories, in particular for fish consumption, throughout the country due to mercury contamination.

Currently, states are required to address pollutants of concern in their watersheds and then take steps to control and limit these pollutants. This is required by the Clean Water Act through development of total maximum daily loads (TMDLs). The State Water Resources Control Board has placed Santa Monica Bay on the 303 (d) list of impaired waterbodies for sediment toxicity and fish consumption advisories (both of which mercury can contribute to), and therefore will require TMDLs to which the City will likely be required to comply.

There are worldwide efforts to explore and pursue methods for reducing mercury in the environment. The United Nations Environmental Programme (UNEP) is in the process of adopting an international treaty on mercury that includes the phasing out the top five sources of pollution. The this country, the Environmental Protection Agency (EPA) is planning to publish the draft federal dental amalgam rulemaking regulations late in 2011 to address mercury in wastewater. The Environmental Council of the States formed the Quicksilver Caucus in 2001 to pool resources and collaboratively explore ways to reduce mercury pollution, reduce mercury use in products and better manage mercury in products. In California, the City of Costa Mesa adopted a dental amalgam ban in October 2010 and San Francisco took action to support U.S. Senate Bill 1939, the Mercury Health Advisory Act Of 2003 (Leahy), which required adequate notice and education on the effects and exposure to mercury through the development of health advisories in 2004.

By adopting Resolution No. 11-44, the City will again take a proactive stand on environmental issues and declare its commitment to addressing major sources of anthropogenic mercury to the environment through reduction and stewardship and support worldwide efforts to do the same, including the UNEP mercury treaty and their implementation of an international plan to phase out use of mercury-containing batteries, dental amalgam, electric switches and relays, lamps and measuring devices.

ATTACHMENT: Resolution No. 11-44
CONSENT CALENDAR
October 2, 2012

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington

Subject: Coro Center for Civic Leadership: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION
Adopt a Resolution to approve the expenditure of up to $1,000 for Coro Center for Civic Leadership with funds relinquished to the City’s general fund for this purpose from Councilmember Kriss Worthington’s.

BACKGROUND
We are proposing that the City Council makes a grant of up to $1,000 to the Coro Center for Civic Leadership. The Coro Fellows in Public Affairs Program is a full-time, nine month, graduate-level experiential leadership training program that prepares diverse, talented and committed individuals for effective and ethical leadership in the public affairs arena. Unconventional by traditional academic standards, the Fellows Program is rigorous and demanding, an unparalleled opportunity for personal and professional growth.

FISCAL IMPACTS OF RECOMMENDATION
No General Fund impact; $1,000 is available from Councilmember Kriss Worthington’s Council Office Budget discretionary account.

CONTACT PERSON
Councilmember Kriss Worthington 510-981-7170
RESOLUTION NO. ##.###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Kriss Worthington has surplus funds in his office expenditure account (budget code 010-0272-410); and

WHEREAS, Coro seeks funds in the amount of $1,000 to provide the following public services of leadership training to its participants; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of preparing participants to translate their ideals into action for improving their own communities and beyond.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract with Coro Center for Civic Leadership, not to exceed the amount of up to $1,000 to fund the following services for leadership training.
To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Letter in Support of Hyatt Hotel Workers and Housekeepers

RECOMMENDATION
Send the Hyatt Hotels Corporation a letter urging its leadership to take necessary precautions to protect its workers and housekeepers in the workplace.

BACKGROUND
Hyatt workers and a coalition of supporters have called for a global boycott of the Hyatt hotel chain due to Hyatt’s mistreatment of its housecleaners and other hotel workers. Hyatt is being accused of not providing adequate tools and imposing dangerous workloads. Hyatt has also been criticized for exploiting immigrant workers by using temporary, minimum wage subcontracted employees to replace many longtime workers.

Though the federal Occupational and Safety Health Administration’s (OSHA) did not issue a citation following its observations of Hyatt workers, it did send a rare post-inspection letter of its findings to Hyatt’s executive chairman, Tomas Pritzker. The letter found that Hyatt was not providing proper equipment for its housecleaners and that there was little concern for the health of these workers, who are often assigned heavy workloads and put exceeding amounts of stress on their bodies. Many of these workers have worked for the hotel for decades and are suffering from debilitating injuries.

According to the San Francisco Bay Guardian and the Huffington Post, Hyatt is also being accused of being aggressive towards unions and giving little in the way of health benefits to its workers. Employees in non-unionized Hyatt locations have complained about low wages, high housekeeping quotas, and disrespect from management. It is vital that Hyatt take more measures to ensure a safe working environment for the sake of its workers and as an example for other hotel companies.

Supporters include groups like the NFL Players Association, the National Organization of Women, and the National Gay and Lesbian Task Force, among others.

FINANCIAL IMPLICATIONS
None.

CONTACT PERSON
Councilmember Kriss Worthington  510-981-7170

Attachment:
1. Letter to Thomas Pritzker, Executive Chairman, Hyatt Hotels Corporation
Dear Chief Executive Pritzker,

Hyatt employees and notable support groups have called for a worldwide boycott of Hyatt for not providing adequate tools and imposing dangerous conditions on its workers. The Berkeley City Council requests that the Hyatt Hotels Corporation immediately take precautions to provide a safe, dignified, and fair workplace for its hotel workers and housekeepers and to address the observations made by the federal Occupational and Safety Health Administration (OSHA) in a letter addressed to you about Hyatt’s treatment of its employees.

A study by Dr. Robert Harrison of the University of California, San Francisco has found that the repetitive motions of housekeeping work can lead to a range of muscular injuries at rates higher than factory work. Hyatt housekeepers have uniformly complained about having inadequate tools and being forced to get down on their hands and knees to scrub floors. There are also complaints of not having long handled mops and needing to lift heavy mattresses to fit on sheets. Furthermore, The American Journal of Industrial Medicine published a study that found that Hyatt housekeepers have the highest injury rate among a group of fifty hotel properties owned by five major hotel companies.

Hyatt is also being accused of being aggressive towards unions and giving little in the way of health benefits to its workers. Hyatt workers should be free to choose if they want to join a union, and Hyatt should be neutral towards those individuals seeking union membership. Employees in non-unionized Hyatt locations across the United States have complained of low wages, high housekeeping quotas, and disrespect from management. For example, in a July 2011 incident, a Chicago branch Hyatt manager turned heat lamps on striking workers during a heat wave in which degrees soared well over 100 degrees Fahrenheit. Hyatt has also been criticized for exploiting immigrant workers by using temporary, minimum wage subcontracted employees to replace many longtime workers that demand better treatment.

The OHSA did not issue a citation to Hyatt regarding Hyatt’s treatment of its workers. However, the OHSA did take the uncommon step of sending you a letter with explicit recommendations and it is abundantly clear that many of your employees, with the support of respected groups like the NFL Players Association, the National Organization of Women, and the National Gay and Lesbian Task Force, are unhappy with Hyatt’s safety record for its workers. Thus the Berkeley City Council urges Hyatt to be more proactive in providing a safer and more supportive working environment for its employees, whose hard labor behind the scenes allow customers to enjoy the luxury and comfort associated with the Hyatt brand.

Sincerely,

Berkeley City Council
To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington

Subject: Letter to California Department of Labor on Whistleblower Program Flaws

RECOMMENDATION
Send the Division of Labor Standards and Enforcements (DLSE) a letter urging the DLSE to conduct thorough investigations into retaliation complaints by “whistleblowers”.

BACKGROUND
According to Worksafe, a “California-based organization dedicated to eliminating all types of workplace hazards,” the federal Occupational and Safety Health Administration’s (OSHA) audit of California’s State Whistleblower Program, which is housed in the DLSE, confirms “what many suspected, and what low-wage workers who object to unsafe, unhealthy working conditions know all too well: that problems with the Division’s handling of employer retaliation complaints, previously identified by Worksafe and others, remain endemic in California workplaces.”

The Federal OSHA found, among many other things, failures by the DLSE to conduct adequate interviews, to obtain and analyze evidence properly, and to investigate worker complaints in a timely fashion. Additionally, there was evidence that DLSE investigators and supervisors lacked official training on investigating whistleblower complaints, including Senior Deputy Labor Commissioners.

The audit contains twenty-three recommendations for the DLSE to ensure the health and safety of California’s workers. Though the DLSE deserves recognition for its recent efforts to educate workers about their rights, the Labor Commissioner and the DLSE must be reminded of their duty and obligation to review and implement the audit’s recommendations in order to conduct more fair and effective investigations.

For more information go to http://www.worksafe.org/2012/08/audit.html

FINANCIAL IMPLICATIONS
None.

CONTACT PERSON
Councilmember Kriss Worthington 510-981-7170
Royce Chang, Fellow rchang@coro.org

Attachment:
1. Letter to the DLSE  
2. Worksafe Summary of Audit Findings
Dear Commissioner Su and the Division of Labor Standards and Enforcements,

The Berkeley City Council requests that the Division of Labor Standards and Enforcements (DLSE) immediately address the recommendations made in the federal Occupational and Safety Health Administration’s (OSHA) audit of the California’s State Whistleblower Program. Though the DLSE has made great strides in its efforts to educate workers about their rights, instances of retaliation by employers against low-wage workers who object to unjust and unhealthy working conditions continue to go unchecked.

Protections for whistleblowers are guaranteed by the OSHA to give low-income workers the opportunity to identify and report employer abuse and dangerous work environments. The audit evaluated representative DLSE case files from offices in five cities: Long Beach, Sacramento, San Francisco, San Jose, and Van Nuys. It was stated in the OSHA audit that 90% of those cases reviewed were found to be conducted improperly. Furthermore, it was determined that in California, the amount of “serious, willful, repeat violations in programmed inspections were significantly below the National average.” Other major findings include issues related to proper screening, notification of worker’s rights to file and appeal, conducting thorough investigations, and securing proper documentation and evidence.

In summary, the twenty-three recommendations in the OSHA’s audit must be reviewed and implemented immediately by the DLSE to insure that California’s workers, especially those who earn low income, are able to make their living under fair and safe conditions. The Berkeley City Council thanks the DLSE for their consideration, and urges that these recommendations be addressed as soon as possible.

Sincerely,

Berkeley City Council
Summary of Audit Findings

1. Lack of Training

The problems identified are compounded by the fact that DLSE staff has received little training on investigating 6310 and 6311 whistleblower complaints since 2009; neither investigators nor the Senior Deputy Labor Commissioners have attended OSHA’s 1420 Basic Whistleblower Investigations course.

2. Poor Quality of Investigations

Among the most problematic findings affecting low-income workers are:

(1) Cases were not initially screened properly;

(2) In 90% of cases reviewed, proper interviews of witnesses or parties were not conducted;

(3) In 67% of cases, investigators failed to test whether the employers’ reasons provided for firing or otherwise penalizing workers were potentially discriminatory;

(4) In 89% of cases, there was insufficient analysis of the four core elements of a whistleblower retaliation case, which are needed to complete a case record for further evaluation. Lack of interview notes or written settlement agreements and sloppy case files were also noted.

3. Delays and Poor Communication:

Staff often failed to notify the worker-complainant at the beginning of the process, hold a closing conference, send a closing letter, or explain their right to appeal. Delays resulted in a 333-day average duration from case filing to closure, rather than the required 90 days. 96% of cases missed the deadline.

What Needs to Be Done:

The audit’s 23 recommendations clearly point out what DLSE must do to ensure that workers are protected from health and safety hazards on the job. They include basic investigatory actions:

- Make arrangements to speak with the whistleblower complainant as soon as possible in order to interview and obtain a signed statement detailing their allegation;
- Conduct further interviews with relevant witnesses in all cases;
- Fairly pursue all appropriate leads which develop during the course of the investigation with respect to both the complainant’s and respondent’s positions;
- Gather and evaluate all relevant evidence, including interviewing whistleblowers, respondent witnesses who have direct involvement in the case, and third parties with relevant information;
- Look for evidence dealing with protected activity, employer knowledge, adverse action, and nexus (including disparate treatment, pretext, animus, and dual motive) at all stages of the investigation; and
- Provide DLSE investigators and Senior Deputy Labor Commissioners with formal basic training for investigating 6310 and 6311 whistleblower retaliation complaints.

Worksafe is committed to working with the Labor Commissioner and DLSE as it begins to address the audit’s recommendations.
To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington  
Subject: Proclamation in Honor of the Center of Agroecology and Sustainable Food Systems (CASFS) City Day of Appreciation  

RECOMMENDATION  
That the City Council adopts a proclamation that October 7 is Center of Agroecology and Sustainable Food Systems (CASFS) City Day of Appreciation in Berkeley.  

BACKGROUND  
UC Santa Cruz’s CASFS program will celebrate its 45th anniversary ceremony on October 7, 2012. The Center for Agroecology & Sustainable Food Systems is a research, education, and public service program at the University of California, Santa Cruz, dedicated to increasing ecological sustainability and social justice in the food and agriculture system. In addition to CASFS, the Alan Chadwick Garden and UCSC Farm focuses on soil and plant care, resource conservation, working with and respecting nature, and finding the ecological basis for sustainable food production. This was the first UC effort to focus on sustainable agriculture, commercial organic production methods, and the social issues associated with developing a sustainable food system.  

Over the past 45 years, the CASF program has graduated 1,500 students whose work has had a positive impact nationwide and in the Bay Area. Berkeley in particular has benefitted greatly from the efforts of these graduates. Berkeley groups affiliated with CASFS include: Berkeley Food Systems Project, Berkeley Unified School District, Berkeley Farmers Market, Berkeley Youth Alternatives, David Brower Center, and many more.  

FINANCIAL IMPLICATIONS  
None.  

CONTACT PERSON  
Councilmember Kriss Worthington  510-981-7170  
Vicky Nguyen, Intern diemvicky@gmail.com  
Meghan Cleary, Intern meghan.cleary@berkeley.edu
CENTER OF AGROECOLOGY AND SUSTAINABLE FOOD SYSTEMS DAY

WHEREAS, the Center of Agroecology and Sustainable Food Systems at UC Santa Cruz, in the first UC effort to focus on sustainable agriculture, has a program that is essential in the Bay Area’s continual search for sustainable food systems; and

WHEREAS, recognizing that sustainable agriculture is an issue of much importance and that current food production has created tremendous pressure on natural resources and surrounding natural habitats, as well as compromising the economic health of rural communities, the food security of economically disadvantaged citizens, and the well-being of many of those who grow and harvest our food; and

WHEREAS, the program will celebrate their 45 year anniversary on October 7, 2012; and

WHEREAS, the Berkeley community is grateful to the program’s research, education, and outreach programs and to its graduates for the work they have done to better the city and the world; and specifically their work with Berkeley organizations contributing to a more secure future for the Berkeley food system.

NOW THEREFORE, BE IT RESOLVED that the City hereby proclaims October 7, 2012 to be

CENTER OF AGROECOLOGY AND SUSTAINABLE FOOD SYSTEMS DAY

and we appreciate greatly the work that has been done with sustainable agriculture and urge all members of society to support future efforts to improve it, locally and worldwide.

Mayor Tom Bates
Councilmember Max Anderson
Councilmember Jesse Arreguin
Councilmember Laurie Capitelli
Councilmember Linda Maio
Councilmember Darryl Moore
Councilmember Susan Wengraf
Councilmember Kriss Worthington
Councilmember Gordon Wozniak
To: Honorable Mayor and Members of the City Council
From: Berkeley Energy Commission
Submitted by: Bruce Chamberlain, Chairperson, Berkeley Energy Commission
Subject: Community Choice Aggregation

RECOMMENDATION
Request the East Bay Municipal Utility District (EBMUD) to address the issues identified in Attachment 1 as part of its examination of community choice aggregation (CCA).

FISCAL IMPACTS OF RECOMMENDATION
There are no direct costs to the City as a result of this recommendation. EBMUD is conducting a prefeasibility study at no charge to the City. However, if the City wishes to proceed there would be costs that are not known at this time. Some existing staff time will be dedicated to working with EBMUD on the study.

CURRENT SITUATION AND ITS EFFECTS
On January 17, 2012, Council adopted Resolution No. 65,586–N.S. stating its intent to explore forming a CCA with EBMUD and other jurisdictions. EBMUD invited Berkeley to participate in a prefeasibility study of CCA, potentially including Oakland, Emeryville and Albany. The report is expected to be completed by the end of the year. The City has requested electricity load data from PG&E for this analysis.

BACKGROUND
On October 19, 2010 Council received a CCA report from the Energy Commission and a staff report recommending that Council postpone a decision on whether to participate in a CCA program for the time being to observe the implementation of CCA in Marin and other jurisdictions and receive periodic updates from the Berkeley Energy Commission on the implementation of CCA in other jurisdictions.

Since then, the Marin Energy Authority has started CCA operations, Richmond has voted to become a member of Marin’s program and State law has been amended to enable certain regional districts, including EBMUD, to create CCAs.

On July 25, the Berkeley Energy Commission passed the following motion:
The Commission authorizes Commissioner Murtishaw and staff to transmit the amended EBMUD CCA Analysis Issues and Questions to Council and recommends

RATIONALE FOR RECOMMENDATION
The existing business plan for CCA in Berkeley, Oakland and Emeryville is out of date. EBMUD's prefeasibility study may help the City decide whether or not it should pursue CCA.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager concurs with the content and recommendations of the Commission’s Report.

CONTACT PERSON
Neal De Snoo, Energy Program Officer, Planning and Development Department, 981-7439

Attachments:
1. EMBUD CCA Analysis: Issues and Questions
2. 9/11/12 Communication-Al Weinrub, on behalf of Community Choice Energy Working Group, Berkeley Climate Action Coalition
Berkeley Energy Commission
EBMUD CCA Analysis
Issues and Questions
July 25, 2012

I. Objectives
   a. How many products does EBMUD intend to consider?¹
   b. Are there specific objectives regarding the characteristics of renewable energy? For example, would EBMUD try to procure a certain share from local sources? If so, how would EBMUD define “local” (e.g. within its service territory or within a maximum distance from its service territory)? Would renewable energy used for any shares above the RPS minimum requirements be sourced from RPS-eligible sources (i.e. would large hydro or out of state sources that commenced operation prior to 2005 be eligible)?
   c. What should be EBMUD’s customer phase-in strategy?
   d. Would EBMUD intend to apply to the CPUC for its share of energy efficiency surcharges and run its own energy efficiency programs? If so, how would EBMUD’s energy efficiency programs differ from PG&E’s?
   e. Would EBMUD have any local hiring preferences for renewable energy and energy efficiency projects? If so, will such preferences have any effect on the cost of meeting the CCA’s renewable energy and efficiency goals?
   f. Would all functions be staffed in-house or would EBMUD outsource some functions?

II. Financial Impacts
   a. Start up costs and their sources
   b. Working capital costs and their sources
   c. Ensuring continued payments to City of Berkeley in lieu of reduced franchise fees from PG&E due to PG&E’s loss of revenue from customer migration to the CCA
   d. Risks of responsibility for stranded assets and other debts to local governments and EBMUD due to large-scale opt-outs or other causes

III. Rate Impacts
   a. What would be the projected average generation rates for the different products EBMUD intends to offer? How would those rates compare to PG&E’s rates?²

¹ A 2010 Berkeley Energy Commission report recommended that a CCA consider three products: a 100% renewable option, a 50% renewable option, and a “rate parity” option with the objective of having the highest share of renewable energy possible while matching PG&E’s rates.

²
b. What effect would departing load charges and the CPUC’s bonding requirements have on the CCA’s rates?

c. How would EBMUD allocate generation revenue requirements to the various customer classes (e.g., residential, commercial & industrial) and how do the CCA’s rates compare to PG&E’s rates by customer class?

d. Customer opt-out fees

e. CARE customer impacts

IV. CO2 Impacts

a. For the products that are offered, what would be the projected greenhouse gas emission rates? What effect would these emission rates have on local jurisdictions’ climate goals?²

b. What would be the external impacts on statewide emissions under reasonable opt-out assumptions? Under the state’s cap and trade regulation, would higher shares of renewable energy have any effect on greenhouse gas emissions (e.g., would the Air Resources Board’s voluntary renewable energy set-aside be sufficient to guarantee allowance retirements on behalf of the EBMUD CCA)?

V. Governance

a. How would cities be represented, directly or through the full board? If directly, would representation be weighted by population, the electric load within the CCA, or some other metric?

b. Role of local councils in ratemaking, portfolio and other policy matters

² The Berkeley Energy Commission recommends that EBMUD estimate the CCA’s and PG&E’s rates under multiple scenarios such as high/med/low natural gas prices and high/med/low renewable energy prices.

³ The Berkeley Energy Commission notes that PG&E retains its nuclear and large hydro generation for the use of its bundled customers. When CCA customers depart, this has the effect of reducing market purchases (generally gas-fired power) for PG&E and thus lowering PG&E’s emission rate. Assuming that a CCA meets the entire non-renewable share of its portfolio with gas-fired power from the market, a CCA may have a higher emission rate than PG&E despite having a larger share of renewable energy. However, this does not imply that overall emissions increase. In fact, the combined emissions a CCA with a higher share of renewable energy (assuming the CCA does not attain a higher share of renewable energy by simply purchasing it from existing sources) and PG&E will be lower than they would have been otherwise. Nonetheless, for end-user reporting purposes, the CCA’s emission rate will be higher unless it can find enough zero-GHG electricity to match PG&E’s share of zero-GHG electricity.
Dear Berkeley City Council members,

On behalf of the Community Choice Energy Working Group, Berkeley Climate Action Coalition, I am attaching a memo which describes the basic principles upon which we would like to see an East Bay MUD Community Choice energy program established.

We are requesting that item #23 on the Consent Calendar of the September 12, 2012 Berkeley City Council Meeting be amended so that this language would supplement or substitute for the letter being considered. We think it important for Berkeley to encourage EBMUD to develop a program that provides the community benefits referred to in the attached letter and to address more detailed issues only as they develop in the course of evaluating program design.

We thank the Council for its strong interest in Community Choice and for its efforts to move such a program forward.

Thank you for your consideration.

Al

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Al Weinrub
Coordinator, Local Clean Energy Alliance
510-531-0720 (home office)
510-912-3549 (cell)
www.localcleanenergy.org
Date: September 10, 2012
To: Berkeley City Council
Cc: Neal DeSnoo, Secretary, City of Berkeley Energy Commission
From: Community Choice Working Group, Berkeley Climate Action Coalition
Subject: EBMUD Community Choice Considerations

We, the undersigned, co-chairs of the Community Choice Energy Working Group, Berkeley Climate Action Coalition, write to express our support for Berkeley exploring the possibility of an East Bay Community Choice Aggregation (CCA) program administered by East Bay Municipal Utility District (EBMUD). In that regard we wish to describe the basic principles upon which we would like to see an EBMUD CCA program established.

We have a great deal of respect for EBMUD and the wide range of services that it provides to nearly 1.3 million customers in Alameda and Contra Costa counties. The addition of Community Choice electricity services – reflecting the basic principles set out below – is consistent with EBMUD’s stated mission and its reputation for environmental stewardship. We applaud the agency for taking this issue under consideration and ask that it press forward with all possible haste on determining how to provide these services in a way that maximizes benefits to the community.

In our opinion, the CCA program would:

- Transition to a fossil fuel-free and nuclear-free energy base as soon as possible. It would do this by procuring electricity with the highest possible “renewable” attributes from sources that are located in or near the Bay Area.

- Achieve the reduction of greenhouse gas emissions and other toxic air contaminants principally through the development of local renewable energy resources rather than the purchase of renewable energy or renewable energy credits (RECs) on the open market.

- Offer comprehensive demand reduction and energy efficiency programs that would reduce electricity costs to all segments of the population and businesses.

- Develop local renewable electricity generation assets in accordance with an East Bay energy plan that specifies renewable energy development projects and programs and their financing, environmental impacts, and workforce requirements. This plan would exploit all practical renewable energy technologies, such as solar, wind, geothermal, small hydro, combined heat and power.

- Leverage the development of energy efficiency and local renewable generation assets to reduce electricity bills below those of PG&E, thereby avoiding opt-outs as the program grows and assuring the viability of the CCA program.

- Provide workforce development opportunities for local communities, especially those hardest hit by the economic crisis and the impacts of climate change.

- Provide a governance structure that would be representative of participating cities and of stakeholder communities. This kind of democratic structure would assure that the CCA program would reflect the values of East Bay residents.

Tom Kelly and Al Weinrub
To: Honorable Mayor and Members of the City Council
From: Disaster and Fire Safety Commission
Submitted by: Lynn Zummo, Chairperson, Disaster and Fire Safety Commission
Subject: D&FSC Comments on City Manager’s Information Reports of 5/1/2012

RECOMMENDATION
Review and consider the Commission’s comments on the City Manager’s Information Reports of May 1, 2012.

FISCAL IMPACTS OF RECOMMENDATION
Expenditure of the Measure GG funds in surplus.

SUMMARY
Berkeley’s Disaster and Fire Safety Commission (“D&FSC”) has been tasked to comment on the City Manager’s “Community Disaster Preparedness Programs Update” (“Item 43”) and “Measure GG Expenditure Report,” (“Item 44”), on the Council’s May 1, 2012 Information Calendar. This memorandum summarizes the D&FSC’s comments.

A major earthquake on the Hayward Fault is the most threatening disaster that can be confidently predicted. In a major wildfire, mutual aid can be counted on for assistance from nearby jurisdictions. In a major earthquake, however, local jurisdictions will be similarly afflicted and mutual aid will not be available until equipment from distant jurisdictions begins to arrive. Meanwhile, numerous fire ignitions can be predicted, greatly outstripping the capacity of the Berkeley Fire Department to respond. Thus community preparedness for a major earthquake is critical; for an extended period of time, the only source of assistance will be appropriately trained and equipped resident volunteers. The D&FSC believes that, with Measure GG funds, more could and should be done to prepare the citizens of Berkeley to cope with the earthquake disaster that is coming with inexorable inevitability.

CURRENT SITUATION AND ITS EFFECTS

ANALYSIS OF AVAILABLE MEASURE GG FUNDING

Virtually from its inception, the Measure GG fund has been in surplus; the tax revenues have rolled in substantially as expected, but the expenditures of those funds have been, and are predicted to continue to be, less than the amounts collected or to be collected.
Figures initially supplied to the D&FSC by the City’s Budget Department on 9/28/2011 reflected surplus Measure GG funds as follows:

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<th>Year</th>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>FY 2011</td>
<td>Actual surplus</td>
<td>$2,640,070</td>
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<td>FY 2012</td>
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<td>$1,286,359</td>
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<tr>
<td>FY 2013</td>
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<td>$2,032,100</td>
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<tr>
<td>FY 2014</td>
<td>Projected surplus</td>
<td>$2,810,111</td>
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When the D&FSC prepared to present those figures to the Council in January, 2012, the City Manager revised the estimated expenditures of Measure GG funds in such a way as to reduce the estimated FY 2012 surplus to $506,359 and the FY 2014 surplus to “approximately $1 million.” The City Manager now states that “Assuming the FY 2012 projection is achieved, … a total of $12,552,085 will have been collected since the tax was approved. Over the course of the same period, $12,048,758 will have been expended.” (Item 44 p. 4) In other words, the City Manager now estimates that there will be a surplus of $503,327 as of the end of FY 2012.

In order to justify the City Manager’s projections for the FY 2012 surplus, some heroic assumptions must be made about rate of expenditures in the last four months of the fiscal year. (See Attachment 1). The City Manager’s FY 2012 expense projections will require 4 months of “Minimum staffing,” at 308% of the rate experienced during the first 8 months of the fiscal year. For “FRALS” the number is 158%; for “Disaster Preparedness,” 172%. If just those three line items are extrapolated at the rate of expenditure for the first 8 months of the fiscal year, the total will be $1,658,156 for the full year not the $2,535,308 that the City Manager estimates. That’s a difference of $877,153. Put another way, if the expenditures for those three items continue in the last 4 months of the FY at the same rate as in the first 8 months, the FY 2012 surplus will be $1,380,830, not $503,327.

A surplus at the end of FY 2012 is predicted despite a large, one-time charge of $3,006,064 in FY 2012, primarily for new radios for Police and Fire Departments in conjunction with Berkeley’s participation in the East Bay Regional Communications Authority (“EBRCSA”). Radio expenses in FYs 2013 and 2014 will be much lower. The budgets supplied by the Fire Department project ongoing expenses of the radio system at $500,000 per year. More recently, however, those expenses were estimated at $280,000 per year by Andrew Clough of the Public Works Department when he appeared before the D&FSC at its meeting on May 23, 2012.

“Minimum Staffing” has been budgeted at $2,000,000 per year for FYs 2011, 2012, 2013 and 2014. The actual expenditures have come in under budget in every year so far, and the City Manager projects that, even with hugely accelerated payments in the last 4 months of the year, the total will be $1,840,718, not $2,000,000 for FY 2012. It is apparent that the FY 2012 surplus will grow rapidly in FYs 2013 and 2014.
No provision has been made, even on a contingent basis, for expenditure of the surplus funds. Instead, the City Manager has expressed the view that “Measure GG funds may be banked for future use for unexpected contingencies to the extent prudent.” (Supplemental Agenda Material, 1/31/2012, for Item 22B).

The D&FSC disagrees. It believes that the taxpayers of Berkeley are entitled to see all of the funds raised by Measure GG spent, in a timely manner, for the purposes for which they taxed themselves. Budget estimates have consistently exceeded actual expenditures, and it is apparent that ample cushions are already built into those estimates. The prudent course of action would be to budget all available funds for prompt use, in recognition that the “Disaster Preparedness” line item is very flexible and can be quickly expanded to absorb surplus and equally quickly cut back to provide funds for any unforeseen contingencies.

POSSIBLE FUTURE ACTION

RECOMMENDED APPLICATION OF SURPLUS

The D&FSC does not believe that it should attempt to substitute its judgments for those of City Staff with respect to expenditure for the interoperable radio program. It accepts the total overtime budget of the entire Fire Department as the measure of the cost of preventing rotating closures of fire stations. It accepts the cost figures for the First Responder Advanced Life Support System although it believes that payments from Alameda County for expenses already covered by Measure GG should result in reimbursement to the Measure GG fund. (The status of those reimbursements from Alameda County is unclear at this time). Otherwise, the D&FSC does not quarrel with the expenditures to date for those purposes.

The focus of the D&FSC’s disagreement with the City Manager is with respect to expenditures for citizen and neighborhood disaster preparedness. After all the other purposes of Measure GG have been funded, the remaining funds could and should be used for community preparedness. The opportunities to improve citizen preparedness are essentially open-ended; there is no amount of money that will ever get the whole city ready for a major disaster, but a wide variety of initiatives to improve and extend disaster-preparedness efforts can now be funded.

THE CERT PROGRAM

It is clear that the demand for CERT training has not been met; most CERT classes are fully booked months in advance, turning away potential participants. Since CERT training is a precondition to the award of equipment caches, that bottleneck hinders the distribution of caches to neighborhoods that are unable to obtain the necessary training. Additional CERT classes could be offered, especially the courses in Fire Safety, Disaster Medical Operations and Light Search and Rescue. Participation in those three courses is the *sine qua non* for a disaster cache application.
Berkeley has abandoned its original CERT curriculum and adopted the nationwide FEMA curriculum, which is geared to all kinds of disasters such as tornadoes, hurricanes and floods that we do not experience in Berkeley. In some respects, the FEMA curriculum is inferior to the old Berkeley curriculum. Although the enrollment figures offered by the City Manager are impressive, the quality of the training, particularly in the basic courses, could be improved by adding features that appear in the old Berkeley curriculum but not in the FEMA curriculum.

THE CACHE PROGRAM

The contents of the caches that the City delivers could be substantially augmented with important equipment for search-and-rescue and fire suppression. The first eight caches awarded by the City (one in each Council District) were far more complete than the caches being furnished today. They included 600' of 3” fire hose, 800 feet of 1.5” fire hose, and 400’ of 1” fire hose with appropriate nozzles, a hydrant wrench and hydrant adapters. Currently, caches are delivered with just 200’ of ¾” hose – essentially garden hose – with no provision to attach it to a hydrant. The cost of caches currently being delivered is about 1/6 of the cost of the original 8 caches. That appears to be a false economy.

Based on an ABAG prediction of 5,500 fire ignitions throughout the Bay Area resulting from a major earthquake, Berkeley can expect scores of ignitions within its City Limits. Following the Loma Prieta earthquake, Berkeley experienced just one fire. Extinguishing that one fire required all of the City’s fire-fighting equipment. With numerous fires starting simultaneously, prompt and effective fire-fighting by volunteers will be necessary to keep the City from going up in smoke. Garden hose will not be adequate to that task.

Apart from the cost of serious fire hose, staff is apparently concerned about safety; a large fire hose carrying high pressure can be dangerous. However, there is videotape evidence of volunteers in shorts and T shirts holding full-size fire hose and successfully defending the “100 block” of Alvarado Road during the 1991 Hills fire. No injuries were reported. Possible liability issues can be dealt with through training and insurance.

With respect to search-and-rescue, the initial round of caches included Pulaskis, saws, drills, shovels, prybars, jacks, pipe rollers, a wheelbarrow, a hand truck and cribbing. Caches currently being delivered contain none of that equipment. The City Manager concedes that the inventory of caches delivered in recent years “is by no means, considered a comprehensive list of all supplies and equipment for disaster preparedness and response,” and goes on to insist that caches could not “possibly be funded to a comprehensive list.” (Item 43, p. 2) That statement effectively concedes the point that the D&FSC has been trying to make: all of the available Measure GG funds can be spent effectively on community preparedness because there is always more unmet need than funds available. While the City will never be completely prepared, surplus Measure GG dollars can go a long way toward funding a “comprehensive list” of disaster equipment for community preparedness.
Apart from incompleteness of their contents, caches are not equally distributed throughout the City. Measure GG also provides funds to redress that imbalance.

CONCLUSION

The D&FSC believes that the substantial surplus of Measure GG funds, as projected for the end of FY 2012 and for the period through FY 2014, should be spent for the purposes specified in Measure GG and not set aside for unspecified, unknown contingencies. Since the funding requirements for the other purposes of Measure GG are reasonably finite and predictable, the surplus should be expended to enhance preparedness in Berkeley’s neighborhoods, where professional assistance from uniformed City personnel will be predictably unavailable for days after a major earthquake.

Specifically, the Disaster and Fire Safety Commission recommends that the surplus be dedicated to additional CERT trainings, exercises, caches, and to outreach to and preparation of underserved neighborhoods and vulnerable populations.

CITY MANAGER
See companion report.

CONTACT PERSON
Gil Dong, Deputy Fire Chief, Fire Department, 510-981-5501

Attachments:
1: Analysis of City Manager’s Measure GG Expenditure Report for FY 2012 Dated May 1, 2012
## Analysis of City Manager's Measure GG Expenditure Report

**For FY 2012**

**Dated May 1, 2012**

**Difference between City Manager's projection and 8 month experience extrapolated:** $877,153

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<th>Program Area</th>
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<th>Disaster Preparedness</th>
<th>FRALS</th>
<th>FRALS 4 mos.</th>
<th>FRALS 6 mos.</th>
<th>FRALS 6 mos.</th>
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### Program Area Totals

- **Minimum staffing:**
  - Actual: $724,947
  - Calculated: $1,115,771
  - Projected: $1,840,718
  - Increase: $90,618
  - Percentage of Total: 308%

- **Disaster Preparedness:**
  - Actual: $188,286
  - Calculated: $148,725
  - Projected: $337,011
  - Increase: $23,536
  - Percentage of Total: 158%

- **Total:**
  - Actual: $2,535,308
  - Calculated: $1,658,156

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<th>4 mos. XY</th>
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**ATTACHMENT 1**
To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Lynn Zummo, Chairperson, Disaster and Fire Safety Commission

Subject: Recommendations for Disaster Preparation for Vulnerable and Underserved Populations

RECOMMENDATION
Adopt a Resolution directing the City Manager to commit, out of Measure GG funds, a total of $300,983 to fund the following recommended personnel and services:

1. Fund a position in the Public Health Division dedicated solely to disaster preparedness in the vulnerable and underserved populations of the City, with emphasis on South and West Berkeley.

2. Fund a position in the Office of Emergency Services (OES) to report to and assist the CERT Program Manager in developing workable options to increase disaster preparedness for the target populations and implement them:

3. Dedicate and set aside a specific amount that would cover the costs of additional emergency preparedness classes, both those already in existence and those that may be developed under Recommendation Two.

SUMMARY
On March 20, 2012, City Council referred a request that the Disaster and Fire Safety Commission collaborate with staff to develop a budget to bring emergency preparedness resources to presently underserved areas of Berkeley and to other populations that would be vulnerable during a disaster, particularly the disabled and the elderly.

On August 1, 2012, the Disaster and Fire Safety Commission took action to send the following recommendation to Council. Motion: Mitchell, Second: Sorgen Ayes: 9 Noes: 0 Abstain: 0 Absent: 0.

That the City Council adopt a Resolution to fund the following three actions:
1. Fund a position in the Public Health Division dedicated solely to disaster preparedness in the vulnerable and underserved populations of the City, with emphasis on South and West Berkeley. This staff person would:

- Engage and train community leaders so that they can motivate, organize, train and help the members of their communities become disaster prepared.
- Identify or develop disaster preparation materials to disseminate in all programs provided by the Public Health Division.
- Work with organizations serving specific portions of the targeted populations to help their clients become disaster prepared.
- Coordinate and collaborate with OES, BFD, appropriate Commissions and City Departments, and other organizations/entities in the City involved in disaster preparation as an ongoing priority.

2. Fund a position in the Office of Emergency Services to report to and assist the CERT Program Manager in developing workable options to increase disaster preparedness for the target populations and implement them: This staff person, along with the Manager, would:

- Develop condensed versions of emergency preparation classes that could be delivered "on site" in neighborhoods and for organizations and their clients.
- Establish "Train the Trainer" classes for community and organizational leaders so that they can train their neighbors, members and clients.
- Identify and/or oversee development of additional, relevant video and multimedia options for providing disaster preparedness information and training.
- Coordinate with City Planning, Building Safety and the Rent Board to improve notification of soft story building residents re: the dangers inherent in a disaster, and improve seismic retrofitting of their buildings by landlords.
- Explore and obtain means of providing cache type disaster prep supplies, through corporations and other donors, for residents who do not have access to such supplies and where regular caches would not be workable, i.e. apartment buildings.
- Coordinate and collaborate with Public Health, Mental Health, Parks and Rec, other City Departments, appropriate City Commissions and all organizations
and community groups/neighborhoods committed to, or capable of, developing disaster preparation components.

3. Dedicate and set aside a specific amount that would cover the costs of additional emergency preparedness classes, both those already in existence and those that may be developed under Recommendation Two.

FISCAL IMPACTS OF RECOMMENDATION
Fiscal impact of the recommendation totals $300,983 of Measure GG funding to fund the following personnel and services. (Personnel costs include salary, and fringe benefits).

Recommendation One: Fund a Senior Community Health Specialist in the Public Health Division for an estimated total of $-107,371

Recommendation Two: Fund a Community Services Specialist -I in OES for an estimated total of $123,612

Recommendation Three: Establish a set-aside fund for emergency/CERT classes and materials $70,000

CURRENT SITUATION AND ITS EFFECTS
Although Berkeley, with its CERT and Cache programs is among the most disaster ready of cities, it has long been known that a significant portion of its residents remain un-prepared to respond to a significant disaster. That status is particularly true for residents who are underserved or are particularly vulnerable. It is one thing to provide training and resources (the caches) to motivated people with at least a reasonable amount of resources and the ability to commit time and energy to becoming prepared. It is quite another matter, and much more of a challenge, to create approaches and systems that reach residents who do not fall in that category. The Council, out of its concerns for these groups and their need for assistance in becoming prepared, has requested that the Disaster and Fire Safety Commission (DFSC) present recommendations for effective ways for providing the services needed.

The two groups have different, though often overlapping, needs in becoming prepared; for the purposes of these recommendations they are being defined as follows:

Vulnerable populations are residents that need assistance, beyond what neighborhoods could offer, in order to prepare, respond and be cared for at the time of a major disaster because, in addition to the issues all residents would encounter, they have additional vulnerabilities. These include, but are not limited to:

- Young children, families with young children, latchkey kids.
• Disabled residents, with mobility, cognitive, sight and hearing issues.

• Residents of hospitals, nursing homes and other care facilities.

• Medically fragile, frail seniors and others, and those who are homebound, isolated and not part of a community.

• Residents of soft story buildings.

• Homeless residents or those minimally housed, i.e. in Single Room Occupancies or couch surfing.

Underserved populations are residents capable of organizing and preparing, who are perhaps motivated to do so. They are underserved because they need support and help beyond what the City now offers in order to organize, be trained and obtain the resources needed to become prepared. These groups include, but are not limited to:

• Renters, because they must partly depend on landlords/building managers for cache storage space and other issues, and are more transient.

• Renters in soft story buildings, with little leverage to get landlords to upgrade their buildings.

• Culturally isolated or non/low English speaking residents.

• Low/fixed income residents, with a variety of challenges, with little disposable income to spend on disaster supplies, a lack of transportation or child care to participate in meetings and trainings.

In light of the characteristics of the two populations described above, different means of assisting them in becoming prepared are required, all needing additional staffing and resources, and the use of different approaches, in order to do so. The principles guiding such help include:

• Forging connections with community groups and established organizations serving the targeted groups such as schools, child care centers, BOCA and specific faith-based congregations, recreation and senior centers, cultural centers, the Community Assistance Team, and informal, established neighborhood groups.

• Working with City departments such as Public Health, Mental Health, Parks and Recreation with presence in and service to the targeted populations, as well as with non-profits who serve specific groups within these populations, to develop disaster prep programs appropriate to their clients and memberships.
• Taking emergency prep training and preparation activities, including the CERT mobile, to the residents, in their communities, rather than ask them to come to the City training facility.

• Developing materials and training sessions relevant to the specific needs of resident groups (such as language, culture, age, etc.), in smaller and more easily assimilated "bites".

• Increasing use of multimedia as a means of reaching more people, especially those who are not able or willing to participate in person.

• Finding means to provide needed materials to promote the above efforts through corporate and individual donations and other funding.

BACKGROUND
Measure GG was passed by voters to ensure funding for several measures, one of which was disaster preparedness. The demands of the other three: ensuring all fire stations remain open at all times, and the initial cost of radio interoperability and having paramedics on all fire trucks have required the majority of funding in these first few years. While the Cache Program has been funded by Measure GG, major expenses for much needed additional disaster preparedness activities has not been available. With initial costs now determined on two of the projects, future planning for use of Measure GG funds can now be revisited and significant funding for disaster preparedness projects established. The Council, with its particular concerns about these vulnerable and underserved City residents, initiated the request that the DFSC present recommendations for the projects/activities that could better serve them.

RATIONALE FOR RECOMMENDATION
Engaging residents with a variety of different, urgent needs that require constant attention requires developing ongoing relationships that people can depend upon. Many of the targeted residents have become isolated, are ignored, have been, or feel they have been, frequently let down by government and others, and lack trust in any assistance that is offered - or have given up hope. Coupled with the individual barriers they may have to becoming disaster prepared, doing so is not a priority. Unless the City can provide stable, sufficient staffing to develop the services these groups need, ultimately involving other organizations in doing so as well, the goal of these recommendations cannot be met. Current City OES, BFD and Public Health staff is doing all that it can - and then some - to provide presently offered services, and adding where they can. They cannot also take on the kind of services needed to serve the populations about which everyone is concerned, and cannot be expected to do so. If the City is serious about helping these populations, it must commit resources for that purpose. Measure GG was intended to do so, given the constriction of government budgets that exist now and probably into the future; now is the time to use it.
Rationale for the specific recommendations is as follows:

Public Health is the City department with access through its services to a wide range of members of the targeted populations. It also has the most expertise and experience in community organization, a skill needed to undertake the activities envisioned in this proposal. It is presently undertaking disaster prep activities with 70% FTE staffing, including prep for major health disasters as well as natural disasters like earthquakes. It would be in a position to provide significant progress towards the City's goal with an additional full time employee.

OES is operating effectively in offering its present services. It cannot take on additional responsibilities with present staffing, and in hiring someone new, could put specifics relating to program goals into the job description and desired experience of the person hired.

The third recommendation requires a set-aside to fund additional emergency prep classes, both existing CERT classes and new and innovative classes and training materials. CERT classes fill up quickly, and engender citizen frustration when they cannot get into their desired classes. OES needs to be in a position to add classes as necessary and develop new ways, and resources for, presenting the material.

ALTERNATIVE ACTIONS CONSIDERED
There are no alternative actions being considered. These recommendations need to be funded in order to establish needed services and develop other ways of maintaining and delivering them in the future. Unless significant resources are, at least initially, committed to the goal of serving vulnerable and underserved Berkeley residents, little will be able to be developed to do so.

CITY MANAGER
See companion report.

CONTACT PERSON
Khin Chin, Associate Management Analyst, Fire Department, 510-981-5506
Gil Dong, Deputy Fire Chief, Fire Department, 510-981-5501
Lynn Zummo, Chairperson

Attachments:
1: Resolution
RESOLUTION NO. ##,###-N.S.

ADDITIONAL MEASURE GG EXPENDITURES FOR DISASTER PREPAREDNESS

WHEREAS, the vulnerable and underserved populations in Berkeley have not been provided adequate assistance in becoming prepared to respond to a disaster; and

WHEREAS, additional funds are becoming available through Measure GG since major, one time expenditures for other GG priorities have now been determined; and

WHEREAS, the City Council intends to improve, increase and jump start disaster preparedness services to vulnerable and underserved populations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is directed to commit, out of Measure GG funds, a total of $-300,983 to fund the following recommended personnel and services.(Personnel costs include salary and fringe benefits).

Section 1:  Fund a Senior Community Health Specialist in the Public Health Division for a total of $-107,371.

Section 2:  Fund a Community Services Specialist 1 in OES for a total of $-123,612.

Section 3:  Establish a set-aside fund for emergency/CERT classes and materials: $70,000.

BE IT FURTHER RESOLVED that a full evaluation of the outcome of the proposed activities and services be determined at the end of each fiscal year and recommendations for disaster preparedness activities and Measure GG funding for the subsequent year be based on both the evaluation and an assessment of further identified needs.
INFORMATION REPORT
October 2, 2012

To: Honorable Mayor and Members of the City Council

From: Board of Library Trustees

Submitted by: Donna Corbeil, Director of Library Services, Acting as Secretary, Board of Library Trustees

Subject: Status Report: Activities of Public Library

SUMMARY
This Berkeley Public Library Annual Report for Fiscal Year 2011-2012 is presented to the Berkeley City Council and the community to provide updated information about the status and activities of the Public Library in its provision of a vital and valued service to the community. The annual report includes information about programs, services, and major activities and decisions of Library staff and Board of Library Trustees during the past fiscal year.

CURRENT SITUATION AND ITS EFFECTS
The Berkeley Public Library consists of the Central Library in the downtown district, four neighborhood branch libraries, and a tool lending library. In fiscal year 2012, two branches, the North and Claremont underwent renovation and reopened. Currently, the West and South branch libraries are under construction, they closed during the fiscal year covered in this report.

In the next few months the Library will produce an annual report for fiscal year 2012, highlighting services, statistics on use, a summary of the budget, and other information related to the general state of the library. The Library Board is committed to communicating with the public regarding their activities and the status of the Library, and has directed staff to continue the past practice of producing and making available an annual report.

BACKGROUND
As prescribed by the City of Berkeley Charter, the Board of Library Trustees is to make an annual report to City Council giving the condition of the library with a summary of their proceedings. In addition, reports and information as requested on specific topics are shared with the Council. In the past, these reports have been written and oral.

POSSIBLE FUTURE ACTION
None
FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
None

CONTACT PERSON
Donna Corbeil, Director of Library Services, Library, 981-6195

Attachments:
  1. Berkeley Public Library Board of Library Trustees: Annual Report to City Council
Summary: This Berkeley Public Library Annual Report for Fiscal Year 2011-2012 is presented to the City Council, and to the community, in order to provide current information about the activities of the Public Library and its commitment to creating lasting public value for the city of Berkeley. Included is information about programs, services, and major activities and decisions of Library staff and Board of Library Trustees during the past year. The Library is dedicated to its mission of developing collections, resources, facilities, and services that meet the cultural, informational, recreational, and educational needs of Berkeley’s diverse, multi-cultural community.

The Berkeley Public Library consists of the Central Library in the downtown district, four neighborhood branch libraries, and a tool lending library. In FY2012, the Library’s total annual circulation (i.e. the number of items from the collection that were borrowed) was 1.76 million. The Library’s collection includes over 600,000 items, including books, magazines, DVDs, CDs, audiobooks, and tools.

I. Staff Report: July 2011 through June 2012

The Berkeley Public Library: a 21st Century Institution, at the Epicenter of a Learning Community

During the 2011-12 fiscal year, the Berkeley Public Library continued as a prominent player in Berkeley’s continuum of learning and inspiration. Berkeleysans turn to the Library as a place where they can meet their needs for information, culture, and entertainment. The Central Library, four neighborhood branches, and the BranchVan welcomed nearly 1.1 million visitors, who borrowed 1,757,956 items from the Library’s collections. The Library also has a robust online presence that is also tremendously popular: www.berkeleypubliclibrary.org was visited over 900,000 times.

Why the popularity? During these challenging times, it’s hard to find a better value than the public library. Berkeley’s Public Library is the place where citizens can choose from over 600,000 books, audiobooks, music CDs, DVDs, music scores, tools, and downloadable works of literature, music, and movies. They can use one of over 120 library computers with Internet access, or, bring their own laptops, tablets and handheld devices to connect to free wireless networks. They can participate in nearly 1600 programs ranging from small business seminars, Avengers costume contests, parenting workshops, noontime concerts, and visits from wildlife experts carrying live—and cuddly!—bats.

All of these services are free and available at the Library to everyone. In an economy powered by knowledge, the Berkeley Public Library plays an essential role in ensuring equitable access to information for everyone. Recent studies calculating the return of every $1.00 invested in public libraries have found that for each of those dollars paid in, as much as $3.00 worth of value is generated for their communities. Through its innovative services, programs, and collections, the Berkeley Public Library successfully represents the breadth of the community’s interests and needs.

“My Library is Berkeley’s Renewable Resource” (Some Statistical Highlights):

- During the 2010-2011 fiscal year 1,078,045 visits were made to the five Berkeley Public Libraries: over ten times the entire population of Berkeley. The Library generates a tremendous amount of visitor foot traffic, which in turn results in economic activity for neighboring
businesses, throughout the city. Over 685,000 of these visits were at the Central Library, making the Library a premier destination in Berkeley’s thriving downtown district.

- Berkeleyans truly make good use of their Library: the 7.76 million checkouts was the highest per capita circulation (19.25) all across California for a city of this size.
- And, there’s practically no end to the amazing and useful things Berkeleyans can take home from the Library. A much-loved service is the famous Tool Lending Library where the DIY spirit is alive and well: the Library loaned tools 34,875 times as residents took care of nearly as many projects of their own. The Tool Library was recently touted by the Center for a New American Dream as an example of a service contributing to a healthier, sustainable community.
- What people can’t find from the ample collections (at over 5 items per capita), they can use the Library to borrow from the Link+ consortium of 61 other California and Nevada peer libraries, as happened 24,684 times last year, to get what they need.
- Free public events—1598 of them all year long--drew in audiences totaling 38,524, a figure equal to 1/3 of Berkeley’s population. Of these, 1101 programs were for young people, encouraging a love of learning and intellectual development among our younger fellow citizens.
- Discover & Go, a program providing free and discounted admission to over 35 Bay Area museums and other venues, is connecting new audiences with the many inspiring cultural destinations in our own backyard. Even though newly launched, 350 passes are being checked out every month.
- The inquisitive people of Berkeley show their hunger for knowledge and information by looking to the Library as an authoritative gateway to information on every topic under the sun: approximately 147,739 information requests were answered with accuracy by expert librarians.

Library Visitors (per capita):

![Attendance/Visitors Per Capita Chart]

- **#1 in the state in our population group**
- BPL (1,078,045 visits) 14.09
- CA mean 4.41
Checkouts per capita:

**Circulation Per Capita**

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<th>BPL 1,757,956 items</th>
<th>CA mean 6.29</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value</td>
<td>19.25</td>
<td>6.29</td>
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</table>

Library Materials (Collections):

**Total Materials Per Capita**

(items in the library collection)

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<th>BPL 5.38</th>
<th>CA mean 2.21</th>
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<tbody>
<tr>
<td>Value</td>
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</table>
The New North and Claremont Branches Usher in an Era of Rebirth for Berkeley’s Neighborhood Libraries

2012 saw the reopening of two of Berkeley’s civic jewels after extensive renovation and expansion:

- On April 7th, over 1000 people welcomed the reopening of the beloved and beautiful landmark North Branch Library. With a new 4000 sq. ft. addition, a new Community Room, a dedicated and roomy teen space, and filled with scores of new books, recordings, movies, and computers, the new facility was celebrated—to the musical accompaniment of virtuosi from The Crowden School—by library-lovers from far and wide.
- And then on a gloriously sunny May 5th, an equally large throng of library fans, serenaded by the Berkeley High Jazz combo, eagerly celebrated the grand reopening of the Claremont Branch on Benvenue Avenue. This expansion and updating of the historic 1923 Library resulted in a fully accessible facility with more space, computers, a dedicated children’s programming area, a posh space for teens and improved working areas for employees.

Free Public Events: Cultural Touchstones for the Community

All year long every year, year after year, the Library hosts both within its walls and out in the community a wonderful variety of cultural, literary, and artistic programs, this year enjoyed by almost 40,000 persons. The Library ranks #1 in per capita attendance among California libraries serving populations this size. Many of these wonderful events would not have been possible without the support of the Friends of the Berkeley Public Library, who gave grants totaling $88,554 for program support:

- The Library contributes to a culturally vibrant Berkeley. Some examples:
  - Music: the tradition of free concerts at the Central Library carries on, and 2012 saw appearances by the Kitka Women’s Vocal Ensemble, the Chanticleer Youth Choir, Berkeley West Edge Opera and Berkeley Jazzschool’s pianist Erika Oba.
BPL again collaborated with the Aurora Theatre Company to present an evening seminar on Arthur Schnitzler’s *Anatol*.

The bilingual *Café Literario* series of lectures and discussions of books in Spanish continued at the West Branch Library and carried on at North once West closed for construction.

Famed vocalist Suzzy Roche read from her new novel *Wayward Saints*.

The photographs and artwork of the Red, Bike and Green collective (RBG), could be seen at Central, along with a free family program that included hands-on crafts and a presentation by RBG artists. The family program began with a group bicycle ride from Oakland to Berkeley coordinated by the RBG collective.

Staff worked with the Historical Society and UC and to organize a 100th anniversary celebration of women’s suffrage in CA including a literary talk “Marching With Aunt Susan,” a story about a Berkeley girl whose mother hosted Susan B. Anthony in 1904.

Local filmgoers enjoyed the yearlong “Book Into Film” and “Super Cinema” series of screenings of films combined with discussions of literary sources.

**Number of Free Public Programs and Events:**

![Number of Programs Graph](image_url)
Children’s Services

- Berkeley’s children continue to be a major focus of Library activity. The two new branch libraries opened with colorfully improved and restored children’s areas, featuring new collections and adorned with interactive panels emphasizing pre-literacy skills and practices.
- An important new project, “Family Place” was launched at the Central Children’s Room. The Family Place is an interactive learning space for early childhood information, parent education, socialization, and family support. Part of a national initiative, Family Place Libraries build on the knowledge that good health, early learning, parental involvement, and supportive communities play a critical role in young children’s growth and development.

*Family playshop at the Central Library*
• Summer reading: Libraries design summer reading programs to create and sustain a love of reading in children and to prevent the loss of reading skills over the summer. Research has shown that students who participate in summer reading programs consistently score higher in reading achievement tests. This summer’s Summer Reading Program theme was Dream Big: Read, reaching a record 1811 kids, who received hundreds of free prizes, including a round-trip ride on the Oakland/Alameda Ferry, bowling passes, and a coupon for books from local bookstores. Summer Reading events included “Batopia: Bats in the Library”.

• Berkeley’s children’s librarians are extremely active in producing public programs that respond to the needs and interests of Berkeley’s youngest (and their caregivers):
  o At Baby Bounce, a perennial favorite with enthusiastic crowds at every location, takes place all year long. Children under 3 are introduced to age-appropriate stories and a variety of activities such as finger-plays, puppets, and songs.
  o A new series of Spanish storytimes was very well-received.
  o Science activities are always enjoyed by many—often a good draw for young boys—and this year librarians created fun new series called Little Scientist Time, for 3-5 year olds, and Kindergarten Science, for 5 year olds. Staff also collaborated with the Lawrence Hall of Science on a wildly popular Science Festival in the Library.
  o Literary luminary Michael Chabon read from his new children’s book The Astonishing Secret of Awesome Man to a capacity crowd at Claremont Branch.
  o And book groups are not just for grown-ups: BPL sponsors a Middle School Book group and a 4th/5th Grade Book Club with dedicated and enthusiastic attendees. These young readers discuss books they have selected, and visit with an author.

Teen Services

• Berkeley’s Teen Librarians reached over 500 local youth at the midnight premieres of the new Hunger Games and Avengers movies, organizing costume contests, and receiving prizes that included read-alike lists and treats from local bookstore partners. When popular movies are based on books found at the Library, staff make use of the opportunity to connect with hundreds of people who may not think of the Library as a place supportive of their interests and needs.

• Teen Specialists collaborated with the Public Health Division & BHS Health Center, bringing book discussion and craft activities to teen mothers at the Vera Casey Teen Parenting Program.

• Earphone English is a weekly event at King Middle School and Berkeley High, in which a librarian selects high-quality audio recordings of books that appeal to teens. Students listen to the stories while reading the accompanying printed book. Berkeley High English Language Learning teachers consistently brought their classes to the Central Library.

• Staff worked with local teen poetry group Youthspeaks to create three multi-week writers’ workshops. Teens from these workshops later performed in the Bringing the Noise for Martin Luther King, Jr. celebration at San Francisco’s historic Herbst Theater.

• Library staff developed a Comics Creation series of three workshops with a presenter from the SF Comics Museum instructing teens in the process of making their own comics.

• Teen librarians worked with Willard Middle School students and faculty to apply for a grant for a Middle School Comic Book Club, supporting a weekly book club for the entire school year.
• Teen librarians received grant funding to underwrite a project wherein local teens worked with a filmmaker to create videos chronicling the opening of the two new branch libraries. Teens created promotional videos while learning valuable skills in media creation.

• Librarians designed and implemented a very successful summer reading program just for teens. Grand prizes - an acoustic guitar and two Kindle Fires – were greeted with enthusiasm.

• And BPL continued its outreach to 8th graders at the three middle schools and Berkeley High, coordinating book clubs, book talks, and resume workshops for high school students.

Berkeley READS (Adult and Family Literacy)

Literacy is not a new area for the Berkeley Public Library. This issue has been approached with innovation and creativity by Library staff and volunteers. The Library’s literacy program offers a variety of services to adults who want to improve their basic reading and writing skills. Most students participate in one-to-one tutoring with trained volunteers; also available are family literacy programming for students with small children, computer-assisted learning, small group instruction, periodic workshops and student leadership opportunities. Despite dramatic reductions in funding from the State, the Library adjusted the program to continue uninterrupted these important services.

• Family literacy outreach story visits, book distributions and early/parent literacy workshops were conducted at eight community sites including all three Berkeley Head Start preschools, one Early Head Start, Bahia and Centro Vida programs, and all three Berkeley Unified School District Early Childhood Development centers.

• Berkeley READS continued weekly family literacy classes for parents and children (seeded as a Berkeley Adult School partnership) providing direct-client service.

• A Berkeley READS student, Board President for VALUE (Voice of Adult Learners United to Educate), continued in her statewide and national leadership role by co-coordinating the annual Adult Learner Leadership Institute in partnership with the CA State Library.

• This student was selected as Moderator for a panel presentation entitled “Learner to Leader” at the California Library Association Conference in Pasadena.

• The grant-funded Cultural Arts Literacy program continued in providing six museum field trips (including in-kind docent tours and free admission); a literacy student observed she had never heard of the Museum of Modern Art “until this trip with Berkeley READS.”

• Berkeley READS was selected as one of four statewide programs for the Learner Web project (funded by a State Library grant) in expanding adult learner instructional online resources.

• The “Health Literacy and Gardening Project” continued at the West Branch Library with in-kind gardening maintenance from Victory Garden Foundation; family and health literacy classes were conducted in the garden with the help of an “edible curriculum”.

• Five selected students benefited from the Library iPad project while participating in a 3-month training. Adult learners reflected increased confidence and comfort level with computer technology, promoting teamwork, fellowship and networking.
• Berkeley READS was host site for three federal work-study students as literacy tutors in partnership with Berkeley City College.

• Berkeley READS recruited for and hosted adult learner educational sessions for the Easy Voter Guide, a statewide project enhancing voter information targeted at adult new readers.

Planning and Support

• FY 2012 was another momentous year for the Berkeley Public Library Foundation. The BPLF’s proud history of support for Library facility improvements is going on strongly in the form of a multi-year capital campaign for the amount of $3.5M to fund the furniture, fixtures, equipment and other expenses associated with the Branch Library Improvement Program. In 2012, the fruits of this labor were enjoyed by thousands in the glorious interiors of the new North and Claremont Libraries. Fundraising committees comprised of community members from throughout Berkeley’s neighborhoods are actively working to raise funds in support of the two branches now under construction. Information about the Foundation’s efforts is available at http://bplf.org/branch-campaign

• The Foundation’s tenth Annual Authors Dinner at the Central Library on February 11, 2012, with Berkeley’s own Belva Davis—the first black female TV journalist in the West—as Honorary Chairperson. Among the other 30 eminent authors recognized included Maxine Hing Kingston, Philip Fradkin, Bharati Mukherjee, Sam Keen, Mark Hertsgaard, Ishmael Reed, and Michael Krasny. Held in the majestic Reading Room of the landmark Central Library, the Authors Dinner celebrates the Bay Area’s uniquely vibrant literary community and raises funds which directly aid the Library. The Fred and Pat Cody Award, created by local furniture maker Berkeley Mills, was awarded to Berkeley READS, the Library’s Adult and Family Literacy Program.

• The Library’s other major support organization, the Friends of the Berkeley Public Library, generously furnished the Library with grants totaling $88,554 in support of a wide variety of services and programs.

Public Libraries: “The House of the 99%”

The Berkeley Public Library is one of thousands of free public libraries nationwide asserting themselves as broad-scale bulwarks against the Great Recession. Apart from the sanctuary that library spaces provide and the free materials and programs that permit people to save instead of spend, BPL has also developed specific strategies to assist those in need:

• Hundreds of small businesspersons, job-seekers, and others received free advice and support in the Library’s ongoing program series developed in partnership with the Cal State East Bay Small Business Development Center and the North Cities One Stop Career Center. Topics covered included Marketing for Artists, Starting a Business, Franchising, Credit Reports, Save More Spend Less, and Financial Freedom.

• Reluctant entrepreneurs—people who are turning to start-ups after being laid off from employment—are turning to the Library’s counseling sessions with the Service Core of Retired Professionals (SCORE) for guidance with business ideas.

• The Foundation Center continues to work closely with the staff of the Library, where seminars such as Not So Starving Artists Tell All, Nonprofit Sustainability, and Meet the Author: Getting Funded were attended by dozens of people.
• The Library hosts monthly landlord tenant counseling sessions with mediation specialists from the Berkeley Rent Board.

• Patrons surveyed by the Library reported that they used the Library’s free high-speed Internet access to start and manage a business, search and apply for job opportunities, find housing, or access eGovernment services.

Connecting the Disconnected

• Every year, millions of people head to their local public library to access the online information they need to pursue their vision of the American dream: a better job, a college degree, American citizenship, access training, or apply for government services. A recent survey revealed that in the past year nearly 1/3 of Americans over age 13—roughly 77 million people—used a public library computer or wireless network to connect to the Internet. The Berkeley Public Library, where 157,665 individual sessions were logged on library computers and the WiFi network was accessed countless times, continues to bridge the Digital Divide.

• Staff conduct a regular series of trainings for residents on understanding and using the vast amount of digital content available through the BPL’s web site: the “electronic branch library”.

• Overdrive, a large collection of free eBooks and eAudiobooks, was launched this year, with readily available in-person guidance on using the many types of e-readers available on the market.
II. Board of Library Trustee Proceedings & Activities
Trustee Appointments

The Chair and Vice-Chair elections occurred in November 2011; Winston Burton was elected Chair and Abigail Franklin as Vice-Chair. No board appointments occurred during this period.

Meetings

The Board set on November 9, 2011 the regular BOLT meeting time as the second Wednesday of the month, excepting the summer recess taken in August.

The Board held regular meetings on: July 13, 2011; September 14, 2011; October 12, 2011, November 9, 2011; December 14, 2011; January 11, 2012; February 8, 2012; March 14, 2012; April 4, 2012; May 9, 2012; and June 13, 2012.

The Board held one Special Session on April 23, 2012. One Special Joint Closed Session with the Board and City Council was held on July 19, 2011.

Activities and Significant Decisions

Services
The Board set the 2012 Holiday Schedule for the library by Resolution R11-078 at the November 9, 2011 meeting.

The Board Updated and approved the extension of the 3-year Berkeley Public Library Strategic Plan (2008) for the period through 2013 at the December 14, 2011 regular meeting. Periodic updates and reports on the plans status, including projects completed are given throughout the year.

Fiscal
The Board adopted an amended FY2012 adopted budget of $36,879,630, inclusive of Measure FF bond funds at the regular meeting of September 14, 2011 by Resolution 11-059. Authorized staffing during FY 2012 was 158 employees, or 108.65 FTE. At the January 11, 2012 regular meeting the Board approved mid-year budget revisions increasing the Library’s operating budget for FY2012 to $15,701,723. At the March 14, 2012 regular meeting FY 2012 expenditure totals were revised to $37,778,137 by Resolution 12-017.

At the regular meeting of April 4, 2012 the board began review of the adopted Fiscal Year 2013 (year 2) biennial budget. A presentation of the Proposed Biennial budget for fiscal year 2013 with revisions, including grant and gift awards were adopted on June 13, 2012 by Resolution 12-039. The FY 2013 library revenue budget is $16,923,765 and the adopted biennial expenditure budget is $19,207,900. The Library’s FY 2013 Work Plan was adopted at the June 13, 2012 meeting.

The Board made a recommendation to Council to set the Library Services Tax rate for FY 2013 with a growth factor of 3.77% based on the California Personal Income Growth factor for the San Francisco Bay area.
Grants: The Library applies for and accepts grant awards throughout the year directly related to supporting library operations and services, during the reporting period these included:
Bay Friendly Landscaping Grant NTE $20,000
State of California - California Library Literacy Services (CLLS) Program and the Public Library Fund (PLF) NTE $46,808
California’s Family Place Library Program Grant Funds $15,000
Pacific Gas & Electric Company, California Solar Initiative Rebate Program NTE $42,352

Policy
Approval of:
• Bulletin Board Policy
• Library Card Patron Types Policy
• Library Fee Schedule 2012
• General Records Schedule (GRS) amendments related to the library
• Naming Policy for the Berkeley Public Library (discussed at the 9/14/11, 11/9/11, 12/14/11 board meetings and approved on 1/11/12)

Administrative Regulations adapted to the Library operating structure and adopted by the Board included:
A series of ARs approved by the Board in 2005 were revised and approved to reflect amendments, repeal and new city regulations, effective February 13, 2012.

III. Significant Branch Renovation Program Activities, Measure FF

Since Berkeley’s voters approved Measure FF in November 2008, the Berkeley Public Library has embarked on its building program to enhance library services and to improve accessibility, code compliance, and seismic safety in all the neighborhood branches to serve the neighborhood communities into the future. Information, current plans and project information, links to make a comment, and links to notices of past meetings are available at http://www.berkeleypubliclibrary.org/about_the_library/b-renovation.php.

In 2011 a blog was added to the Library’s web presence for the construction phase of the North and Claremont branches, recent photos and information can be found at: http://www.bplbranches.blogspot.com/. In addition, weekly construction updates for each project are posted:
http://www.berkeleypubliclibrary.org/about_the_library/documents/072312_BPL_South_Weekly_Construction_Update.pdf
and:
http://www.berkeleypubliclibrary.org/about_the_library/documents/072312_BPL_West_Weekly_Construction_Update.pdf

Staff developed options for continued service in neighborhood affected by temporary library closures, including children’s programming and the acquisition of a BranchVan to provide access
for reserves, returns and browsing. Information on services during the temporary closures, including the BranchVan schedule is posted at: [http://www.berkeleypubliclibrary.org/about_the_library/branch_van_schedules.php](http://www.berkeleypubliclibrary.org/about_the_library/branch_van_schedules.php).

The Project management firm, Kitchell CEM Inc. made bond program presentations to the board at regular meetings on September 14, 2011, January 11, 2012 and May 9, 2012. At the June 13, 2012 regular meeting of the board a revised bond program budget and schedule were adopted by Resolution# R12-040.

As needed the Board has recommended to Council for approval contracts and contract amendments related to the implementation of the branch library bond measure and submitted informational reports on the status of related activities:

- Gonsalves & Stronck Construction for construction of the South Branch Library
- West Bay Builders for the construction of the West Branch Library
- Lease Agreement for space at 2547 - 8th Street for the temporary relocation of the Tool Lending Library Program (to provide tool lending library services during construction)

Civic art is included in all four projects. The North and Claremont art projects were installed and the commissioned work is completed. The board approved the artist selections for the new South Branch and the new West Branch at the January 2012 regular meeting of the board.

**CLAREMONT BRANCH**

The renovated branch reopened to the public on May 5, 2012.

**NORTH BRANCH**

The renovated and expanded branch reopened to the public on April 7, 2012.

**SOUTH BRANCH**

The branch is currently closed to the public, construction activities began on April 2, 2012. The current anticipated Final Completion date is May 3, 2013.

**WEST BRANCH**

The branch is currently closed to the public, construction activities began on June 4, 2012. The current anticipated Final Completion date is July 5, 2013.
### Upcoming Workshops

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<td>September 18</td>
<td>Community Agency Funding in FY 2014</td>
<td>Worksession</td>
</tr>
<tr>
<td>October 16</td>
<td>Affordable Housing and Development Fees</td>
<td>Worksession</td>
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<td>October</td>
<td>20th Anniversary of Development Agreement with Bayer</td>
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<tr>
<td>November 13</td>
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### Address Board/Commission Appeal Period Ends

Council Date for Determination on Appeal Submitted

### Council Date for Public Hearing¹

**Notes**

NOD – Notices of Decision

WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS

CITY CLERK DEPARTMENT