BERKELEY CITY COUNCIL AGENDA COMMITTEE
SPECIAL MEETING

BERKELEY CITY COUNCIL
SPECIAL MEETING
MONDAY, NOVEMBER 29, 2010
2:30 P.M.

6th Floor Conference Room, 2180 Milvia Street
Committee Members:
Mayor Bates, Councilmembers Linda Maio and Gordon Wozniak
(Alternate: Councilmember Anderson)

AGENDA

1. Roll Call
2. Public Comment
3. Approval of Minutes: November 8, 2010
4. Review and Action of draft agendas for December 7, 2010
   a. 12/7/10 – 5:30 p.m. Special City Council Meeting
   b. 12/7/10 – 7:00 p.m. Regular City Council Meeting
5. Upcoming Council Items:
   a. Opposing the Proposed Comcast-NBC Universal Merger (from September 28, 2010 meeting)
   b. Supporting Food and Water Watch's Spill The Truth Campaign to Temporarily Shut Down The BP Atlantis Oil Rig (from September 28, 2010 meeting)
   d. Proposed Upcoming Council Workshops
6. Land Use Calendar – accept and file
7. Adjournment – next meeting Monday, December 6, 2010
Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure Resolution No. 64,235-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 Deanna Despain, CMC, 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.

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on November 23, 2010.

Deanna Despain, CMC, City Clerk
BERKELEY CITY COUNCIL AGENDA COMMITTEE
SPECIAL MEETING MINUTES

BERKELEY CITY COUNCIL
SPECIAL MEETING
MONDAY, NOVEMBER 8, 2010
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: 2:30 p.m. Absent: Mayor Bates.

2. Public Comment: 0 speakers.

3. M/S/C (Wozniak/Maio) to approve the minutes of November 1, 2010

4. Review and Action of draft agendas for November 16, 2010
   a. M/S/C (Wozniak/Maio) to cancel the 11/16/10 – 5:30 p.m. Special City Council Meeting and move the presentations to the 7:00 Regular City Council meeting agenda.
   b. M/S/C (Wozniak/Maio) to approve the agenda of 11/16/10 – 7:00 p.m. Regular City Council Meeting revised to reflect the following:
      - Item 14: Local Plastic Bag Ordinance – Removed from agenda and moved to December 7, 2010 meeting.
      - Addition: Presentation: Quarterly Crime Report
      - Addition: Presentation: FUND$ Status Report/Workers Comp

5. Upcoming Council Items:
   a. Opposing the Proposed Comcast-NBC Universal Merger (from September 28, 2010 meeting)
   b. Supporting Food and Water Watch's Spill The Truth Campaign to Temporarily Shut Down The BP Atlantis Oil Rig (from September 28, 2010 meeting)
   c. Proposed Upcoming Council Workshops

6. Land Use Calendar – accepted and filed.
   Adjournment – 2:38 p.m.

Deanna Despain, CMC, City Clerk
DRAFT PROCLAMATION
CALLING A SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special
session as follows:

TUESDAY, DECEMBER 7, 2010
5:30 P.M.
Council Chambers – 2134 Martin Luther King Jr. Way

Preliminary Matters

Roll Call
Public Comment – Items on this agenda only

Worksession:

1. First Quarter FY 2011 Budget Update
   From: City Manager
   Contact: Phil Kamlarz, City Manager, 981-7000

2. Discussion of Mental Health Division Assessment and Proposed Action Plan
   From: City Manager
   Contact: Beth Meyerson, Health Services, 981-5100

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each
member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the official seal of the City of Berkeley to be
affixed on this 2nd day of December, 2010.

Tom Bates, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:

Date: 12/2/10
Deanna Despain, CMC, City Clerk
NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, 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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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.

Agendas and agenda reports may be accessed via the Internet at http://www.CityofBerkeley.info/CityCouncil and may be read at reference desks at the following locations:

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<thead>
<tr>
<th>City Clerk Department</th>
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<tbody>
<tr>
<td>2180 Milvia Street</td>
<td>Main - 2090 Kittredge Street</td>
</tr>
<tr>
<td>Tel: 510-981-6900</td>
<td>Claremont Branch – 2940 Benvenue</td>
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<tr>
<td>TDD: 510-981-6903</td>
<td>West Branch – 1125 University</td>
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<tr>
<td>Fax: 510-981-6901</td>
<td>North Branch – 1170 The Alameda</td>
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<tr>
<td>Email: <a href="mailto:clerk@CityofBerkeley.info">clerk@CityofBerkeley.info</a></td>
<td>South Branch – 1901 Russell</td>
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Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.
DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING
TUESDAY, DECEMBER 7, 2010
7:00 P.M.
Council Chambers - 2124 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. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Deanna Despain, City Clerk, 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:

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.

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. Amendment to Berkeley Municipal Code Section 16.10.050 Granting City Manager Authority to Adopt Implementing Regulations Concerning Equipment in the Public Right of Way
   From: City Manager
   Recommendation: Adopt an Urgency Ordinance granting the City Manager authority to adopt regulations to implement BMC Section 16.10.050, concerning equipment in the public right of way.
   Financial Implications: See report
   Contact: Zach Cowan, City Attorney, 981-6950

2. Confirming the Results of the November 2, 2010 General Municipal Election
   From: City Manager
   Recommendation: Adopt a Resolution:
   1. Confirming the results of the November 2, 2010 General Municipal Election;
   2. Declaring the passage of Measure R - Downtown Area Plan;
   3. Declaring the passage of Measure S - Tax on Cannabis Businesses, and
   4. Measure T - Amendments to Medical Cannabis Regulations; and adopting said measures as ordinances.
   Financial Implications: None
   Contact: Deanna Despain, City Clerk, 981-6900

3. Minutes for Approval
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of November 9, 2010 (regular) and November 16, 2010 (regular).
   Financial Implications: None
   Contact: Deanna Despain, City Clerk, 981-6900
Consent Calendar

4. **Re-Appointment of Dr. Jan Washburn to the Alameda County Mosquito Abatement District Board of Trustees**  
   *From: City Manager*  
   **Recommendation:** Adopt a Resolution reappointing Dr. Jan Washburn to the Board of Trustees of the Alameda County Abatement District for a two-year term commencing on January 2, 2011 and ending on January 1, 2013.  
   **Financial Implications:** None  
   Contact: Deanna Despain, City Clerk, 981-6900

5. **Contract: San Francisco Paramedic Association for Emergency Medical Service - Paramedic Education**  
   *From: City Manager*  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with San Francisco Paramedic Association to provide annual emergency medical service education to paramedics of the Berkeley Fire Department from January 1, 2011 to December 31, 2012 in the amount of $44,000, with an option to extend for 2 additional two-year contract terms for a total of six years in a total amount not to exceed $132,000.  
   **Financial Implications:** See report  
   Contact: Debra Pryor, Fire, 981-3473

6. **Contract: Berkeley Unified School District Building Effective Schools Together Program**  
   *From: City Manager*  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Unified School District to create a baseline service level at each school site where the "Building Effective Schools Together" program is implemented, for the period of December 8, 2010 through June 30, 2011 in an amount not to exceed $55,000.  
   **Financial Implications:** See report  
   Contact: Beth Meyerson, Health Services, 981-5100

7. **Grant: Alameda County Healthy Housing Project-Asthma Prevention**  
   *From: City Manager*  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to accept grant funds from Alameda County's Healthy Housing Program (AC-HHP) in the amount of $30,000 to implement the "Berkeley Healthy Housing Project" for the period December 8, 2010 to December 7, 2011; to execute the resultant revenue agreements, contracts and any amendments; and authorizing the implementation of the projects and appropriation of funding for related expenses.  
   **Financial Implications:** Asthma Prevention and Control Program Fund - $30,000 (grant)  
   Contact: Beth Meyerson, Health Services, 981-5100
Consent Calendar

8. **Contract: Basic and Supplemental Life Insurance with Cigna Group Insurance**  
   **From: City Manager**  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Cigna Group Insurance to provide Basic Life and Accidental Death and Dismemberment Insurance at the premium rate of $0.165 per $1,000 of coverage for eligible employees, and Supplemental Life Insurance effective January 1, 2009 through June 30, 2011 for an amount not to exceed $240,000.  
   **Financial Implications:** Payroll Deduction Trust Fund - $63,324  
   Contact: David Hodgkins, Human Resources, 981-6800

9. **Contract: Long-Term Disability Insurance with Cigna Group Insurance**  
   **From: City Manager**  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Cigna Group Insurance (Cigna) to provide Long-Term Disability (LTD) insurance at the premium rate of 0.379% for every $100 of active participants' covered salaries for most non-sworn employees effective July 1, 2007 through June 30, 2011, in an amount not to exceed $1,168,000.  
   **Financial Implications:** Not to exceed $1,168,000  
   Contact: David Hodgkins, Human Resources, 981-6800

10. **Contract: SRIP I Disability Insurance Administrative Services with Cigna Group Insurance**  
    **From: City Manager**  
    **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Cigna Group Insurance (Cigna) to provide third party administrative services for the Supplementary Retirement and Income Plan I (SRIP I) disability benefit effective July 1, 2007 through June 30, 2011, in an amount not to exceed $306,000.  
    **Financial Implications:** Not to exceed $306,000  
    Contact: David Hodgkins, Human Resources, 981-6800

11. **Fee Assessment - State of California Self-Insurance Fund (Workers' Compensation Program)**  
    **From: City Manager**  
    **Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2011 for administering the Workers' Compensation Program, in an amount not to exceed $205,000.  
    **Financial Implications:** Not to exceed $205,000  
    Contact: David Hodgkins, Human Resources, 981-6800
12. **Unrepresented Employee Manual - Layoff Policy and Procedure**  
From: City Manager  
**Recommendation:** Adopt a Resolution to amend Resolution No. 60,777-N.S., the Unrepresented Employee Manual, to amend Article 10.06 (Order of Layoff), to specialty designate the Administrative & Fiscal Services Manager position in the Library and treat it as a separate classification for the purposes of administering the layoff procedure.  
**Financial Implications:** None  
Contact: David Hodgkins, Human Resources, 981-6800

13. **Extension of Temporary Part-Time Appointment of a Senior Planner**  
From: City Manager  
**Recommendation:** Adopt a Resolution approving the extension of employment of Jay Claiborne, a temporary unbeneftitted half-time Senior Planner, through December 31, 2010.  
**Financial Implications:** General Fund - $14,540  
Contact: David Hodgkins, Human Resources, 981-6800

14. **Extension of Temporary Appointment of a Senior Planner**  
From: City Manager  
**Recommendation:** Adopt a Resolution approving the extension of employment of Matthew Taecker, a temporary Senior Planner, through December 31, 2010.  
**Financial Implications:** Permit Service Center Fund - $27,000  
Contact: David Hodgkins, Human Resources, 981-6800

15. **Classification: Administrative & Fiscal Services Manager**  
From: City Manager  
**Recommendation:** Adopt two Resolutions:  
1. Amend Resolution No. 64,175-N.S., Classification and Salary Resolution for Unrepresented Employees, to establish the classification of Administrative & Fiscal Services Manager with a monthly salary range of $7,428 - $9,473 effective December 26, 2010, and abolish the Library Administrative Manager classification;  
2. Amend Resolution No. 64,250-N.S., Classification and Salary Resolution for Public Employees Union Local One to establish the classification of Administrative & Fiscal Services Manager with a monthly salary range of $7,428 - $9,473 effective December 26, 2010, and abolish the Senior Budget Specialist and Health Administrative/Financial Specialist classifications.  
**Financial Implications:** See report  
Contact: David Hodgkins, Human Resources, 981-6800

16. **Classification and Salary: Administrative Staff Assistant**  
From: City Manager  
**Recommendation:** Adopt a Resolution to amend Resolution No. 64,175-N.S., Classification and Salary Resolution for Unrepresented Employees, to establish the classification of Administrative Staff Assistant with a monthly salary range of $5,220 - $6,408 effective December 12, 2010.  
**Financial Implications:** See report  
Contact: David Hodgkins, Human Resources, 981-6800
17. **Grant Award: Metropolitan Transportation Commission's Climate Initiatives Innovative Grants Program**  
From: City Manager  
Recommendation: Adopt a Resolution authorizing the City of Berkeley to execute and file an application for funding for the Berkeley Transit Action Plan (B-TAP) under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA), any extensions of SAFETEA or any successor legislation for continued funding.  
Financial Implications: See report  
Contact: Claudette Ford, Public Works, 981-6300

18. **Grant Award: U.S. Department of Transportation Federal Highway Administration (FHWA) Value Pricing Pilot Program**  
From: City Manager  
Recommendation: Adopt a Resolution authorizing the City Manager to:  
1. Accept one-time grant funds from the U.S. Department of Transportation FHWA FY 2009 Value Pricing Pilot Program in the amount of $1,800,000 to jointly implement the Berkeley Parking Pricing and Real Time Guidance for City and University Project with the University of California, Berkeley; and  
2. Grant a waiver to the Nuclear Free Berkeley Act per BMC Section 12.90.070 (A) that includes the following statement: "The Berkeley City Council reiterates and reaffirms the purpose of the Nuclear Free Berkeley Act 'to make Berkeley nuclear-free' and calls upon the University of California to phase out its management of the two nuclear weapons labs, Lawrence Livermore and Los Alamos, and to cease involvement with 'the nuclear fuel cycle as a whole'"; and  
3. Enter into an agreement with UC Berkeley to govern adherence to all applicable grant rules and regulations, delivery of the Project Scope of Work and adherence to the Project Budget.  
Financial Implications: See report  
Contact: Claudette Ford, Public Works, 981-6300

19. **Contract No. 6668C Amendment: Cale Parking Systems USA Inc. for Pay-and-Display Station Operations**  
From: City Manager  
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 6668C with Cale Parking Systems USA, Inc. for pay station services, increasing the contract by $877,538; and an option of $408,158 to purchase up to 50 additional P&D stations for a total contract amount not to exceed $3,948,052 for the period May 20, 2005 to June 30, 2014.  
Financial Implications: See report  
Contact: Claudette Ford, Public Works, 981-6300
20. **Contract: D'Arcy & Harty Construction Inc. for Sanitary Sewer Project for Claremont Avenue**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution:  
1. Approving the plans and specifications for the Sanitary Sewer Project, 10-10506-C, located on Claremont Avenue  
2. Accepting the bid of the lowest responsive responsible bidder, D'Arcy & Harty Construction Inc.  
3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specification, in an amount not to exceed $595,000.00 for the period of 150 calendar days from the date of the execution of the contract.  
**Financial Implications:** See report  
*Contact: Claudette Ford, Public Works, 981-6300*

21. **Designation of February 2011 as National Teen Dating Violence Awareness and Prevention Month**  
*From: Peace and Justice Commission*  
**Recommendation:** Adopt a Resolution designating February 2011 as National Teen Dating Violence Awareness and Prevention Month.  
**Financial Implications:** None  
*Contact: Eric Brenman, Peace and Justice Commission, 510-981-5114*

22. **Support and Free Pfc. Bradley Manning and Proclaim Him a Hero**  
*From: Peace and Justice Commission*  
**Recommendation:** Adopt a Resolution to support and free Pfc. Bradley Manning and proclaim him a hero.  
**Financial Implications:** None  
*Contact: Eric Brenman, Peace and Justice Commission, 510-981-5114*

**Council Consent Items**

23. **Oppose the Cancellation of KPFA’s Morning Show**  
*From: Councilmember Moore*  
**Recommendation:** Adopt a Resolution opposing the cancellation of KPFA’s Morning Show.  
**Financial Implications:** Unknown  
*Contact: Darryl Moore, Councilmember District 2, 981-7120*

24. **Encouraging Economic Development and Increasing City Revenue From Business Activity**  
*From: Councilmembers Capitelli, Wengraf and Moore*  
**Recommendation:**  
1. Direct the City Manager to immediately implement the recommendations contained in Section A of the report and  
2. Forward to staff and the Planning Commission recommendations contained in Section B of the report for action.  
**Financial Implications:** Unknown staff time.  
*Contact: Laurie Capitelli, Councilmember District 5, 981-7150*
Council Consent Items

25. Sponsorship of 27th Annual Telegraph Avenue Holiday Street Fair  
   From: Councilmember Worthington  
   Recommendation: Adopt a Resolution granting City co-sponsorship to the 27th annual Telegraph Avenue Holiday Street Fair.  
   Financial Implications: None  
   Contact: Kriss Worthington, Councilmember District 7, 981-7170

26. Local Plastic Bag Ordinance  
   From: Councilmembers Wozniak and Worthington  
   Recommendation: placeholder  
   Financial Implications:  
   Contact: Gordon Wozniak, Councilmember District 8, 981-7180

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 – Appeals

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment.

27. ZAB Appeal: 1170 The Alameda  
   From: City Manager  
   Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 10-10000028 to construct an addition to the North Branch of the Berkeley Public Library (1170 The Alameda).  
   Financial Implications: None  
   Contact: Dan Marks, Planning and Development, 981-7400

28. ZAB Appeal: 2940 Benvenue Avenue  
   From: City Manager  
   Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 10-10000027 to construct an addition to the Claremont Branch of the Berkeley Public Library (2940 Benvenue Avenue).  
   Financial Implications: None  
   Contact: Dan Marks, Planning and Development, 981-7400
29. Recognizing the Outstanding Efforts of the Chief of Police Michael Meehan  
(Continued from October 26, 2010)  
From: Councilmember Worthington  
Recommendation: Recognize and praise the new Chief of Police Michael Meehan and the Berkeley Police Department (BPD) for their success in continuously reducing crime in Berkeley.  
Financial Implications: None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar – New Business

30. Amendments: FY 2011 Annual Appropriations Ordinance and Biennial Budget Calendar  
From: City Manager  
Recommendation:  
1. Adopt first reading of an Ordinance amending the FY 2011 Annual Appropriations Ordinance No. 7,147–N.S. for fiscal year 2011 based upon recommended re-appropriation of committed FY 2010 funding and other adjustments authorized since July 1, 2009, in the amount of $43,939,214 (gross) and $42,291,265 (net).  
2. Approve the revised FY 2012 and FY 2013 Biennial Budget development calendar.  
Financial Implications: See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

31. Request for Continuance, Reconsideration of the Designation of Berkeley Iceland, 2727 Milvia St, As a City of Berkeley Landmark  
From: City Manager  
Recommendation: Grant the property owner’s request to continue consideration of the project to a date not later than January 1, 2012, without opening the public hearing.  
Financial Implications: None  
Contact: Zach Cowan, City Attorney, 981-6950

32. Crisis Intervention Training Program  
a. From: Mental Health Commission  
Recommendation: Adopt a Resolution approving the implementation of an annual Crisis Intervention Training ("CIT") Program for Berkeley Police Officers.  
Financial Implications: Unknown  
Contact: Beth Meyerson, Health Services, 981-5100  
b. From: City Manager  
Recommendation: The City Manager recommends that no action be taken on the Commission’s recommendations until an analysis of the fiscal and operational implications of providing an initial 40 hours of CIT training, with refresher training annually thereafter, to the Berkeley and possibly Albany Police Departments is completed and provided to Council.  
Financial Implications: Unknown at this time.  
Contact: Beth Meyerson, Health Services, 981-5100
Information Reports

33. Report on the Alameda County Transportation Commission
   From: Councilmember Capitelli
   Contact: Laurie Capitelli, Councilmember District 5, 981-7150

34. FY 2010 Year End Review
   From: City Manager
   Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

35. Update on American Recovery and Reinvestment Act (ARRA) 2009 Funding
   From: City Manager
   Contact: Christine Daniel, Deputy City Manager, 981-7000

36. Settlement of Claim of PWS, Inc.
   From: City Manager
   Contact: Zach Cowan, City Attorney, 981-6950

37. Audit Update: Response Times to Calls for EMS Could Be Improved
   From: City Manager
   Contact: Debra Pryor, Fire, 981-3473

38. Fire and Police Departments Diversity Recruitment Plans
   From: City Manager
   Contact: David Hodgkins, Human Resources, 981-6800

Public Comment – Including Items Not Listed on the Agenda –

Adjournment

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

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at http://www.cityofberkeley.info.
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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.
CONSENT CALENDAR
December 7, 2010

To: Honorable Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted By: Eric Brenman, Secretary, Peace and Justice Commission

Subject: Designation of February 2011 as National Teen Dating Violence Awareness and Prevention Month

RECOMMENDATION
Adopt a Resolution designating February 2011 as National Teen Dating Violence Awareness and Prevention Month.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
At its regular meeting on November 1, 2010, the Peace and Justice Commission unanimously adopted the following recommendation:

That the Council and Berkeley Unified School District Board adopt a Resolution designating February 2011 as National Teen Dating Violence Awareness and Prevention Month.

M/S/C: (Kenin/Marley)

Ayes: Abdul-khabir; Bohn; Kenin; Lippman; Litman; Maran; Marley; Meola; Rabkin; Siegel; Sorgen

Noes: None.

Abstain: None.

Absent: Nicely (excused); Sherman

Consistent with national efforts to address teen dating violence (see Attachment 2—Senate Resolution 373, introduced on December 9, 2009), the Peace and Justice Commission, in concert with other City Commissions, encourages the Berkeley City Council and the Berkeley Unified School District to designate February 2011 as National Teen Dating Violence Awareness Month to raise community awareness about this
important issue to ensure the well-being of Berkeley’s young people, particularly teenage girls and young women.

BACKGROUND
On January 26, 2010 the City Council adopted Resolution No. 64,758 designating February 2010 as National Teen Dating Violence Awareness and Prevention Month. The Peace and Justice Commission again recommends a similar designation for February 2011 in order to continue to catalyze community awareness and related efforts to address the safety, security and well-being of particularly Berkeley’s teenage girls and young women.

Berkeley’s Public Health Domestic Violence Prevention Program is a small youth-led model that incorporates a youth voice to promote healthy relationships in peer and near-peer groups. It hires and trains High School students to create and present presentations in Middle Schools in Berkeley addressing healthy relationships. This Program has been redirected by grant funds to incorporate bicycle and pedestrian safety and the teen dating violence educational program is at risk of being discontinued.

Research on teen behavior reveals disturbing trends in terms of teen dating violence. National data indicates that 1 in 3 adolescent girls is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth. Further, this type of abuse has been exacerbated by digital technology, resulting in “sexting” where texting messages are used to depict, degrade or otherwise expose young people to the distribution of nude digital images.

This type of abuse places young teen girls and women at-risk of increased substance abuse, eating disorders, risky sexual behavior, suicide and adult re-victimization and decreased school attendance. In addition, physically and sexually abused teens are six times more likely to become pregnant and more than twice as likely to contract and/or transmit sexually-transmitted diseases.

RATIONALE FOR RECOMMENDATION
The Peace and Justice Commission, consistent with its mandate to promote peace and justice, locally, nationally and internationally, views teen dating violence as a serious issue that the Berkeley City Council, School District, Commissions, community agencies, faith-based organizations and community at-large can successfully address beginning with building community awareness of the issue.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager concurs with the Commission’s recommendation as it is consistent with current City policies and public health and youth programs promoting teen health, wellness and violence prevention.
Designation of February 2011 as National Teen Dating Violence Awareness and Prevention Month

CONTACT PERSON
Wendy, Kenin, Chairperson, Peace and Justice Commission, 510-504-4937
Eric Brenman, Secretary, Peace and Justice Commission, 510-981-5114

Attachments:
1. Resolution
2. Senate Resolution 373
RESOLUTION NO. –N.S.

DESIGNATING FEBRUARY 2011 AS TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH

WHEREAS, Berkeley Municipal Code Section 3.68.030, establishing the Peace and Justice Commission, indicates that “peace and justice shall refer to the goal of creating a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression (Ord. 5705--N.S. §3, 1986)”;

WHEREAS, teen dating violence is a serious and growing problem throughout California and has become a prevalent problem in high schools and middle schools; and

WHEREAS, teen dating violence is a pattern of controlling, abusive, and aggressive behavior over another in a relationship. It can include verbal, emotional, physical, or sexual abuse, or a combination of any of those; and

WHEREAS, victims of teen dating violence can be females or males; and

WHEREAS, one in three teenagers has experienced violence in a dating relationship and has feared for his/her physical safety; and

WHEREAS, one in five teenagers in a serious relationship reports having been hit, slapped, or pushed by a partner; and

WHEREAS, one in four girls who have been in a relationship report having been pressured to have sex or to engage in sexual activities that they did not want; and

WHEREAS, recent studies have shown that teen dating violence is starting at an earlier age with 11 to 14 year olds able to identify aspects of teen dating abuse in their social lives; and

WHEREAS, a majority of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue; and

WHEREAS, involvement in violent relationships during the adolescent years can have serious ramifications for victims, putting them at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult re-victimization; and

WHEREAS, the severity of violence between intimate partners has been observed to be greater in cases in which a pattern of violence has been established in adolescence; and

WHEREAS, teenagers deserve to be in a relationship free of the fear of violence. They have a right to have safe relationships.
NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council hereby designates February 2011 as Teen Dating Violence Awareness and Prevention Month and urges all citizens to actively participate in the efforts to end violence in our homes, in our schools and in our communities. A record signature copy of said Resolution to be on file in the Office of the City Clerk.
CONGRESSIONAL RECORD—SENATE  
December 9, 2009

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 378—DESIGNATING THE MONTH OF FEBRUARY 2010 AS "NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH"

Mr. CRAPO (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 378

Whereas dating, domestic, and sexual violence affect women regardless of their age, and teenage and young women are especially vulnerable;

Whereas, approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

Whereas nationwide, 1 in 10 high school students (9.5 percent) has been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend;

Whereas more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive;

Whereas 20 percent of teen girls exposed to physical dating violence did not attend school because the teen girls felt unsafe either at school, or on the way to or from school, on 1 or more occasions in a 30-day period;

Whereas violent relationships in adolescence can have serious ramifications for victims by putting the victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas being physically and sexually abused leaves teen girls up to 6 times more likely to become pregnant and more than 2 times as likely to report a sexually transmitted disease;

Whereas nearly 3 in 4 children ages 11 to 14 (referred to in this preamble as “tweens”), say that dating relationships usually begin at age 14 or younger and about 72 percent of eighth and ninth graders report “dating”;

Whereas 1 in 5 tweens say their friends are victims of dating violence and nearly 4 of tweens who are in relationships know friends who are verbally abused;

Whereas more than 3 times as many tweens (20 percent) as parents of tweens (6 percent) admit that parents know little or nothing about the dating relationships of tweens;

Whereas teen dating abuse most often takes place in the home of 1 of the partners;

Whereas a majority of parents surveyed believe they have had a conversation with their teen about what it means to be in a healthy relationship, but the majority of teens surveyed said that they have not had a conversation about dating abuse with a parent in the past year;

Whereas digital abuse and " sexting " is becoming a new frontier for teen dating abuse;

Whereas 1 in 4 teens in a relationship say they have been called names, harassed, or put down by their partner through cellphones and texting;

Whereas 3 in 10 young people have sent or received nude pictures of other young people on their cell or online, and 61 percent who have "sexed" report being pressured to do so at least once;

Whereas targets of digital abuse are almost 3 times as likely to contemplate suicide as those who have not encountered such abuse (8 percent vs. 3 percent), and targets of digital abuse are nearly 3 times more likely to have considered dropping out of school;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence;

Whereas primary prevention programs are a key part of addressing teen dating violence and many successful community examples include education, community outreach, and social marketing campaigns that also understand the cultural appropriateness of programs;

Whereas skilled assessment and intervention programs are also necessary for youth victims and abusers; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, and families regardless of socioeconomic status, race, or sex; Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of February 2010, as “National Teen Dating Violence Awareness and Prevention Month”;

(2) supports communities to empower teens to develop healthier relationships; and

(3) calls upon the people of the United States, including youth and parents, schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Month with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

ATTACHMENT II
To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted By: Eric Brenman, Secretary, Peace and Justice Commission
Subject: Support and Free PFC. Bradley Manning and Proclaim Him a Hero

RECOMMENDATION
Adopt a Resolution to support and free Pfc. Bradley Manning and proclaim him a hero.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
At its regular meeting on November 1, 2010, the Peace and Justice Commission adopted the following recommendation:

Adopt a Resolution to support and free Pfc. Bradley Manning and proclaim him a hero.

M/S/C: (Meola/Kenin)
Ayes: Abdul-khabir; Bohn; Kenin; Lippman; Marley; Meola; Sorgen
Noes: Litman; Maran; Rabkin; Siegel
Abstain: None.
Absent: Nicely (excused); Sherman

BACKGROUND
Pfc. Bradley Manning has been accused of leaking the “Collateral Murder” video documenting a July 12, 2007 apache helicopter attack in Baghdad resulting in the killing of eleven Iraqi civilians and Reuters press personnel as well as wounding at least two children. Pfc. Manning is currently held in military confinement and faces a possible 52 year prison sentence if convicted of doing so and is also a “person of interest” in the investigation of the release of the “Afghan War Diary” documents, also referred to as the “Pentagon Papers II.”

RATIONALE FOR RECOMMENDATION
The Peace and Justice Commission, consistent with its mandate to promote peace and justice, locally, nationally and internationally, views the military’s treatment of Pfc. Manning as unwarranted and unjust. Consistent with the City’s longstanding policy in support of peace, the City Council of the City of Berkeley is urged to take a position to support the release from military confinement of Pfc. Manning and to proclaim him a hero.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager takes no position on the content or recommendations contained in the Commission’s Report.

CONTACT PERSON
Wendy, Kenin, Chairperson, Peace and Justice Commission, 510-504-4937
Robert Meola, Commissioner, Peace & Justice Commission, 510-644-1102
Eric Brenman, Secretary, Peace and Justice Commission, 510-981-5114

Attachments:
1. Resolution
2. Background and Reference materials
RESOLUTION NO. –N.S.

SUPPORT AND FREE PFC. BRADLEY MANNING AND PROCLAIM HIM A HERO

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.69.070); and

WHEREAS, the “Collateral Murder” video of a massacre in Baghdad, Iraq, in 2007, released by Wikileaks, in April, 2010, shows a United States Army Helicopter attack that killed eleven civilians, including two Reuters journalists, and wounded two children; and

WHEREAS, the release of this video harmed no one and is information the people of the world, and especially American citizens, are entitled to know; and

WHEREAS, the United States Army covered up the evidence and declared this war crime “justified” and now claims that exposing the massacre is criminal; and

WHEREAS, blowing the whistle on war crimes is not a crime; and

WHEREAS, Wikileaks subsequently released 92,000 documents that reveal years of whitewashing of the war in Afghanistan, by the United States, and that the United States systematically covered up civilian casualties, evidence of corruption, including the funding of the Afghan Taliban by the ISI, Pakistan's military intelligence unit, and successful attacks by the Taliban and the significance of those attacks; and

WHEREAS, the illegal wars waged by the United States in Iraq and Afghanistan and Pakistan have cost the lives of thousands of U.S. military personnel, the lives of unknown numbers [likely over a million] of people in Iraq and Afghanistan, and squandered U.S. treasure, in vain, that could have been used for human needs in Berkeley and across our nation; and

WHEREAS, in 1998, thirty years after the My Lai Massacre, former Warrant Officer Hugh C. Thompson, Jr. [who retired from the United States Army as a major in 1983] and his comrades in arms, Specialist Glenn Andreotta and Specialist Lawrence Colburn [the heroes of My Lai, who stopped the continuation of the My Lai Massacre on March 16, 1968] were awarded [Andreotta, posthumously] the Soldiers Medal, the United States Army's highest award for bravery not involving direct contact with the enemy; and at the 1998 Soldiers Medal award ceremony, Army Major General Michael Ackerman said, "It was the ability to do the right thing even at the risk of their personal safety that guided these soldiers to do what they did," and that the three, "set the standard for all soldiers to follow"; and

WHEREAS, 22 year old, Pfc. Bradley Manning has been accused of leaking the “Collateral Murder” video and faces a possible 52 year prison sentence if convicted of
doing so; and is a “person of interest” in the investigation of the release of the “Afghan War Diary” documents, also referred to as “Pentagon Papers II”; and

WHEREAS, months ago, Daniel Ellsberg, the Pentagon Papers whistleblower, and Advisory Board Member of the Bradley Manning Support Network, said, “From what I know of [Pfc. Bradley] Manning, he’s a new hero of mine” and then on September 16, 2010, at the Humanist Hall in Oakland at the benefit for Bradley Manning during the International Days of Action for Bradley Manning (September 16th through 19th), Daniel Ellsberg said, “We’re honoring an American Hero.”; and

WHEREAS, in her article of September 19, 2010 entitled “Bradley Manning: An American Hero,” Marjorie Cohn, professor of International Human Rights Law at Thomas Jefferson School of Law, concluded by writing, “…if Manning did what he is suspected of doing, he should be honored as an American hero for exposing war crimes and hopefully, ultimately, helping to end this war.”;

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley urges the United States Army to free Pfc. Bradley Manning from confinement in the military brig, where he is being held at Quantico, Virginia, and to drop all charges against him.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley proclaims that if Pfc. Bradley Manning is the source who provided Wikileaks with the “Collateral Murder” video and/or the 92,000 documents known as “The Afghan War Diary” that he is a hero and we thank him for his courage in bringing the truth to the American people and the people of the world.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley send copies of this resolution to President Barack Obama, Speaker of the House Nancy Pelosi, Senator Barbara Boxer, Senator Dianne Feinstein, Congresswoman Barbara Lee, Secretary of Defense, Robert M. Gates, and Secretary of the Army, John McHugh. A record signature copy of said Resolution to be on file in the Office of the City Clerk.
Bradley Manning: An American Hero

Army Pfc. Bradley Manning is accused of leaking military secrets to the public. This week, his supporters are holding rallies in 21 cities, seeking Manning's release from military custody. Manning is in the brig for allegedly disclosing a classified video depicting U.S. troops shooting civilians from an Apache helicopter in Iraq in July 2007. The video, available at www.collateralmurder.com, was published by WikiLeaks on April 5, 2010. Manning faces 22 years in prison. No charges have been filed against the soldiers in the video.

In October 1969, the most famous whistleblower, Daniel Ellsberg, smuggled out of his office and made public a 7,000 page top secret study of decision making during the Vietnam War. It became known as the Pentagon Papers. Dan risked his future, knowing that he would likely spend life in prison for his exposé.

The release of the Pentagon Papers ultimately led not only to the Nixon presidency, but also to the Vietnam War, in which 58,000 Americans and three million Indochinese were killed. Dan's courageous act was essential to holding accountable our leaders who had betrayed American values by starting and perpetrating an illegal and deadly war.

Manning's alleged crimes follow in this tradition. The 2007 video, called "Collateral Murder," has been viewed by millions of people on the Internet. On it, U.S. military Apache helicopter soldiers from Bravo Company 2nd Battalion 161st Infantry Regiment can be seen killing 12 civilians and wounding two children in Iraq. The dead included two employees of the Reuters news agency.

The video shows U.S. forces watching as a van pulled up to evacuate the wounded. They again opened fire from the helicopter, killing more people. During the radio chatter between the helicopter crew members and their supervisors, one crew member gloated after the first shooting, saying, "Oh yeah, look at those dead bastards."

One Iraqi witness told Amy Goodman on Democracy Now! "The helicopter came yesterday from there and hovered around. Then it came right here where a group of people were standing. They didn't have any weapons or arms of any sort. This area doesn't have armed insurgents. They destroyed the place and shot all of them, and they didn't let anyone help the wounded."

Another witness said, "They killed all the wounded and drove over their bodies. Everyone witnessed it. And the journalist was among those who was injured, and the armored vehicle drove over his body."

Journalist Rick Rowley reported that the man who they drove over had crawled out of the van that had been shot and he was still alive when the American tank drove over him and cut him in half.

Commanders decided that the wounded children would not be taken to a U.S. military field hospital. Ethan McCord, one of the soldiers on the scene who picked up one of the children and tried to take him to a military vehicle, was reprimanded for his response.

The U.S. Central Command exonerated the soldiers and refused to reopen the investigation. Reporters Without Borders said, "If this young soldier had not leaked the video, we would have no evidence of what was clearly a serious abuse on the part of the U.S. military."

In fact, the actions depicted in "Collateral Murder" could constitute evidence of three violations of the laws of war set forth in the Geneva Conventions, which amount to war crimes.

There were civilians standing around, there was no one firing at the
American soldiers, and at least two people had cameras. There may have been people armed, as are many in the United States, but this does not create the license to fire on people. That is one violation of the Geneva Conventions - targeting civilians who do not pose a threat, not for military necessity.

The second and third possible violations of the laws of war are evident in the scene on the tape when the van attempts to rescue the wounded, and a later scene of a U.S. tank rolling over a body on the ground. The soldier shot the rescuer and those in the van, another possible violation of the Geneva Conventions - preventing the rescue. Third, when the wounded or dead man was lying on the ground, a U.S. tank rolled over him, effectively splitting him in two. If he was dead, that amounted to disrespecting a body, another violation of the Geneva Conventions.

Josh Steiber, a former U.S. Army specialist and member of the Bravo Company 2nd Battalion 16th Infantry Regiment, was not with his company when they killed the civilians depicted in Collateral Murder. Steiber told Truthout that such acts were “not isolated incidents” and were “common” during his tour of duty. “After watching the video, I would definitely say that that is, nine times out of 10, the way things ended up,” he said.

Steiber explained that during his basic training for the military, “We watched videos celebrating death,” and said that his commanders would “pick aside soldiers who didn’t deploy,” and ask if somebody open fired on them in a market full of unarmed civilians, would we return fire. And if you didn’t say ‘yes’ instantly, you got yelled at for not being a good soldier. The mindset of military training was one based on fear, and the ability to eliminate any threat.”

Manning is also being investigated for allegedly leaking the “Afghan War Diary” documents that were posted on WikiLeaks in coordination with the New York Times, the UK’s Guardian, and the German magazine Der Spiegel. But President Obama said, “...the fact is, these documents don’t reveal any issues that haven’t already informed our public debate on Afghanistan.”

Those reports expose 20,000 deaths, including thousands of children, according to WikiLeaks founder Julian Assange. Many of them also likely contain evidence of war crimes.

Besides the fact that targeting civilians is illegal, it also makes us less safe. A new study by the National Bureau of Economic Research, which was released by the New America Foundation, concluded that civilian attacks in Afghanistan make our troops more vulnerable due to retaliation. A typical incident that causes two Afghan civilian deaths provokes six revenge attacks by Taliban and other fighters.

Moreover, Marine Col. David Lapan, a senior Pentagon spokesman, said that so far, there is no evidence that the Taliban has harmed any Afghan civilians as a result of the WikiLeaks publication of the 76,000 logs this past summer.

Over 1,000 Americans and untold numbers of Afghans have been killed in this war which is just as illegal, exploitive, and counterproductive as the one in Iraq.

The charges against Manning end with the language, “such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.” On the contrary, if Manning did what he is suspected of doing, he should be honored as an American hero for exposing war crimes and hopefully ultimately, helping to end this war.

Labels: Afghanistan, Barack Obama, Geneva Conventions, Iraq, War Crises

posted by Marjorie Cohn @ 3:49 PM
scheduled for release in the next few weeks in concert with international and
American media outlets. "WikiLeaks' data dump on Iraq could prove to be just as
explosive as its download on Afghanistan."

According to Newsweek, the Iraq collection is already three times larger than the
92,000 Afghan field reports made public in WikiLeaks' last release, and perhaps the
largest in history. It predictably details American military participation in bloody
conflicts as well as dubious abuse conducted by Iraqi security forces. It's unclear at
this point if its documents were submitted by Private First Class Bradley Manning,
the 22-year-old U.S. military intelligence analyst who was charged in July with
leaking the chilling Collateral Murder video to WikiLeaks. Manning is already
looking at over 50 years in prison for Uniform Code of Military Justice violations of
"transferring classified data onto his personal computer and adding unauthorized
software to a classified computer system" and "communicating, transmitting and
delivering national defense information to an unauthorized source."

After Collateral Murder went viral online and in real-time, Manning's whistle-
blowing dominated the news cycle and even prompted U.S. Joint Chiefs of Staff
Chairman Admiral Mike Mullen to clumsily claim that WikiLeaks "might already
have on their hands the blood of some young soldier." Although he may have been
speaking only of Manning, Mullen's damming statement has yet to be fortified with
hard evidence. The move swamped the American government and military with
further shame, compounding the shame of pursuing two simultaneous wars that
retired U.S. Army Colonel Ann Wright argued "have violated domestic and
international law, violations that have been fully exposed in the WikiLeaks
documents."

But the details, as always, are bedeviling. Mullen and U.S. Defense Secretary Robert
Gates openly admitted that WikiLeaks' Afghanistan revelations had no strategic
bearing on the war's prosecution. That added firepower to founder Julian Assange's
claims that the military's beef with his organization has nothing to do with data at all.
It has only to do with free speech, which is protected by the U.S. Constitution.

That puts the case against WikiLeaks into the less sexy orbit of mundane censorship,
rather than glamorous tactical compromises or even subconscious desires to bloody
young soldiers for no good reason. Which, like Iraq, is a quagmire. Because in a
century dominated by the Internet and its light-speed exchanges of information, the
concept much less the enforcement of keeping the world in the dark about
exorbitantly expensive wars -- ever a conservative $1 trillion and counting -- makes
zero sense. In fact, it is costing us more than we can afford. It could cost us the First
Amendment altogether.

Recently retired Supreme Court Justice Sonia Sotomayor predicted that the
WikiLeaks controversy will inevitably lead the high court to once again weigh in on
the problematic tightrope between national security and the First Amendment. The
last momentous clash came in 1971, after the Supreme Court ruled 6-3 in New York
Times Co. v. United States that the Nixon administration didn't have sufficient
burden of proof to suspend publication of the Pentágem Papers, an exhaustive U.S.
Department of Defense history of the Vietnam War compiled by the Rand
Corporation. Leaked by Rand employee and ex-Marine Daniel Ellsberg to the New
York Times and others, the Pentagon Papers proved without much doubt that the
American government had zero problem with purposefully lying to its people for the
sake of a doomed war that greatly enriched only a few while destroying the lives of
millions.

But our temporal dislocation is alarming. Back then, it took a major newspaper like
the New York Times to both publish and defend the Pentagon Papers in the
Supreme Court. These days, the New York Times is better known for allowing
politically compromised reporters like Judith Miller to manufacture lies to sway public approval for Vietnam 2.0 in Iraq. Miller's most egregious transgression -- helping to out intelligence agent Valerie Plame to discredit due criticism of the Bush administration's foregone conclusion -- fits our post-9/11 epoch like a bulletproof vest. Instead of unpacking government's criminal element and protecting whistle-blowing in the public interest, mainstream media in the 21st century are content to betray that public interest for the benefit of those whose hands really are drowning in the blood and capital of innocents.

It is left to online outlets like WikiLeaks to not only reboot journalism by informing a vastly uninformed American public, but also fortify that public's homegrown First Amendment with every data dump. The fact that WikiLeaks, and its inevitably replicating clones, might have to defend freedom of speech in front of Sonia Sotomayor and the Supreme Court is alarming when you consider that Assange isn't even American. He's Australian, and his affiliated transparency champions are a global group armed with information-stuffed servers stashed across the planet. Through their essential leaks and international makeup, they understand that safeguarding so-called national security at the expense of international truth and transparency is a loser's game in this still-new century.

Which is not to say that the Supreme Court might not disagree, given the chance. It's not radical to suggest that judges like Antonin Scalia, Samuel Alito, Clarence Thomas and John Roberts might be partial to protecting national security at the expense of the First Amendment. Sotomayor can legally give no indication where she stands on the issue until it arises before the Supreme Court, and good luck getting anything out of Elena Kagan. Like the New York Times, the Supreme Court could side with the transitory powers-that-be over what should be immutable American constitutional rights. But for how long?

Millennia of human culture have weighed in on the issue and the verdict is pretty clear: information is contagious, and cannot be contained with any credible strength for long. Mawh in a globally networked Internet, whose design and purpose -- military in origin -- expressly mandates extensive information transmission. You're not going to stop data dumps by WikiLeaks, or anyone else, from occurring forever. Until of course, you shut everything down and pull the plug on democracy.

Like us, information wants to be free, and mostly because we need it to survive as a species. Without it today, we're drones on autopilot, until we're arbitrarily activated to wreak collateral damage on digital abstractions we once considered fellow humans. We shouldn't cross that technocultural line; we should reinsert it. We can start by defending those, like WikiLeaks, who are redefining both journalism and free speech in an internetworked age.

Scott Thill runs the online mag Morphism.com. His writing has appeared on Salon, XLR8R, All Music Guide, Wired and others.
Robert Gates: We're Not Ever Leaving Afghanistan

By Marcus Paretti

September 23, 2010

"Information Sharing Facilitates 'World's Most Secure Relationship'"
The CIA runs a secret army of 3,000 assassins.
Obama on WikiLeaks: 'Documents Don't Reveal Any Issues that Haven't Already Informed our Public Debate'

July 27, 2010 1:44 PM

ABC News' Yunji de Nies and Sunlen Miller Report:

President Barack Obama spoke publicly about the WikiLeaks incident for the first time today, expressing concern about the disclosure of tens of thousands of documents, but at the same time, downplaying the content.

"While I'm concerned about the disclosure of sensitive information from the battlefield that could potentially jeopardize individuals or operations, the fact is, these documents don't reveal any issues that haven't already informed our public debate on Afghanistan. Indeed, they point to the same challenges that led me to conduct an extensive review of our policy last fall," Mr. Obama said.

Obama: WikiLeaks' Release Contains No News

Written by Camille Tuutti Latest News, National Security Jul 28, 2010

President Barack Obama yesterday for the first time commented on the WikiLeaks' release of Afghanistan war documents, saying although he is concerned about the leaks, they do not reveal anything new.
Francis Boyle: The Illegality of Bush's War on Afghanistan

http://www.counterpunch.org/boyle0917.htm

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CounterPunch edited by alexander cockburn and jeffrey st. clair

CounterPunch

September 17, 2002

Is Bush's War Illegal? Let Us Count the Ways

by Francis Boyle

The "Blowhard Zone"

On September 13, 2001 I got a call from FOX News asking me to go on the O'Reilly Factor program that night, two days after the tragic events of September 11, to debate O'Reilly on War v. Peace. It is pretty clear where I stood and where he stood. I had been on this program before. I knew what I was getting into. But I felt it would be important for one lawyer to get up there in front of a national audience and argue against a war and for the application of domestic and international law enforcement, international procedures, and constitutional protections, which I did.

Unfortunately, O'Reilly has the highest ranked TV news program in the country. I thought someone should be on there on September 13. I think most people agree that I beat O'Reilly. By the end of the show he was agreeing with me. But the next night he was saying that we should bomb five different Arab countries and kill all their people. But let me review for you briefly some of the international law arguments that I have been making almost full time since September 13. They are set forth in the introduction in my new book, The Criminality of Nuclear Deterrence.

Terrorism v. War

First, right after September 11 President Bush called these attacks an act of terrorism, which they were under the United States domestic law definition at that time. However, there is no generally accepted definition of an act of terrorism under international law, for reasons I explain in my book. Soon thereafter however and apparently after consultations with Secretary of State Powell, he proceeded to call these an act of war, ratcheting up the rhetoric and the legal and constitutional issues at stake here. They were not an act of war as traditionally defined. An act of war is a military attack by one state against another state. There is so far no evidence produced that the state of Afghanistan, at the time, either attacked the United States or authorized or approved such an attack. Indeed, just recently FBI Director Mueller and the deputy director of the CIA publically admitted that they have found no evidence in Afghanistan linked to the September 11 attacks. If you believe the government's account of what
The Criminality of Nuclear Deterrence
By Francis Boyle

happened, which I think is highly questionable. 15 of these 19 people
alleged to have committed these attacks
were from Saudi Arabia and yet we went
to war against Afghanistan. It does not really add up in my
opinion.

But in any event this was not an act of war. Clearly these were
acts of terrorism as defined by the United States domestic law at
the time, but not an act of war. Normally terrorism is dealt
with as a matter of international and domestic law
enforcement. Indeed there was a treaty directly on point at
that time, the Montreal Sabotage Convention to which both
the United States and Afghanistan were parties. It has an
entire regime to deal with all issues in dispute here, including
access to the International Court of Justice to resolve
international disputes arising under the Treaty such as the
extradition of Bin Laden. The Bush administration completely
ignored this treaty, jettisoned it, set it aside, never even
mentioned it. They paid no attention to this treaty or any of
the other 12 international treaties dealing with acts of
terrorism that could have been applied to handle this manner
in a peaceful, lawful way.

War of Aggression Against Afghanistan

Bush Jr. instead went to the United National Security Council
to get a resolution authorizing the use of military force against
Afghanistan and Al Qaeda. He failed. You have to remember
that. This war has never been authorized by the United
Nations Security Council. If you read the two resolutions that
he got, it is very clear that what Bush Jr. tried to do was to
get the exact same language that Bush Sr. got from
the U.N. Security Council in the late fall of 1990 to authorize a
war against Iraq to produce its expulsion from Kuwait. It is
very clear if you read these resolutions, Bush Jr. tried to get
the exact same language twice and they failed. Indeed the first
Security Council resolution refused to call what happened on
September 11 an "armed attack"—that is by one state against
another state. Rather they called it "terrorist attacks." But the
critical point here is that this war has never been approved by
the U.N. Security Council so technically it is illegal under
international law. It constitutes an act and a war of aggression
by the United States against Afghanistan.

No Declaration of War

Now in addition Bush Jr. then went to Congress to get
authorization to go to war. It appears that Bush Jr. tried to
get a formal declaration of war along the lines of December 8,
1941 after the Day of Infamy like FDR got on Pearl Harbor.
Bush then began to use the rhetoric of Pearl Harbor. If he had
gotten this declaration of war Bush and his lawyers knew full
well he would have been a Constitutional Dictator. And I refer
you here to the book by my late friend Professor Miller of
George Washington University Law School, Presidential
Power that with a formal declaration of war the president
becomes a Constitutional Dictator. He failed to get a
declaration of war. Despite all the rhetoric we have heard by
the Bush Jr. administration Congress never declared war
against Afghanistan or against anybody. There is technically no
state of war today against anyone as a matter of constitutional
law as formally declared.

Bush, Sr. v. Bush, Jr.

(Now what Bush Jr. did get was a War Powers Resolution)
armed forces to be denied protection under the Third Geneva Convention. And as you know, we now have U.S. armed forces in operation in Afghanistan, Georgia, the Philippines, in Yemen and perhaps in Iraq. Basically Bush's position will be jeopardizing their ability to claim prisoner of war status. All that has to happen is our adversaries say they are unlawful combatants and we will not give you prisoner of war status.

The Third Geneva Convention is one of the few protections U.S. armed forces have when they go into battle. Bush, Jr. and his Federalist Society lawyers just pulled the rug out from under them.

U.S. Police State

In addition the International Covenant on Civil and Political Rights clearly applies down in Guantanamo. It applies any time individuals are under the jurisdiction of the United States of America. Guantanamo is a colonial enclave, I will not go through its status any further. But clearly those individuals are subject to our jurisdiction and have the rights set forth therein—which are currently being denied.

If and when many of these Bush, Ashcroft, Gonzalez police state practices make their way to the U.S. Supreme Court, we have to consider that a five to four majority of the Supreme Court gave the presidency to Bush, Jr. What is going to stop that same five to four majority from giving Bush, Jr. a police state? The only thing that is going to stop it is the people in this room.

Francis A. Boyle, Professor of Law, University of Illinois, is the author of Foundations of World Order, Duke University Press, and The Criminality of Nuclear Deterrence, Clarity Press. He can be reached at: FBOYLE@LAW.UIC.EDU

Today's Features

Wayne Madsen
The Sherry's Snoop: America's Most Wessell

Tarik Ali
Debating Daniel Pipes on Bush's Wars

Ahmad Faruqi
American Primacy at Bay

Kurt Leese
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By Alexander Cockburn and Jeffrey St. Clair
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No other word to describe it.

Bush failed to get that declaration of war which would have rendered him a constitutional dictator. But it's clear that Ashcroft and his Federalist Society lawyers took every piece of regressive legislation off the shelf, tied it all into this antiterrorism bill, and rammed it through Congress. Indeed, members of Congress admit, yes, we didn't even read this thing. Another Congressman said, right, but there's nothing new with that, except on this one they're infringing the civil rights and civil liberties of all of us, moving us that much closer to a police state in the name of fighting a war on terrorism, security this, that, and the other thing. Notice the overwhelming message from the mainstream news media: well, we all have to be prepared to give up our civil rights and civil liberties.

Even so-called liberal Alan Dershowitz oh-let's-now-go-along-with-the-national-identity card. Outrageous. Larry Tribe, writing in the Wall Street Journal: well, we're all going to have to start making compromises on our civil rights and civil liberties. That's what's in store in the future for us here at home the longer this war against Afghanistan goes on, and as Bush has threatened, will expand to other countries. We don't know how many countries they have in mind. At one point they're saying Malaysia, Indonesia, Somalia, Iraq, Libya. Deputy Secretary Wolfowitz talking about ending states, which is clearly genocidal. I could take that statement at the World Court and file it and prove it as genocidal intent by the United States government. So the longer we let this go on, the more we are going to see our own civil rights and civil liberties taken away from us.

As you know, aliens -- what we call aliens -- foreigners -- their rights are already gone. We now have 700 aliens who've just been picked up and disappeared by Ashcroft and the Department of Justice. We have no idea where these people are. They're being held on the basis of immigration law, not criminal law. Indefinite detention. What's the one characteristic they all had in common -- these foreigners -- they're Muslims and Arabs, the scapegoats for this. Everyone needs a scapegoat, and it looks like we have one.

A COUP AGAINST THE CONSTITUTION

Since September 11th, we have seen one blow against the Constitution after another, after another. Recently, we've had Ashcroft saying that he had, unilaterally, instituted monitoring of attorney-client communications without even informing anyone -- he just went ahead and did it, despite the Fourth Amendment ban on unreasonable searches and seizures without warrant and the Sixth Amendment right to representation by counsel.

This is one of the more outrageous and dangerous measures. It applies both to alleged terrorist suspects here in the United States, who are not US citizens and, also, abroad. As for those here in the United States, clearly aliens here are entitled to the protections of the Due Process clause of the Fifth Amendment to the United States Constitution, as well as to the Article III (Section 2, Clause 3) basic constitutional rights in criminal cases, including indictment, trial before a Federal District judge or jury, [rights relating to] venue and things of that nature. It would take me an entire law review article to go through all the problems with this executive order.

Moreover, there is the International Covenant on Civil and Political Rights, to which the United States Government is a party. It's a treaty and it, again, affords basic due process protections to everyone here in the United States, irrespective of their citizenship.

As for the applicability to alleged al Qaeda members, or even former al Qaeda members, over in Afghanistan, [there is] an even more serious problem there. The third and fourth Geneva Conventions, of 1949, clearly apply to our conflict now with Afghanistan. These alleged al Qaeda members would be protected either by the third Geneva Convention (if they are fighters incorporated into the army there in Afghanistan), or by the fourth Geneva Convention (if they are deemed to be civilians). Both conventions have very extensive procedural protections on trials that must be adhered to. This is not to say that a trial cannot happen. It can happen, but there are very extensive rules and protections. Basic requirements of due process of law, set forth in both of these treaties, must be applied, under these circumstances. [Failures] to apply these treaties would constitute war crimes.

Second is the question of reprisals. This executive order is extremely dangerous, because what it is basically saying to the Taliban government and to al Qaeda is, "We are not going to give you the protections of either the third and fourth Geneva Conventions' guarantees on trials." What that means is that they could engage in reprisals against captured members of the United States Armed Forces. As you know, we have soldiers on the ground, now -- Special Forces -- in Afghanistan and we also have pilots flying over Afghanistan. Any of them could be captured by the Taliban government, by al Qaeda.

If a U.S. military [person] were to be captured, clearly, he or she would be entitled to all the benefits and protections of the third Geneva Convention, on prisoners of war. But the problem now is that President Bush has basically said, openly, publicly and officially, that we are not going to give prisoner-of-war benefits, or fourth Geneva Convention civilian benefits, to al Qaeda members, to former al Qaeda members, or to those who have sheltered, harbored or assisted them. That opens us up for reprisals. It opens us up to our armed forces to be denied prisoner-of-war treatment. So, what we're doing here is exposing them to a similar type of treatment, which would be a summer, in secret, subject to the death penalty. What we've seen, since September 11th, if you add up everything.
Ashcroft, Bush, Gonzales and their coterie of Federalist Society lawyers have done here, is a coup d'etat against the United States Constitution. There's no question about it.

When you add in the Ashcroft police state bill that was passed by Congress (and several members of Congress admitted, "We never even read this thing when we voted for it.") -- that's really what we're seeing now, a constitutional coup d'etat. There's no other word for it.

This is really like the old Star Chamber proceedings, in the British Empire, where someone accused of treason would be called before a chamber in quiet, in secrecy. (It was called the Star Chamber because there were stars on the ceiling.) There would be a summary hearing and the person would be sentenced to death. That was that.

The important point to keep in mind is that the president and secretary of defense are bound by the third and fourth Geneva Conventions for anyone over in Afghanistan or Pakistan. They have no discretion there.

As for here, in the United States, they are bound by the Constitution and the Bill of Rights, and they are bound by the International Covenant on Civil and Political Rights. There is no exception that the president can unilaterally announce ipse dixit. That's exactly what this executive order is attempting to do. It's like we're becoming a banana republic here in the United States, with "disappeared" people, which was the phenomenon that we all saw down in Latin American dictatorships in the 1970s and 1980s, with the support of the way, of the United States Government. The latest figure I've read is upwards of eleven hundred aliens, Arabs, Muslims, who have just disappeared somewhere. We don't know where they are or the conditions under which they are being held. We have no idea whether they have access to attorneys. We do know one of them died, under highly suspicious circumstances, while in custody. There have been reports that he was tortured to death.

I should point out that the "phenomenon" of disappearance is considered a crime against humanity by the International Criminal Court. This is very dangerous.

The critical question is: When will the FBI, the CIA and the National Security Agency start to turn these powers, that they have under the Ashcroft police state bill, against American citizens? Clearly, that will be the next step.
RULES OF DISENGAGEMENT

The Politics and Honor of Military Dissent

MARJORIE COHN AND KATHLEEN GILBERD
Introduction

Rules of Engagement limit forms of combat, levels of force, and legitimate enemy targets, defining what is legal in warfare and what is not. In the modern world, the rules of engagement are defined by an established body of international law and, for American soldiers, by U.S. law as well.

When the government at the highest levels ignores these rules, when the conduct of a war and the war itself violate the law, as happened in Vietnam and is now happening in Iraq and Afghanistan, soldiers are forced into a legal and ethical dilemma. They must decide whether to abide by law and conscience—knowing the government does not—or to follow orders without regard to the law.

Rules of Disengagement examines the legal and moral questions posed by these wars through the eyes of American soldiers, showing the effects the wars have had on the soldiers’ lives and those of their families. Chapters 1 and 2 address the legality and morality of the Iraq and Afghanistan wars in the words of soldiers and sailors who oppose those conflicts. Chapter 3 examines the recent Winter Soldier Investigation, where veterans and service members testified about extensive violations of the rules of engagement in both theaters of combat. In each chapter, we explore the fright-
INTRODUCTION

...
The Vietnam-era GI Movement

The Vietnam-era GI Movement was a movement of American soldiers who opposed the war in Vietnam. It was characterized by a growing sense of disillusionment and resistance among the soldiers who were being drafted into the military and sent to Vietnam. The movement gained momentum as soldiers returned from Vietnam, bringing with them a growing sense of disillusionment and a desire to challenge the war and the policies that had led to their enlistment. The movement was characterized by a variety of tactics, including protests, sit-ins, and even direct disobedience. The movement ultimately contributed to a growing public debate about the war in Vietnam and played a role in shaping public opinion and ultimately influencing the outcome of the conflict.
Today's Movement

Despite constant pressure from the military, the United States and other nations have continued to increase their military presence in the region. The buildup of troops and resources has been met with concern from neighboring countries, but the United States has maintained its stance on the need for a strong military presence to protect national interests.

The current situation in the region is complex, with various actors involved in different conflicts. The United States and its allies are engaged in various military operations, while other nations are seeking to establish their own military presence. The situation is further complicated by the presence of non-state actors, such as terrorist groups, who operate in the region.

The United States has been a major player in the region, with significant military presence in the area. However, the country's role is not without controversy, as critics argue that the U.S. military presence is a source of instability and conflict.

The United States has been working to reduce its military presence in the region, but the situation remains complex and challenging. The United States is seeking to work with other nations to reduce tensions and promote peace in the region.
introduction
RULES OF ENGAGEMENT

INTRODUCTION
Restoring Illegal Wars
Pablo Paredes and the Illegal War in Iraq

Pablo Paredes was born in Branford, New Haven, Connecticut. A court martial law of war on military law in which the law of war on military law was declared to be part of the law of the United States. As a result, Pablo Paredes was sentenced to 17 years in prison, but was released after serving 10 years. He is now a political activist and a vocal critic of the war in Iraq. His case has become a symbol of the ongoing struggle against government corruption and the war on terror. Pablo Paredes' story is a reminder of the importance of standing up for what is right, even in the face of adversity.
Howard Levy and the Illegal War

Howard Levy and the Illegal War

In Vietnam

By Howard D. Levy

Howard Levy's involvement in the Vietnam War began in the late 1960s, when he was a lawyer at the Center for Constitutional Rights. He became known for his legal challenge to the war, arguing that it was illegal under international law.

Levy's work was instrumental in bringing attention to the plight of Vietnamese civilians and the human rights abuses committed by the U.S. military. He helped to establish the Vietnam Solidarity Movement in the United States, which advocated for the withdrawal of U.S. forces from Vietnam.

Levy's legal work was based on the premise that the Vietnam War was not only immoral but also illegal, as it violated international law. He argued that the U.S. government had engaged in a secret war against Vietnam, which was not officially declared.

Levy's efforts led to the establishment of the Vietnam Solidarity Movement, which became a powerful force in the anti-war movement in the United States.

Further reading:

Modern Conscientious Objections

Two

Although military judges are generally expected to grapple with the complex and nuanced issues that arise in the context of conscientious objection, the primary focus of this chapter is on the specific challenges posed by modern conscientious objection. The term "modern conscience" refers to a broader and more diverse range of objections, encompassing a variety of personal beliefs and ethical considerations.

Personal beliefs, values, and the impact of societal norms play a significant role in shaping individual objectors' views. In many countries, the military's objectives are centered on national defense and security. This raises questions about the role of conscientious objection in the context of war and peace. While military service is often viewed as a means of addressing broader social and political issues, conscientious objectors often argue that their opposition is rooted in a deeper commitment to non-violence and personal ethics.

In some countries, conscientious objectors are subject to legal consequences, including imprisonment or alternative service. The legal landscape varies significantly, with some countries offering alternatives such as non-combat roles or community service. The decision to object is a deeply personal one, often driven by a desire to uphold principles that conflict with the military's objectives.

The ethical and moral considerations surrounding conscientious objection are complex and multifaceted. Objectors' perspectives are influenced by a range of factors, including personal values, religious beliefs, and cultural norms.

The broader implications of conscientious objection extend beyond individual cases, impacting military policies, recruitment, and the perception of military service in society. The debate around conscientious objection reflects broader discussions about the role of the military in society and the nature of military service.
CURRENT AFFAIRS/POLITICS

"In Rules of Disengagement, Marjorie Cohn and Kathleen Gilberd chronicle the inspiring resistance of GIs to the occupations of Iraq and Afghanistan. Such resistance proved vital in helping bring an end to the war in Vietnam and is still urgently needed today. Rules of Disengagement is a clear, bold, and timely call to action."
—Anthony Arnove, Iraq: The Logic of Withdrawal

"Rules of Disengagement describes acts of dissent from men and women who served in Vietnam, Iraq, and Afghanistan, providing an urgently needed guide to GI resistance. A must read for everyone in today's military and for all those who support disengagement from illegitimate wars and occupations."
—Camillo E. Mejia, Road from Ar Ramadi: The Private Rebellion of Staff Sergeant Camilo Mejia

"The horrors of Abu Ghraib would have been concealed were it not for the courage of a single principled American military guard who released photos on the Internet. That one incident reveals the vital importance of protecting and expanding the right to dissent among those who serve in our military. Marjorie Cohn and Kathleen Gilberd have provided heroic service in this book."
—Tom Hayden, The Tom Hayden Reader and The Long Sixties

"Future generations will point to the words and actions of the courageous military resisters who held the line in protecting our nation's dignity and democracy. This remarkable record of soldiers' stories is evidence of strident opposition to the crimes of the U.S. government and to the effort by those in uniform to reclaim their own humanity and tell their truth."
—Aimee Allison, conscientious objector and producer/host, The Morning Show, KPFA

Marjorie Cohn is president of the National Lawyers Guild, a professor at the Thomas Jefferson School of Law, and a criminal defense attorney. The Stanford University and Santa Clara Law graduate is author of Cowboy Republic: Six Ways the Bush Gang Has Defied the Law (PoliPointPress). Her many awards include the 2008 Peace Scholar of the Year Award.

Kathleen Gilberd is a GI rights counselor and veterans' advocate. A graduate of the University of California, Berkeley, she co-chairs the National Lawyers Guild's Military Law Task Force. She is a nationally recognized expert on military administrative law and writes frequently for military law and counseling publications.

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To: Honorable Mayor and Members of the City Council
From: Councilmember Darryl Moore, District 2
Subject: Oppose the Cancellation of KPFA’s Morning Show

RECOMMENDATION
That the Berkeley City Council adopt a Resolution opposing the cancellation of KPFA’s Morning Show.

BACKGROUND
While it is generally understood that the Pacifica Foundation is in a precarious financial situation, and that it will have to make some difficult budgetary changes, it is unclear how the organization came to the conclusion that it was prudent to achieve these cost savings by cancelling KPFA’s most successful program, both in terms of popularity and donation dollars.

KPFA’s Morning Show is a fixture of our public discourse and it is a critically important venue for our community’s free exchange of thoughts and ideas. The City Council urges Pacifica management to reconsider its choice for the Morning Show to take the brunt of these cuts, resulting in the complete elimination of the program, and to negotiate in good faith with the union to discuss financial alternatives to employee layoffs.

FISCAL IMPACTS OF RECOMMENDATION
Unknown

CONTACT PERSON
Councilmember Darryl Moore, District 2 510-981-7120
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: Councilmembers Laurie Capitelli, Susan Wengraf and Darryl Moore
Subject: Encouraging Economic Development and Increasing City Revenue From Business Activity

RECOMMENDATION

Direct the City Manager to immediately implement the recommendations contained in Section A below.

Forward to staff and the Planning Commission recommendations contained in Section B below for action.

BACKGROUND

The combination of the economic downturn, the rise in internet sales and difficult and time-consuming permit processes have discouraged small businesses from opening or relocating in Berkeley. Many incidents known to Council members indicate that, despite some improvements in recent years, many new businesses find it difficult to open their doors in Berkeley.

Section A items can be implemented without any change in the zoning ordinance. Section B items will need amendment proposals requiring review by the Planning Commission and Council approval.

Section A:

1. Institute Early Bird parking at the Center Street, Oxford and Telegraph-Channing Garages. These sites are currently significantly underutilized. Such a program would better serve downtown and Telegraph-area workers and visitors and free up on-street parking. The program should specify: “In by 9:00 am -- Out by 6:00 pm.”

2. Establish a city-wide parking ‘holiday’ on December 11 and 18 (Saturdays). This will encourage local shopping in the district(s) and give a small indication to local merchants that the City is sensitive to the current difficult business climate.
3. Adopt a Council resolution allowing the City Manager, at the recommendation of the Economic Development Manager, to defer zoning fees for new and relocating businesses in commercial districts. These fees would be due concurrent with any business license fee on the third anniversary of the payment of the business license fee.

4. Mandate a review of the intake process for building permits intended to increase applicant understanding of all requirements that must be met before a permit can be issued. At present, some applicants claim that they were not notified of all requirements at the beginning of the process and that the issuance of their permit was delayed by what they feel was a “new” requirement. Consider possible building permit intake session with a staff member who would explain requirements including possible new ones that could be triggered if some threshold is exceeded. If intake session is not feasible because of staffing, consider improvements to checklists.

Section B:

1. Suspend Solano Avenue food service quota. A recent survey of over 1300 citizens, 65% of whom lived within 8 blocks of Solano, indicated overwhelming support for removing the quota. There have been several food services desiring to locate on Solano but unable or unwilling to go through the lengthy and costly permitting process of an exception to the quota. (See attached survey results).

2. Allow restaurants with seating to obtain a beer/wine license for incidental alcohol service with meals with an AUP rather than a Use Permit and Public Hearing. Staff will establish a set of standard conditions for alcohol service with meals. This measure will reduce the time and expense required for restaurants to obtain a permit while reducing the Planning Dept. workload and allowing planners and ZAB members to spend their time on projects that are more controversial. Any controversial application for restaurant alcohol service could still be set for a public hearing before the ZAB.

3. Extend hours of operation on Solano Avenue to 11 pm. Referencing the above survey, there was overwhelming support for more evening activity on the street.

4. Allow ‘office retail’, yoga, exercise and dance studios, massage and other types of physical therapy, and artists’ studios up to 2000 square feet on the ground floor with a Zoning Certificate. ‘Office retail’ is defined as office uses generating significant foot traffic as opposed to professional offices that generate little if any such pedestrian activity. Require that storefront windows be transparent and provide pedestrian viewing into the front 20’ of storefront. Zoning Certificate would have attached a standard set of conditions to further protect the public from undesirable uses.

5. Standardize the parking requirement at 2 spaces per one thousand square feet and maintain the ‘grandfather’ exemption for preexisting buildings.

6. Investigate providing incentives to property owners to encourage leasing and establish disincentives to motivate property owners not to leave their properties vacant.
7. Revise sign ordinance to exempt signs for businesses under 2000 square feet from design review by providing basic design standards (material, lettering, illumination, etc.) in addition to existing size and numerical limitations. The design review process is expensive and time consuming and results in new business installing ‘temporary’ banner signs that remain for months or years. Businesses that do not want to conform to the basic design standards could still opt for the conventional design review process.

FINANCIAL IMPLICATIONS

Unknown staff time to research and write report. Any expense of staff time is hoped to be offset by increased business activity and sales tax revenue.

CONTACT PERSON

Councilmember Laurie Capitelli, District 5  981-7150
Councilmember Susan Wengraf, District 6  981-7160
Councilmember Darryl Moore, District 2  981-7120

ATTACHMENTS:

Solano Avenue Survey, 2010
“It’s important that we maintain Upper Solano as the wonderful neighborhood retail area that it is. It is one of the reasons we moved to this neighborhood 17 years ago one of the best parts about living where I do.”

Survey participant
Survey Profile

• Available on line between Sept. 1, 2010 and Oct. 11, 2010
• Announced to over 4000 households and businesses.
• Created by the Office of Councilmember Laurie Capitelli in collaboration with City of Berkeley staff and District 5 Intern, Joe Taecker-Wyss.

Respondent Profile

• Over 1300 responses
• 64% lived within 8 blocks of Solano Avenue
• 75% were over 45 years of age

“Please add more cafes and sidewalk seating. Bring us out to enjoy our beautiful neighborhood.”
Overall, survey respondents told us that...

Solano Avenue should be a vibrant commercial center with an attractive street life through:

- More sidewalk seating
- Street trees
- A wide variety of shops and restaurants
- Evening shopping and entertainment options

“Would like to see upper Solano Ave. more family and kid friendly.”
852 individuals who live within 8 blocks of Solano Avenue responded to the survey.

Majority of respondents visit Solano more than 2 times a week with nearly 60% between the ages of 31-60.

Majority of respondents travel to Solano by walking or driving.

Travel method of respondents visiting Solano Avenue:
- Walk: 89.0%
- Car: 74.6%
- Bike: 16.5%
- Bus: 4.5%

*6 respondents declined to state their age
Source: Solano Avenue Survey, September 2010
Respondents visit Upper Solano Ave. frequently, but want more variety and evening options.

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<th>Shop</th>
<th>Dine</th>
<th>Entertainment</th>
<th>Personal Services</th>
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<th>72% feel evening entertainment should be encouraged and nearly 70% express the need for more retail variety</th>
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<th>Percent responding strongly agree or agree</th>
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<td>100%</td>
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<td>80%</td>
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<th>Evening entertainment should be encouraged</th>
<th>Need for more variety of retailers on Solano</th>
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<td>72.2%</td>
<td>69.5%</td>
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Source: Solano Avenue survey, September 2010.
Over two-thirds of respondents feel the quota on food service establishments should be removed.

Percent responding strongly agree or agree

- 100.0%
- 80.0%
- 60.0%
- 40.0%
- 20.0%
- 0.0%

Food service quota should be removed

67.1%

Respondent comments revealed a strong desire for more dining options

- "It should be made easier for businesses to open there."
- "A few more restaurants are a heck of a lot better than a bunch of empty storefronts."
- "Would love to have establishments that are open past 10 pm."
- "Let residents determine which businesses will last on Solano by voting with their pocketbooks."
- "The restaurant quota is outdated. People go to Solano to hang out, eat and socialize with friends."
- "A variety of restaurants creates vibrancy."
- "If restaurants can succeed, let them!"

Source: Solano Avenue survey, September 2010.
Nearly 3 in 4 surveyed would like to see more street trees and sidewalk seating on Solano Avenue.

Percent responding strongly agree or agree

- Walking on Solano is pleasant: 87%
- Would like more street trees: 74%
- Would like more sidewalk seating: 73%
- Would like more community art projects: 62%
- Crossing the street feels safe: 56%
- Aggressive pan-handling is a problem: 44%
- Would like more WiFi: 36%
- Would like more festivals: 33%
- Would like brighter lighting: 27%
- There is excessive and confusing signage: 13%

"Trees, trees, trees!"

Source: Solano Avenue survey, September 2010.

"I want a place where I could pause from doing my errands to sit, have something to drink and check my lists."
Next steps...

- Review potential zoning changes to encourage new businesses and later operating hours.
- Streamline process for outdoor seating while insuring accessible, uncluttered sidewalks.
- Identify appropriate locations for new street trees.
- Improve pedestrian safety, including wider sidewalks at Colusa and Solano, through the Safe Routes to Transit grant (2012 Work plan)

“Encourage new businesses by having Berkeley give them a tax break for the first year to get them started.”

“The city’s role is to support a healthy business environment, not discourage it.”
Survey respondents also told us...

- “I really only care about keeping Solano workable for the old businesses that perform services well and reasonably.”
- “Love the idea of more public art and community events targeted at younger or broader demographic.”
- “Would like to see upper Solano Ave. more family and kid friendly.”
- “Hope we can keep the chains out!”
- “Just because it’s “salon”-o is not good enough reason to have so many hair establishments.”
- “A hardware store would be great.”
- “Driving, parking and parking enforcement is a nightmare on upper Solano and discourages us from frequenting businesses there.”

“It’s nice as-is, so let’s be careful with changing it. (And thanks for the survey !)”
Solano Avenue Survey

Links to source data and all comments available at:

www.cityofberkeley.info/ContentDisplay.aspx?id=59108
To:        Honorable Mayor and Members of the City Council
From:     Councilmember Kriss Worthington
Subject:  Sponsorship of 27th Annual Telegraph Avenue Holiday Street Fair

RECOMMENDATION
That the Council adopt a Resolution granting City co-sponsorship to the 27th annual Telegraph Avenue Holiday Street Fair.

BACKGROUND
Telegraph Avenue’s longtime street fair tradition has been a whopping success in past years. Holiday shoppers visiting the Telegraph business district are treated to good cheer, fine food, and unique handcrafts when visiting the Holiday Street Fair.

Co-sponsorship of the event would grant the street fair permission to use the City of Berkeley’s name and logo in event promotional materials, as well as providing policy endorsement of the event to the fair organizers.

This fair offers the rare opportunity to buy fine art originals and inexpensive gift items in the same place. Shoppers can choose from a tremendous diversity of arts and crafts, including jewelry, beadwork, wirework, hats, candles, leather work, silk-screened and tie-dyed clothing, pottery, wood crafts, metal crafts, paintings, henna-art, gift boxes, photography, and sculptures. The event boasts over 200 local artists taking part in making the experience as wonderful and diverse as it has been in past years.

The event will be held December 11th and 12th, December 18th and 19th, and December 23rd and 24th, from 11am to 6pm. The fair will span the length of Telegraph between Bancroft Way and Dwight Way.

FINANCIAL IMPLICATIONS
None.

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

CITY OF BERKELEY CO-SPONSORSHIP OF TELEGRAPH AVENUE HOLIDAY STREET FAIR

WHEREAS, the twenty-seventh annual Telegraph Avenue Holiday Street Fair will be held on Telegraph Avenue in Berkeley from December 11 until December 24; and

WHEREAS, the festival promotes the many shop owners, street vendors and performance artists that make up Telegraph’s vibrant and diverse commercial district; and

WHEREAS, the fair offers a tremendous diversity of arts and crafts, including jewelry, beadwork, wirework, hats, candles, leather work, silk-screened and tie-dyed clothing, pottery, wood crafts, metal crafts, paintings, henna-art, gift boxes, photography, and sculptures; and

WHEREAS, the festival has become a popular Berkeley tradition and brings hundreds of local residents and tourists to Telegraph Avenue; and

WHEREAS, the Telegraph Avenue Holiday Street Fair is an excellent opportunity for local residents to come together and participate in the holiday celebration as well as an opportunity for community building amongst different participating groups.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby co-sponsors the Telegraph Avenue Holiday Street Fair.

BE IT FURTHER RESOLVED that the Telegraph Avenue Holiday Street Fair has permission to use the City’s name and logo in the event’s promotional materials and signage naming the City of Berkeley as a co-sponsor, for the purpose of the City indicating its policy endorsement of the event.
Report Not Received

This report was not received by the City Clerk Department.

If you have questions regarding this report, please contact the person noted on the agenda.

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.ci.berkeley.ca.us/citycouncil/
To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Recognizing the Outstanding Efforts of the Chief of Police Michael Meehan and Berkeley Police Department for continuously reducing crime in Berkeley

RECOMMENDATION
Recognize and praise the new Chief of Police Michael Meehan and the Berkeley Police Department (BPD) for their success in continuously reducing crime in Berkeley.

BACKGROUND
The members of the BPD and Chief Meehan deserve to be recognized for their outstanding effort for reaching and achieving the impressive accomplishment of continuous crime reduction of crime in Berkeley since 2002.

The BPD has successfully reduced crime every year by partnering with residents, community groups, businesses and the Berkeley Safe Neighborhood Committee. It is appropriate to show our appreciation to Chief Meehan and the BPD rank and file for such outstanding police work.

FINANCIAL IMPLICATIONS
None.

CONTACT PERSON
Councilmember Kriss Worthington 510-981-7170
To: Honorable Mayor and Members of the City Council
From: Mental Health Commission
Submitted by: Carol Patterson, Secretary, Mental Health Commission
Subject: Crisis Intervention Training Program

RECOMMENDATION
Adopt a Resolution approving the implementation of an annual Crisis Intervention Training (“CIT”) Program for Berkeley Police Officers.

FISCAL IMPACTS OF RECOMMENDATION
Unknown.

CURRENT SITUATION AND ITS EFFECTS
At its October 28, 2010 meeting, the Berkeley/Albany Mental Health Commission approved the following recommendation:

Approve the Crisis Intervention Training Council Report, as amended.

M/S/C (Posey, Davis)

Ayes: Davis, Gresher, King, Marasovic, Nemirow, Posey, Stanley

Noes: none.

Abstentions: none.

Absent: Arreguin, Smith, Wile

Since 2006, the Berkeley/Albany Mental Health Commission has studied the interface of Police and Mental Health Services in the City of Berkeley. From its review of the literature and speaking to experts on police training in mental health issues, the Commission concluded that every Berkeley Police officer needed to be trained to deal effectively and safely with persons experiencing acute mental health crises. The
Commission recommends that crisis intervention training be offered annually so that new officers are trained and that all officers update their skills on an annual basis thereafter.

Utilizing approximately $5,300 of one-time training funds allocated in the City’s Mental Health Services Act (Proposition 63) Community Services & Supports Plan, the Mental Health Commission hosted, on a pilot project basis, the first Berkeley Crisis Intervention Training for Police Officers on April 22, 2010. Twelve Berkeley Police Officers, two Albany Police Officers and one University of California at Berkeley Police Officer attended the eight-hour training session. The training session included an Overview of Mental Health Disorders, De-Escalation, Suicide Risk Assessment, Legal Issues and a panel on the experience of consumers and family members. Although the topic “Suicide by Cop” was scheduled, the expert presenter was ill at the last minute and unable to present on this vital topic. However, both Berkeley and Albany Police Departments had positive responses to the training.

Commission representatives noted that the Police Officers were active and engaged throughout the training. Positive responses to the Consumer and Family Member Panel lead the CIT Task Force to recommend including this piece in future trainings. Written training evaluations indicated that information from the training was found to be helpful in current job assignments and those participants would recommend the training to co-workers. Surprisingly, feedback on the evaluation forms indicated interest in including Scenario Training, which utilizes hypothetical interactions with persons with mental illness to shape officer responses, in future CIT.

Chief Michael Meehan, a proponent of CIT, has indicated a desire to develop some form of a CIT program in Berkeley. To that end, Chief Meehan assigned the task of researching CIT programs in other jurisdictions and developing a proposal for a Berkeley Police Department program to one of the departmental participants in the training. The detailed proposal includes four different options for a City of Berkeley Crisis Intervention Training (CIT) Program: 1) Create a regional program to train 25% of patrol officers, CSO’s and dispatchers; 2) Create an in-house training program to train 100% of Berkeley’s officers, dispatchers and CSO’s; 3) Send 25% of patrol officers, CSO’s and dispatchers to an outside CIT program; or 4) Send 20% of patrol officers to an outside CIT program. In response to the proposal, the Mental Health Commission offers the following recommendations:

1) Continue to include mental health consumers and family members in the CIT curriculum planning process as well as presenters in training sessions.

2) Because of the importance of community collaboration, the Mental Health Commission should remain a key partner providing a venue for consumer, family member and public input on the development of a CIT program in Berkeley. Mental Health Commission recommendations should receive priority status.
3) When Police Officers know firsthand that people in emotional crises can and do recover, stigma and discrimination is reduced. It is critical that a Wellness Recovery approach permeate the curriculum and training materials.

4) In a city the size of Berkeley, it is vital that all Police Officers be trained to respond effectively to persons in emotional and mental health crises. The Commission therefore continues to recommend that all Berkeley and Albany Police Officers receive 40-hours of Crisis Intervention Training.

5) While the Taser may be a less lethal tool for officers, its use in Berkeley is highly controversial and not crucial to CIT implementation. Therefore equipping police with Tasers should be considered independent of CIT.

6) The use of vehicles identifiable as police vehicles during mental health calls should be minimized to reduce the stigma and discrimination that can result in further harm to the person in crisis.

BACKGROUND
In order to determine the specific training needs of police officers in the City of Berkeley, the Berkeley/Albany Mental Health Commission convened a CIT Task Force, which has met monthly since November 2007. The Task Force opened a dialogue between consumers, family members, community members, police officers and mental health professionals. Existing training was reviewed, and resources from other jurisdictions were gathered. A survey was developed based on the CIT Program offered in San Francisco to identify key areas to address in a Berkeley training. For comparison purposes, the survey was administered to mental health consumers, and to Berkeley and Albany Police Officers.

On June 2, 2009, the Mental Health Commission recommended to the City Council that the City allocate $125,000 to provide eight hours of Crisis Intervention Training for all Berkeley Police Officers to effectively interact with persons experiencing acute mental health crises. Due to the fiscal pressures in FY 2010-11, the Council took the alternative action of exploring the feasibility of a pilot training for a selected cohort of police personnel that would not require overtime costs.

Over 1,000 police jurisdictions in the United States have implemented 40-hour CIT programs with 8-hour annual follow-ups. While behind these cutting edge jurisdictions, the City of Berkeley currently leads Alameda County by being the only jurisdiction to begin offering any form of CIT.

However, the Alameda County Pool of Consumer Champions (Alameda County Behavioral Health Care Services) has convened a Committee to develop a proposal for a CIT pilot that would benefit one or more of the County’s 18 police departments.
RATIONALE FOR RECOMMENDATION
Approval of the recommended action will allow the Berkeley Police Department to move one step closer to having a full and diverse CIT program that assists police officers in effectively and safely dealing with persons experiencing acute mental health crises. Offering this crisis intervention training annually will provide training for new officers and update skills for all officers annually thereafter.

CITY MANAGER
See companion report. The City Manager recommends that no action be taken on the Commission’s recommendations until an analysis of the fiscal and operational implications of providing 40 hours of CIT training annually to the Berkeley and possibly Albany Police Departments is completed and provided to Council.

CONTACTS PERSONS
Carol Marasovic, Chair, Mental Health Commission, (510) 225-5060
Carol Patterson, Secretary, Mental Health Commission, (510) 981-5217

Attachment:
1) Resolution
RESOLUTION NO. --N.S.

POLICE CRISIS INTERVENTION TRAINING PROGRAM

WHEREAS, the Berkeley/Albany Mental Health Commission has studied the interface of Police and Mental Health Services in the City of Berkeley since 2006; and

WHEREAS, the Berkeley/Albany Mental Health Commission has recommended since May 24, 2006 that Berkeley and Albany Police Officers be trained in Crisis Intervention on an annual basis; and

WHEREAS, California Penal Code Section 13515.25 encourages law enforcement agencies to include training relating to mentally ill and developmentally disabled persons as part of their advanced officer training; and

WHEREAS, the Berkeley/Albany Mental Health Commission informed City Council on February 27, 2007 of the need for, and potential benefit of, training police officers in mental health crisis intervention; and

WHEREAS, the Berkeley/Albany Mental Health Commission convened a Crisis Intervention Training Task Force in November 2007 to bring consumers, family members, mental health and police staff together to develop a curriculum for a Police Crisis Intervention Training; and

WHEREAS, the Berkeley/Albany Mental Health Commission requested funds from City Council to offer Crisis Intervention Training on April 24, 2007 and June 9, 2009; and

WHEREAS, the Berkeley/Albany Mental Health Commission hosted an 8-hour Crisis Intervention Training, on a pilot program basis, for Berkeley, Albany and University of California Police utilizing one-time funds from the Mental Health Services Act on April 22, 2010; and

WHEREAS, the Crisis Intervention Training pilot program hosted by the Berkeley/Albany Mental Health Commission was well received by the officers attending.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley will provide annual Crisis Intervention Training (CIT) of Berkeley Police Officers in order to move the City closer to a full and diverse CIT Program.
To: Honorable Mayor and Members of the City Council

From: Councilmember Laurie Capitelli

Subject: Report on the Alameda County Transportation Commission

At their meeting of Thursday, October 28, ACTC Commissioners discussed employee benefits and retirement under CAL PERS for ACTC staff and how to normalize benefits for former ACTIA and MTC employees merged under the new ACTC.

Actions of note:

1. Former Berkeley City Councilmember and former AC Transit Board Member Miriam Hawley was appointed to the ACTC Citizens’ Watchdog Committee.
2. The Commission approved a county-wide approach for seeking input on and educating our elected bodies about the Sustainable Communities Strategy being developed by ABAG and MTC for the 2013 Regional Transportation Plan (RTP). The Berkeley City Council should receive an overview through our Planning Department in December 2010.

Announcements:

1. In August 2010, the new High Occupancy Toll Lane (HOT) on I680 between San Jose and Livermore was opened. Estimated morning weekday usage is 1300 trips. Monthly revenue is projected to be $35,000 per month.
2. Berkeley’s 9th Street Bike Boulevard Extension project was resubmitted to the ACTC Grant program after significant value engineering by City of Berkeley Office of Transportation. The project estimates were reduced by $200,000.
## Upcoming Workshops

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<th>Recommended dates</th>
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| **December 7**    | 1<sup>st</sup> Quarter Update/Revenue Projections  
Mental Health Study |
<p>| <strong>December 14</strong>   | Feedback on Citywide Work Plan |
| <strong>January 25</strong>    | FY 12, FY 13 Budget Priority Setting/Refuse Study |
| <strong>February 15</strong>   | Mid Year Budget Update/Priority Setting |
| <strong>March 8</strong>       | Finalize Budget Priorities |
| <strong>March 29</strong>      | Capital Improvement Plan |
| <strong>April 26</strong>      | Community Agency Public Hearing |
| <strong>May 3</strong>         | Proposed FY 12, FY 13 Biennial Budget |</p>
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<th>Address</th>
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<th>Meeting Management - Estimated Time Needed</th>
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<th>Public Hearings Scheduled (2)</th>
<th>Appeals Submitted (1)</th>
<th>NOD – Notices of Decision</th>
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Last updated: 11/23/10